

March 24th, 2008

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

Acting Mayor O'Keefe presided.

There were present also Councillors Duff, Colbert, Hickman, Hann, Galgay, Coombs, Ellsworth and Collins

Regrets: Councillor Puddister

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

Call to Order and Adoption of the Agenda

SJMC2008-03-24/172R

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

- 1. Tender – Mount Pearl Fire Station – New Vehicle Exhaust System**
- 2. Correspondence – Earth Hour March 29, 2008**

Adoption of Minutes

SJMC2008-03-24/173R

It was decided on motion of Councillor Ellsworth; seconded by Councillor Hickman: That the Minutes of the March 18th, 2008 meeting be adopted as presented.

Proposed Hotel Development, Civic Number 418 Water Street Steele Hotels

Under business arising, Council considered a memorandum dated March 19, 2008 from the Director of Planning regarding the above noted.

SJMC2008-03-24/174R

It was moved by Councillor Duff; seconded by Councillor Galgay: That the following Resolution for St. John's Municipal Plan Amendment Number 58, 2008 and St. John's Development Regulations Amendment Number 428, 2008 be adopted, which will then be referred to the Department of Municipal Affairs for Provincial registration in accordance with the requirements of the Urban and Rural Planning Act:

**URBAN AND RURAL PLANNING ACT, 2000
RESOLUTION TO APPROVE
ST. JOHN'S MUNICIPAL PLAN AMENDMENT NUMBER 58, 2008
AND
ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 428,
2008**

Under the authority of Sections 16, 17 and 18 of the Urban and Rural Planning Act, 2000, the St. John's Municipal Council:

- a) adopted St. John's Municipal Plan Amendment Number 58, 2008, and St. John's Development Regulations Amendment Number 428, 2008, on the 25th day of February, 2008;
- b) gave notice of the adoption of St. John's Municipal Plan Amendment Number 58, 2008, and St. John's Development Regulations Amendment Number 428, 2008, by advertisements inserted in *The Telegram* newspaper on the 1st day and the 5th day of March, 2008;
- c) set the 18th day of March, 2008, at 7:00 p.m. at St. John's City Hall for the holding of a public hearing to consider objections and representations.

Now under the authority of Section 23 of the Urban and Rural Planning Act, 2000, the St. John's Municipal Council approves St. John's Municipal Plan Amendment Number 58, 2008 and St. John's Development Regulations Amendment Number 428, 2008, as adopted.

SIGNED and SEALED this 24th day of March, 2008.

Acting Mayor

**Director of Corporate Services
and City Clerk**

And further; that the proposed hotel development for Civic Number 418 Water Street be granted an Approval-in-Principle subject to the following conditions:

1. Provincial registration is given St. John's Municipal Plan Amendment Number 58, 2008 and St. John's Development Regulations Amendment Number 428, 2008.
2. Development of the hotel is to be undertaken in accordance with the land Use Assessment Report prepared by Ron Fougere Architects Associates Ltd. on behalf of Steele Hotels and the building height of the hotel not be greater than the height as set out in the Assessment Report, which is approximately 19 metres from George Street with a 4.8 metre high penthouse planned for the top of the roof at the northeast corner of the building;
3. Development of the hotel must be undertaken in accordance with all applicable requirements of the City's Department of Engineering, Department of Building and Property Management, Department of Public Works and Parks and Department of Planning;
4. Development of the hotel is to be undertaken in accordance with all applicable requirements of the St. John's Development Regulations;
5. Preparation of a Development Agreement by City staff to be referred to a future Regular Meeting of Council for consideration of approval; and
6. The applicant must satisfy any requirements of the Provincial Archaeologist's Office.

The motion being put was unanimously carried.

Notices Published

1. **A Discretionary Use Application** has been submitted by the St. Francis Foundation requesting permission to construct a 60' x 40' wooden frame building to accommodate a stable and indoor riding arena for three (3) horses on the property located at **Civic No. 77 Petty Harbour Road**.

The subject property is currently zoned Agriculture (AG) under the St. John's Development Regulations. An indoor riding arena may be permitted as a Discretionary Use by Council in this zone. **(Ward 5)**

SJMC2008-03-24/175R

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

Joint Committee of Council & the Downtown Development Commission Report dated March 14, 2008

Council considered the following Joint Committee of Council & the Downtown Development Commission Report dated March 14, 2008:

Attendees: Councillor Shannie Duff, Chairperson
Peter Belbin, Chairman, DDC
John McCarthy, Vice-Chair, DDC
Charlie Cook, Treasurer, DDC
Scott Cluney, Executive Director, DDC
Ron Penney, Chief Commissioner
Art Cheeseman, Associate Commissioner/Director of Engineering
Robin King, Transportation Engineer
Jim Clarke, Manager of Streets & Parks
Carol Kirkland, Manager of Inspection Services
Karen Chafe, Recording Secretary

Report:

Downtown Parking Study Terms of Reference

The Committee reviewed the attached Terms of Reference for the Downtown Parking Study as prepared by the City's Dept. of Engineering.

