

**March 29th, 2010**

The Regular Meeting of the St. John's Municipal Council was held in the Council Chamber, City Hall, at 4:30 p.m. today.

His Worship the Mayor presided.

There were present also Councillors O'Leary, Hann, Colbert; Galgay, Tilley, Hanlon and Collins

Regrets: Deputy Mayor Duff; Councillors Hickman and Breen

The City Manager, the Deputy City Manager/Director of Corporate Services and City Clerk; Deputy City Manager/Director of Public Works and Parks, Director of Planning, Director of Engineering, Senior Legal Counsel and Manager, Corporate Secretariat were also in attendance.

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

#### **SJMC2010-03-29/174R**

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

- 1. Requests for Proposals**
  - a. Security Assessment – City Facilities**
  - b. Pleasantville Affordable Housing**

### **Adoption of Minutes**

#### **SJMC2010-03-29/175R**

**It was decided on motion of Councillor Galgay; seconded by Councillor Hanlon: That the minutes of the March 22<sup>nd</sup>, 2010 meeting be adopted as presented with the following amendment:**

**Page 4 of the Minutes re Sustainability Plan (ICSP) – reference to George Street Association – should read “Georgetown Neighbourhood Association”**

**Business Arising**

**Police and Traffic Committee Report, February 24, 2010, Item #17, Request for Speed Limit Change – East White Hills**

Under business arising, Council considered a memorandum dated March 18<sup>th</sup>, 2010 from the Director of Engineering regarding a decision by Council on March 8, 2010 to defer Item 17, of the Police and Traffic Committee report regarding a proposed change in speed limit on East White Hills Road pending additional information on the locations of the proposed speed limit change. In response to a request to examine the speed limit on East White Hills Road, the Traffic Division reviewed traffic count information and speed data for the area and determined that it would be appropriate to increase the speed limit from 50 km/hr to 60 km/hr along the section of East White Hills Road between the Logy Bay Road interchange with the Outer Ring Road to a point approximately 200 m north of the intersection of East White Hills Road with Newfoundland Drive. Council concurred.

**Notices Published**

1. A **Variance of Non-Conformity Application** has been submitted by Sheila Lewis on behalf of Beagle Paws requesting permission to operate a **Dog Adoption Agency from Civic No. 556A Topsail Road (The Collis Building)**. The proposed business will occupy a floor area of 120m<sup>2</sup>, operate Tuesday, Wednesday and Thursday from 7 p.m. to 9 p.m. and Saturday from 2 p.m. to 4 p.m. and employ one (1) person part-time. No animals will be housed on the property overnight. On-site parking can accommodate twenty (20) vehicles. **(Ward 3)**

**One (1) Submission of concern**

**SJMC2010-03-29/176R**

**It was moved by Councillor Tilley ; seconded by Councillor Galgay: That the application be approved, subject to the following conditions:**

- a. **Pet adoption agency must be operated in a fashion consistent with the application as submitted to the City in terms of total floor space to be occupied, operating hours, number of employees, etc; and**
- b. **No animals are to be housed in the building overnight; and**

- c. **The property owner must submit an on-site parking plan layout to the City's Department of Planning for review and approval by City staff and this parking plan must be implemented to the satisfaction of the City before an Occupancy Certificate will be issued by the City for pet adoption businesses.**

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

**Development Committee Report dated March 23<sup>rd</sup>, 2010**

**Council considered the following Development Committee Report dated March 23<sup>rd</sup>, 2010:**

**RECOMMENDATION OF APPROVAL:**

1. **Application to Construct an Accessory Building  
Mr. Scott Neil  
Gillies Road, Lot #1 (Ward 4)**

The Development Committee recommends that Council approve the above noted application.

2. **Proposed Demolition and Replacement of Dwelling  
Mr. Corey Truscott  
Civic No. 417 Bay Bulls Road (Ward 5)**

The Development Committee recommends that Council approve the above noted application, subject to the following conditions:

- a. the applicant shall provide a Certificate of Approval from the Department of Government Services for a drilled well and septic disposal system; and
- b. adequate security to be provided to the Department of Building and Property Management to cover the cost of demolition of the existing dwelling, should the applicant fail to remove this dwelling.

- 3. Proposed Eating Establishment Liquor License  
Pasta Plus Restaurant  
Civic No. 223 Duckworth Street (Haymarket Square Building) (Ward 2)**

The Development Committee recommends that Council approve the above noted application.

**RECOMMENDATION OF REJECTION:**

- 4. Crown Land Grant Referral  
Proposed Building Lot  
Mr. Chris Druken  
Blackhead Road (Ward 5)**

The Development Committee recommends that Council reject the above noted Crown Land Grant application for residential use

**Ronald Penney, Chairperson  
City Manager**

**SJMC2010-03-29/177R**

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

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

**Development Permits List**

Council considered as information the following development permits list for the period March 19<sup>th</sup>, 2010 to March 25<sup>th</sup>, 2010.

**DEVELOPMENT PERMITS LIST  
DEPARTMENT OF PLANNING  
FOR THE PERIOD OF March 19, 2010 TO March 25, 2010**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES	Jerry English	Proposed Building Lot	15 Prince of Wales Street	2	<b>Contrary to Sections 10.4.3(5)(a)(b) Insufficient Lot Area/Frontage</b>	10-03-19
RES	Darrell Tucker	Subdivide for 1 Building Lot	6 Montgomery Street	4	<b>Approved</b>	10-03-23
RES	Tom White	Lot 3 Charles Horwood Subdivision	Groves Road	4	<b>Approved</b>	10-03-25
RES	Ray White	Proposed Driveway	244 Penny Well Rd.	2	<b>Rejected Contrary to Section 8.3.3(1)(a) Driveway located in sight triangle</b>	10-03-25
IND	N.D. Dobbin Ltd.	Accessory Building for Heavy Equipment	Farrell's Excavating Quarry Site – TCH	5	<b>Approved</b>	10-03-25

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

INST - Institutional  
 IND - Industrial

\*\* This list is issued for information purposes only. Applicants have been advised in writing of the Development Officer's decision and of their right to appeal any decision to the St. John's Local Board of Appeal.

**Gerard Doran  
Development Officer  
Department of Planning**

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**Building Permits List**

**SJMC2010-03-29/178R**

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

2010/03/24

Permits List

**CLASS: COMMERCIAL**

CHROME IT ACCESSORIES INC	55 STAMP'S LANE	CO RETAIL STORE
NEWFOUND CONSTRUCTION LTD	CADET ROAD, CONST. TRAILERS	NC ACCESSORY BUILDING
FIREPLACE & CLOSET SOLUTIONS	18 CRAIG DOBBIN'S WAY	MS RETAIL STORE
ST. BONAVENTURE'S COLLEGE	2A BONAVENTURE AVE	MS OTHER
MICHAEL FOLEY ACADEMY OF	57 PENNYWELL RD	MS CLUB
ST JOHN'S NFLD CURL.CLUB	135 MAYOR AVE	NC PATIO DECK
GENTARA COMPANY LIMITED	655 TOPSAIL RD	RN RETAIL STORE
PUGLISEVICH OILFIELD	611 TORBAY RD	RN MIXED USE
HUNGRY FISHERMAN INC.	WATER STREET-BECKS COVE	RN RESTAURANT
CROMBIE PROPERTY HOLDINGS	TORBAY RD, FORMER MY BROTHERS	RN RESTAURANT
FORTIS PROPERTIES CORPORATION	FACTORY LANE, SUITE 700	RN OFFICE
SPORT CHEK	430 TOPSAIL RD, SPORT CHEK	RN RETAIL STORE
		THIS WEEK \$ 364,130.00

**CLASS: INDUSTRIAL**

THIS WEEK \$ .00

**CLASS: GOVERNMENT/INSTITUTIONAL**

MBM DEVELOPMENT	51 MAJOR'S PATH	EX OFFICE
CONSEIL SCOLAIRE FRANCOPONE PR	65 RIDGE RD	NC ACCESSORY BUILDING
MEMORIAL UNIVERSITY OF	194 ELIZABETH AVE	NC ADMIN BLDG/GOV/NON-PROFIT
		THIS WEEK \$ 213,500.00