The Committee on motion of Charlie Cook; seconded by Peter Belbin: recommends Council's approval of the Terms of Reference as attached and that the City of St. John's proceed to call for proposals on this matter. The total cost of the Study is estimated at \$100,000, and is to be equally cost-shared with the Downtown Development Commission.

**Councillor Shannie Duff
Chairperson**

SJMC2008-03-24/176R

It was moved by Councillor Duff; seconded by Councillor Galgay: That the Committee's recommendation to approve the Terms of Reference as presented for the Downtown Parking Study, and that the City proceed to call for proposals, be accepted.

During discussion Councillor Collins questioned whether developers should be required to pay extra towards accommodating the parking problem.

Councillor Duff noted she is hopeful the study will provide adequate guidelines to deal with this problem.

Following discussion, the motion being put was unanimously carried.

Development Permit List

Council considered as information the following Development Permits List for the period March 13 to 19, 2008.

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF MARCH 13, 2008 TO MARCH 19, 2008**

ISSUED FOR INFORMATION PURPOSES ONLY

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
Com.	Ms. Roslyn Bennett	Proposed Family Home child Care Service	Civic No. 333A Freshwater road	Ward 4	Application Approved	2008 03 13
Com.	N. D. Dobbin Properties Limited	Proposed Parking Lot Expansion	Civic No. 10 Austin Street	Ward 4	Application Approved	2008 03 14
Ind.	Kirkland Balsom Associates Limited	Bell Aliant OPI Site	Adjacent to Civic No. 39-41 Pippy Place	Ward 4	Application Approved	2008 03 14

*	Code Classification: RES COM AG - Agriculture	- Residential Institutional - Commercial Industrial	INST IND	- -
**	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.			

**Ed Murray
Development Officer
Department of Planning**

Building Permits List

SJMC2008-03-24/177R

It was decided on motion of Councillor Ellsworth; seconded by Councillor Coombs: That the recommendation of the Director of Building and Property Management with respect to the following Building Permits list, be approved:

2008/03/19

Permits List

CLASS: COMMERCIAL

CASH NOW ATM PLACEMENT & SALES	354 WATER ST	OC OFFICE
CORE INSIGHT CHIROPRACTIC	40 ABERDEEN AVE	MS CLINIC
DOWNEAST COMMUNICATIONS	40 ABERDEEN AVE	MS RETAIL STORE
PIZZA DELIGHT ENTERPRISES INC.	46 ABERDEEN AVE	MS RESTAURANT
SWISS CHALET	70 ABERDEEN AVE	MS RESTAURANT
MAGICUTS	90 ABERDEEN AVE	MS SERVICE SHOP
SMART SET	79B ABERDEEN AVE	MS RETAIL STORE
ADDITIONELLE	95C ABERDEEN AVE	MS RETAIL STORE
B.P.O. ELKS	CARPASIAN RD	MS COMMUNICATIONS USE
MARIE'S MINI MART	44 CROSBIE RD, MARIE'S	MS RETAIL STORE
FIRST CHOICE HAIRCUTTERS	84-86 ELIZABETH AVE	MS SERVICE SHOP
J.W. ALLAN CO LTD	94 ELIZABETH AVE	MS RETAIL STORE
THE CUTTING EDGE HAIR SALON	17-21 ELIZABETH AVE	MS SERVICE SHOP
CROSTOWN HAIR & TANNING LTD	398 EMPIRE AVE, CROSTOWN HAIR	MS SERVICE SHOP
FIRST CHOICE HAIRCUTTERS	336 FRESHWATER RD	MS SERVICE SHOP
MONEY MART	336 FRESHWATER RD	MS OFFICE
TRAVEL CUTS LTD.	342 FRESHWATER RD	MS OFFICE
SALON 56	15 GOLDSTONE ST	MS SERVICE SHOP
UPTOWN HAIR DESIGN &	169 HAMLIN RD	MS SERVICE SHOP
JUMBO VIDEO	12-20 HIGHLAND DR	MS RETAIL STORE
MARIE'S MINI MART	12-20 HIGHLAND DR	MS CONVENIENCE STORE
STATION LOUNGE	7 HUTCHINGS ST, STATION LOUNGE	MS TAVERN
FIRST CHOICE HAIRCUTTERS	55 C KELSEY DR	MS SERVICE SHOP
DOOLY'S	58 KENMOUNT RD, DOOLY'S	MS PLACE OF AMUSEMENT
INDIGO BOOKS & MUSIC INC.	70 KENMOUNT RD	MS RETAIL STORE
CARMAX INC.	120 KENMOUNT RD	MS RETAIL STORE
SALVATION ARMY NAT.RECYCLING	49-51 KENMOUNT RD	MS RETAIL STORE
VOQUE OPTICAL	51 KENMOUNT RD	MS SERVICE SHOP
VALUE VILLAGE STORES INC.	161 KENMOUNT RD	MS RETAIL STORE
LOOKING GOOD CAR CARE	409 KENMOUNT RD	MS RETAIL STORE
LAKEVIEW CHIROPRACTIC	1 LOGY BAY RD	MS CLINIC
UNIVERSAL CORPORATE	484-490 MAIN RD	MS CLINIC
MAJOR'S PATH AUTOMOTIVE	59 MAJOR'S PATH	MS COMMERCIAL GARAGE
TRAVEL QUEST	239 MAJOR'S PATH	MS OFFICE
YW-YMCA	NEW COVE RD	MS CLUB
ESSENTIAL CHIROPRACTIC	119 NEW COVE RD	MS CLINIC
SOOTHE	119 NEW COVE RD	MS RETAIL STORE
CANTON RESTAURANT	200-232 NEWFOUNDLAND DR	MS RESTAURANT
PIZZA EXPERTS	446 NEWFOUNDLAND DR	MS EATING ESTABLISHMENT
FURR FACTORY DOG SPAW	71 O'LEARY AVE	MS RETAIL STORE
SIGNAL HOBBIES	36 PEARSON ST, SIGNAL HOBBIES	MS RETAIL STORE
DOWNEAST-TAS COMMUNICATIONS	34 PIPPY PL	MS RETAIL STORE
JUMBO VIDEO #46	20 ROPEWALK LANE	MS RETAIL STORE
STAND "N" TAN	20 ROPEWALK LANE	MS SERVICE SHOP
GRIFFITHS GUITAR WORKS	117 ROPEWALK LANE	MS RETAIL STORE
CURVES	117 ROPEWALK LANE	MS CLUB
KENT	10 STAVANGER DR	MS RETAIL STORE
FIRST CHOICE HAIRCUTTERS LTD.	95E STAVANGER DR	MS SERVICE SHOP
ANCHOR ENTERPRISES INC.	86 THORBURN RD, NORTH ATLANTIC	MS OFFICE
NORTH ATLANTIC REFINING LTD.	446 TOPSAIL RD	MS SERVICE STATION
NORTH ATLANTIC REFINING LTD.	446 TOPSAIL RD	MS SERVICE STATION
FIRST CHOICE HAIRCUTTERS LTD.	468 TOPSAIL RD	MS SERVICE SHOP
SPARTAN	681 TOPSAIL RD	MS RETAIL STORE
BELLA VISTA LIMITED	26-34 TORBAY RD STANLEY'S #1	MS TAVERN
BELLA VISTA LIMITED	26-34 TORBAY RD STANLEY'S #2	MS TAVERN
DOWNEAST COMMUNICATIONS	10 ELIZABETH AVE	MS RETAIL STORE
LEGROWS TRAVEL	10 ELIZABETH AVE	MS OFFICE
TOTALLY TANNED LTD.	120 TORBAY RD	MS SERVICE SHOP
CURVES	272-276 TORBAY RD, CURVES	MS CLUB

SYLVAN LEARNING CENTRE	272-276 TORBAY RD	MS COMMERCIAL SCHOOL
FIRST CHOICE HAIRCUTTERS LTD.	TORBAY RD	MS SERVICE SHOP
A. HARVEY & CO. LTD.	714 TORBAY RD	MS PETROLEUM USE
CASH N CARRY	504 WATER ST	MS OFFICE
ART WIGHT	44 PLEASANT ST	NC ACCESSORY BUILDING
COUNTER CORNER	86 O'LEARY AVE	CR RETAIL STORE
53653 NEWFOUNDLAND AND	40 ABERDEEN AVE	RN MIXED USE
DALE ABBOTT	8-10 ROWAN ST-HAIR FACTORY	RN SERVICE SHOP
GENTARA COMPANY LIMITED	354 WATER ST, 3RD FLOOR	RN OFFICE
		THIS WEEK \$ 287,500.00
		TO DATE \$ 7,020,094.00