**CLASS: RESIDENTIAL**

HANN CONSTRUCTION LIMITED	12 BANIKHIN PL, LOT 56	NC SINGLE DETACHED DWELLING
EASTERN SIDING SYSTEM INC.	240 BROOKFIELD RD	NC SINGLE DETACHED & SUB.APT
TRUE NORTH HOMES	38 CAPE PINE ST, LOT 65	NC SINGLE DETACHED DWELLING
TERRY WALSH CONTRACTING	69 CHEROKEE DR, LOT 65	NC SINGLE DETACHED DWELLING
TERRY WALSH CONTRACTING	71 CHEROKEE DR, LOT 66	NC SINGLE DETACHED & SUB.APT
PERHAM HOMES LTD.	72 GREAT EASTERN AVE, LOT 239	NC SINGLE DETACHED & SUB.APT
GREGORY DUGGAN	43 HENNESSEY'S LINE	NC FENCE
JODY & CHANTAL DODGE	102 HOWLETT'S LINE	NC ACCESSORY BUILDING
TERRY WALSH CONTRACTING	29 LADYSMITH DR, LOT 2	NC SINGLE DETACHED DWELLING
PAUL WHITTEN	78 MARK NICHOLS PL	NC ACCESSORY BUILDING
TERRY WALSH CONTRACTING	71 OTTER DR, LOT 132	NC SINGLE DETACHED & SUB.APT
FRANK/MARY HANDRIGAN	8 POWER ST	NC ACCESSORY BUILDING
PHB GROUP INC.	89 RENNIE'S MILL RD	NC SINGLE DETACHED DWELLING
MARTIN J. LAMBE	1 RHODORA ST	NC FENCE
N EW VICTORIAN HOMES	8 ROWSELL PL, LOT 61	NC SINGLE DETACHED DWELLING
MICHAEL J. & YVONNE D. WALSH	16 SHANNON PL	NC ACCESSORY BUILDING
WENDY O'KEEFE	26 CARIBOU PL	CO HOME OFFICE
FAYE WHITE	114 ST. CLARE AVE	CO SINGLE DETACHED DWELLING
MOHAMMED TEHRANI	59 HOLBROOK AVE	EX SINGLE DETACHED DWELLING
TERRY G. O'ROURKE &	22 PILOT'S HILL	EX SEMI-DETACHED DWELLING
HANN CONSTRUCTION LIMITED	10 BANIKHIN PL	RN SINGLE DETACHED DWELLING
AFSHAN MAYBEE	27 BROOKLYN AVE	RN SINGLE DETACHED DWELLING
MAUREEN & GERARD O'RIELLY	15 CARNELL ST	RN SEMI-DETACHED DWELLING
PAUL COLBOURNE	59 CASTLE BRIDGE DR, LOT 111	RN SINGLE DETACHED DWELLING
GEOFFREY OAKLEY & LIONEL OAKLEY	16 CENTRAL ST	RN SEMI-DETACHED DWELLING

MATTHEW BOLAND	6 CHARLTON ST	RN SINGLE DETACHED DWELLING
PATRICIA GOSSE	201 CRAIGMILLAR AVE	RN SEMI-DETACHED DWELLING
NEW VICTORIAN HOMES	8 FAULKNER ST	RN SEMI-DETACHED DWELLING
GEORGE OAKLEY	64 FRESHWATER RD	RN SEMI-DETACHED DWELLING
ROSALIE GILLIS	8 HERDER PL	RN SINGLE DETACHED & SUB.APT
CLAIRE WADDEN	93 MONKSTOWN RD	RN TOWNHOUSING
HANN CONSTRUCTION LIMITED	13 SGT. CRAIG GILLAM AVE	RN SINGLE DETACHED DWELLING
REARDON CONSTRUCTION &	18 SPRUCEDALE DR, LOT 149	RN SINGLE DETACHED DWELLING
REARDON CONSTRUCTION &	17 SPRUCEDALE DR	RN SINGLE DETACHED DWELLING
GEOFF GREENING	25 STENLAKE CRES	RN SINGLE DETACHED DWELLING
JAMES B. & CATHERINE DEMPSEY	17 WALSH'S SQ	RN SINGLE DETACHED DWELLING
LAMONT HANAMES	28 WARFORD RD	RN SINGLE DETACHED DWELLING

THIS WEEK \$ 3,195,972.00

**CLASS: DEMOLITION**

THIS WEEK \$ .00

THIS WEEK'S TOTAL: \$ 3,773,602.00

REPAIR PERMITS ISSUED: 2010/03/18 TO 2010/03/24 \$ 15,500.00

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

**Payrolls and Accounts**

**SJMC2010-03-29/179R**

**It was decided on motion of Councillor Hann; seconded by Councillor Hanlon:  
That the following Payrolls and Accounts for the week ending March 25<sup>th</sup>,  
2010 be approved:**

**Weekly Payment Vouchers  
For The  
Week Ending March 25, 2010**

**PAYROLL**

Public Works	\$ 243,383.60
Bi-Weekly Casual	\$ 15,658.96

**ACCOUNTS PAYABLE** \$ 3,408,164.90

**Total: \$ 3,667,207.46**

**Tenders**

- a. **Tender - Tender – HP Servers and Tape Library Trucks**
- b. **Request for Proposals – Pleasantville Affordable Housing**
- c. **Request for Proposals - Security Assessment – City Facilities**

**SJMC2010-03-29/180R**

**It was moved by Councillor Hann; seconded by Councillor Hanlon : That the recommendations of the Director of Finance and City Treasurer and the Director of Building and Property Management be approved and the tenders awarded as follows:**

- a. **Aliant Xwave @ \$60,618.46 (taxes not included)**
- a. **Ron Fougere Associates ltd.**
- b. **Spectrum Investigation and Security (1998) Ltd.**

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

**Petitions**

(1) Councillor O’Leary tabled a petition the prayer of which reads as follows, which was referred to the Planning & Housing Standing Committee for consideration:

“We the following citizens of St. John’s plead with the members of City Council to protect the historic downtown core of our City.