CLASS: INDUSTRIAL

BROWNING HARVEY LTD.	54 ROPEWALK LANE	EX INDUSTRIAL USE
		THIS WEEK \$ 1,700,000.00
		TO DATE \$ 1,700,000.00

CLASS: GOVERNMENT/INSTITUTIONAL

RCMP "B" DIVISION HEADQUARTERS	100 EAST WHITE HILLS RD	RN ADMIN BLDG/GOV/NON-PROFIT
RCMP "B" DIVISION HEADQUARTERS	100 EAST WHITE HILLS RD 3RD FL	RN ADMIN BLDG/GOV/NON-PROFIT
		THIS WEEK \$ 25,500.00
		TO DATE \$ 3,081,571.00

CLASS: RESIDENTIAL

GIBRALTER DEVELOPMENT	52 JULIEANN PL - LOT 83	NC SINGLE DETACHED DWELLING
FARON BARNES	73 KEITH DR	CO HOME OFFICE
KARA INVESTMENTS	8 BAYBERRY PL	RN SINGLE DETACHED DWELLING
RANDY PATEY	117 FOREST RD	RN SINGLE DETACHED DWELLING
JEFF BRIDGE	101 NEW COVE RD	RN SINGLE DETACHED & SUB.APT
SELWYN ROSE	203-205 NEW GOWER ST	RN SEMI-DETACHED DWELLING
KEN CASEY	95-97 PLEASANT ST	RN SUBSIDIARY APARTMENT
PAUL REID	8 SYMONDS AVE	RN SINGLE DETACHED DWELLING
DONALD HULL	31 TRINITY ST	RN SINGLE DETACHED DWELLING
ERCO HOMES	3 VEITCH CRES	RN SINGLE DETACHED DWELLING
		THIS WEEK \$ 269,200.00
		TO DATE \$ 7,844,311.00

CLASS: DEMOLITION

THIS WEEK \$.00
TO DATE \$	314,500.00

THIS WEEK'S TOTAL: \$ 2,282,200.00

TOTAL YEAR TO DATE: \$ 19,960,476.00

REPAIR PERMITS ISSUED:	2008/03/13 TO 2008/03/19	\$.00
	2007/12/13 TO 2008/03/19	\$	266,350.00

YTD

LEGEND

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

Rejection

Par Holdings Ltd. 120 LeMarchant Road
Contrary to Section 5.1.1 of the St. John’s Development Regulations & Section 9.7.1.2 of the 2005 National Building Code of Canada.

Payrolls and Accounts

SJMC2008-03-24/178R

It was decided on motion of Councillor Ellsworth; seconded by Councillor Coombs: That the following Payrolls and Accounts for the week ending March 20, 2008 be adopted as presented:

**Weekly Payment Vouchers
For The
Week Ending March 20, 2008**

PAYROLL

Public Works	\$ 360,014.35
Bi-Weekly Amalgamation	\$ 511,406.64
Bi-Weekly Management	\$ 530,734.30
Bi-Weekly Administration	\$ 530,318.66

ACCOUNTS PAYABLE

Cheque No. 129755 – 130033	\$1,393,347.65
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Total: \$3,325,821.60

Tenders

- a. Tender - Lease of Robin Hood Bay Landfill Equipment
- b. Tender – Mount Pearl Fire Station, New Vehicle Exhaust System

SJMC2008-03-24/179R

It was decided on motion of Councillor Ellsworth; seconded by Councillor Coombs: That the recommendations of the Director of Public Works and Parks and the Director of Building and Property Management be accepted and the tenders awarded as follows:

- a. **Heavy Equipment Operation at the Landfill to be performed by City forces for the period June 2008 to June 2011 and award the lease tenders to the low bidders as follows:**

<u>Tender #</u>	<u>Supplier</u>	<u>Equipment</u>	<u>Price (exc HST)</u>
2008007	Toromont	Compactor 1	\$18,507.81/mth
2008007	Toromont	Compactor 2	\$18,507/81/mth
2008007	Toromont	Loader	\$4,914.64/mth
2008007	Ontrac	Dozer 1	\$9,727.82/mth
2008007	Ontrac	Dozer 2	\$9,727.82/mth
2008007	Ontac	Articulating Truck	\$8,143.70/mth
2008007	Ontrac	Articulating Truck	\$8,143.70/mth

And further, that Council reassess the economics of contracting out the heavy equipment operation at the landfill at the end of this lease period in 2011.

- b. **Air-Tite Sheet Metal Limited in the amount of \$47,800.00 which includes HST**

Insurance Broker Selection

Council considered a memorandum dated March 19, 2008 from the Risk Manager/Business Continuity Coordinator regarding the above noted.

SJMC2008-03-24/180R

It was decided on motion of Councillor Colbert; seconded by Councillor Hann: That the recommendation of the Broker Selection Committee that Council grant approval for the City to commence negotiations with AON towards contracting with them once again to act as the City's Insurance Broker subject to the terms set out in the RFP, be accepted.

Motorized Mobile Vending Sites – Downtown/Churchill Square

Council considered a memorandum dated March 13, 2008 from the Director of Building and Property Management regarding the above noted.

SJMC2008-03-24/181R

It was decided on motion of Councillor Ellsworth; seconded by Councillor Hann: That the recommendation of the Director of Building and Property Management that Council offer the existing leases of motorized mobile vending sites, Downtown/Churchill Square, first option on renewal, be accepted.

Acting Mayor O'Keefe

Acting Mayor O'Keefe advised the residents of the Southbrook/Southlands area that the City is aware of the deplorable road conditions of Southlands Boulevard and the ramp leading on Pitts Memorial Drive and the City has been working with NLHC, who are responsible for this section of road, to resolve the situation. He indicated that the Associate Commissioner and Director of Engineering has advised that if the road is not repaired to an acceptable condition by tomorrow then the work will be carried out by City crews with associated costs billed back to NLHC. Councillor Collins noted that he too has been working on this situation and made contact with the company responsible but to no avail.

Councillor Duff

Councillor Duff tabled correspondence concerning Earth Hour, March 29, 2008.

SJMC2008-03-24/182R

It was moved by Councillor Duff; seconded by Councillor Galgay: That the City formally support Earth Hour, March 29, 2008 8-9 p.m.

Councillor Duff advised that she has discussed this matter with the Director of Building and Property Management and the City will cooperate where possible and turn off the lights in City facilities provided public safety is not compromised for that hour. Councillor Duff further noted that a message will be forwarded to the City's housing tenants asking them for their cooperation in supporting the people who fight climate change by turning off their lights between 8 and 9 p.m. on March 29, 2008. She also encouraged the general public to participate.

The motion being put was unanimously carried.

Quidi Vidi /Rennie's River Development Foundation

SJMC2008-03-24/183R

It was moved by Councillor Duff; seconded by Councillor Colbert: That the City purchase a corporate table at a cost of \$750.00 in aid of the Quidi Vidi/Rennie's River Development Foundation's annual fundraiser, River Dance.

The motion being put was unanimously carried.

Councillor Hickman

Councillor Hickman advised that Tourism St. John's will be looking after the 17th annual Tourism awards for June. Nominations forms must be received by April 2, 2008.

Councillor Hickman noted that the Run for Dream Campaign in support of Autism Spectrum Disorder will be initiated tomorrow at the Fort Amherst Small Board Basin. Deputy Mayor OKeefe will represent the City at this event.

Councillor Hann

Councillor Hann asked the status of the meeting held with Federal Minister Loyola Hearn last week with respect to cost overruns on Harbour Cleanup as well as the cost sharing of the East West Arterial.

Councillor Galgay

Councillor Galgay noted that on March 19, 2008, he met with Minister Hearn along with Councillor Duff, the Chief Commissioner and City Solicitor, the Director of Economic Development, Tourism and Culture as well as Mr. Wells and Mr. Hudson from Minister Hearn's office. With respect to Federal funding towards the East West Arterial, the minister committed to work towards obtaining funding toward this project. The Minister did not give guarantees with respect to the Treatment Plant cost overruns, but did encourage the City to write the Federal government requesting funding towards both projects.

Councillor Galgay suggested that the Acting Mayor arrange to meet with the Minister to discuss these two issues. The Acting Mayor noted that he intends to meet with the Minister and in fact wrote him today to that effect.

Councillor Galgay advised that the Senior Citizens event which was cancelled due to inclement weather conditions last week is now scheduled March 27, 2008, 6:30 p.m. at the HUB.

Councillor Collins

Councillor Collins advised that arrangements are being made with Harvey's to resolve the issue surrounding the supply of road salt, with Harvey's providing fish salt at no extra cost.

Acting Mayor O'Keefe noted that it is hoped that an arrangement can be made to acquire a salt supply necessary for the city's operations.

Adjournment

There being no further business, the meeting adjourned at 5:15 p.m.

MAYOR

CITY CLERK