This small area of St. John’s tells the story of history of our beginnings as a community. It is different, it is ours and if it is destroyed it cannot be replaced.



The historic downtown of St. John's is an important economic and cultural resource. It is a major tourist attraction. It is an authentic, vibrant, living area. It is a place that is loved and appreciated by those of us who are lucky enough to live in this beautiful City and by our visitors.

The downtown has survived fire, neglect, economic adversity and bad development decisions in the past. The future of the downtown is in your hands as members of Council. Say NO to developments that do not respect the historic character and architectural scale of this very special part of our city. Work with developers to find other areas that are more suitable for high density, modern office developments.

We want the historic downtown district to be an important part of the future of our City. We want our past to be a living part of the present for us and for future generations. We ask you, as our elected representatives, to respect the intent of the City's municipal plan policies and development regulations for the downtown."

(2) Councillor Hanlon tabled a petition the prayer of which reads as follows and which was referred to the Police and Traffic Committee for consideration

**"PETITION to include free parking spaces/zones for Motorcycles & Scooters in Downtown St. John's.**

Goal: to encourage drivers to use more environmentally friendly vehicles for commuting downtown

Benefits for our City

- less fuel consumption
- less traffic congestion
- less pollution
- frees up more parking spaces for other vehicles"

**Snow Clearing Report for the period January 1<sup>st</sup>, to March 26<sup>th</sup>, 2010**

Council considered as information the snow clearing report for the period January 1<sup>st</sup> to March 26<sup>th</sup>, 2010 showing a positive variance of \$182,061.

**Letter dated March 3, 2010 from Mayor Harry Hallett, President, MNL, to The Honourable Thomas J. Hedderson, Minister of Transportation and Works regarding amendment to the Province's Highway Traffic Act, RSNL 1990, c.H-3**

Council acknowledged the above noted letter regarding a recommendation from the City of St. John's and members of MNL to the Department of Transportation to amend the province's Highway Traffic Act, RSNL 1990, c.H-3 so that it would be prohibited to modify the exhaust system of motorcycles after purchase so to purposely increase its noise level.

**Report, Cruise St. John's Marketing Initiatives, Cruise St. John's Sales Mission, February 1 – 5, 2010; Seatrade Cruise Shipping Conference & Exhibition and Meetings with Cruise Lines, March 11-18, 2010**

Council considered as information the above noted report.

**Councillor O'Leary**

Councillor O'Leary noted that The Queen of Paradise's Garden, a traditional Newfoundland folktale adapted by Andy Jones and illustrated by Darka Erdeljo, has been named to the International Youth Library's 2010 White Ravens list. She congratulated Andy and Darka on this honour.

Councillor O'Leary again mentioned the importance of water conservation and referenced the availability in the market of various devices that can be obtained to control household water consumption and asked that the matter be referred to the Regional Water Committee.

Councillor O'Leary noted that the St. John's Art Procurement Program deadline for submissions is May 31<sup>st</sup>, 2010.

Councillor O'Leary indicated that the City's Humane Services Division advised of problems of roaming cats and suggested that residents with questions and concerns can contact the City's Humane Services Division.

**Councillor Hann**

Councillor Hann referred to a Telegram Article which referenced a three-part document by the St. John's Board of Trade looking at urban sprawl, density and public transit. The board hopes to generate discussion about development by providing the documents.

**Councillor Tilley**

Councillor Tilley indicated that concern has been raised by residents in the Cowan Heights area of unleashed dogs in the parks and on the trails. He suggested designating an area in the west end of the City for a dog park. It was noted that staff are looking at identifying areas for possible dog parks and areas to be used as off-lease areas for dogs.

**Councillor Hanlon**

Councillor Hanlon advised residents of Ward 4 that she will be holding a meeting at City Hall on April 15<sup>th</sup>, in the Foran/Green Room.

**Councillor Collins**

Councillor Collins advised that the City intends to seek government funding towards the first stage of sidewalk installation for the Goulds.

Councillor Collins noted that he has received complaints of a foul odour from the new treatment plant. The Director of Engineering advised that the odour is temporary and is the result of what is called a “cold start” in growing bacteria at the plant.

**Adjournment**

There being no further business, the meeting adjourned at 5:40 p.m.

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**MAYOR**

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**CITY CLERK**