

May 19th, 2009

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

His Worship the Mayor presided

There were present also Deputy Mayor Ellsworth; Councillors Duff, Hickman, Hann, Puddister, Galgay, Coombs, Hanlon and Collins

Regrets: Councillors Colbert

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

Call to Order and Adoption of the Agenda

SJMC2009-05-19/286R

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

- a. Memorandum dated May 19, 2009 from the Development Engineer re Proposed Cost-Sharing Arrangement, Gravity Sanitary Sewer Main, Kelsey Drive
- b. Press Release – St. John's Cruise Ship Season Begins

Adoption of Minutes

SJMC2009-05-19/287R

It was decided on motion of Councillor Galgay seconded by Councillor Hann: That the Minutes of the May 11th, 2009 meeting be adopted as presented.

**Proposed Rezoning of Property-Vickers Avenue
Applicant: Newfoundland & Labrador Housing Corporation**

Under business arising, Council considered a memorandum dated May 13, 2009 from the Director of Planning regarding the above noted.

SJMC2009-05-19/288R

It was moved by Councillor Coombs; seconded by Councillor Galgay: That the following Resolution for St. John's Municipal Plan Amendment Number 70, 2009 and St. John's Development Regulations Amendment Number 458, 2009 be adopted, which will then be referred to the Department of Municipal Affairs with a request 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 70, 2009
AND
ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 458, 2009**

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

- a) adopted St. John's Municipal Plan Amendment Number 70, 2009 and St. John's Development Regulations Amendment Number 458, 2009 on the 21st day of April, 2009.
- b) gave notice of the adoption of St. John's Municipal Plan Amendment Number 70, 2009 and St. John's Development Regulations Amendment Number 458, 2009 by advertisements inserted in The Telegram newspaper on the 25th day and the 29th day of April, 2009.
- c) set the 12th day of May, 2009 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 the Urban and Rural Planning Act, 2000, the St. John's Municipal Council approves St. John's Municipal Plan Amendment Number 70, 2009 and St. John's Development Regulations Amendment Number 458, 2009 as adopted.

SIGNED and SEALED this 19th day of May, 2009.

Mayor

**Director of Corporate Services
and City Clerk**

The motion being put was unanimously carried.

Supply and Install Asphalt Contract Extension

Under business arising, Council considered a memorandum dated May 13, 2009 from the Director of Public Works and Parks which provided clarification, at the request of Council, on the time frame for cutting and replacing asphalt. Council also considered a memorandum dated May 8, 2009 from the Director of Public Works and Parks on this matter

SJMC2009-05-19/289R

It was moved by Deputy Mayor Ellsworth; seconded by Councillor Collins: That the contract for Supply & Install Asphalt with Modern Paving Limited be extended for a one year period at the 2008 unit prices and that the following clause be deleted. All other terms and conditions to remain the same:

“Notice to do a particular piece of work. Most work will be required to be started within a 48 hour period, however, some jobs may require a 24 hour notice. The City recognizes that weather may affect the time constraint.”

The motion being put was unanimously carried.

Recreation and Parks Master Plan – Southlands Neighbourhood

Under business arising, members of Council referenced a memorandum dated May 19, 2009 from the Director of Recreation, which provided information from the Recreation and Parks Master Plan as it relates to Neighbourhood Centres, indoor infrastructure investments and specific information on Southlands. In addition, the Departments of Planning and Building and Property Management provided some statistical information for consideration.

SJMC2009-05-19/290R

It was moved by Councillor Duff; seconded by Councillor Hickman: That given the anticipated population growth, the Southlands Community Centre be added to the Investment Projects list to occur within the next 5 years.

Discussion ensued during which Councillors Hann and Collins questioned the statistical figures relating to Southlands provided by staff and asked that staff be directed to further verify the numbers. The Chief Commissioner and City Solicitor suggested that the figures be reviewed on an annual basis.

Following discussion, the motion being put was unanimously carried with staff to verify the population numbers relating to Southlands and surrounding communities.

Public Hearings

**Public Hearing Report dated April 29th, 2009
Cycling Master Plan and the Virginia River Trail Multi-Use Upgrade Feasibility Assessment**

Councillor Duff presented the public hearing report held on April 29th, 2009 to discuss the Cycling Master Plan and the Virginia River Trail Multi-Use Upgrade Feasibility Assessment.

SJMC2009-05-19/291R

It was moved by Councillor Duff; seconded by Councillor Galgay: That the Cycling Master Plan and the Virginia River Trail Multi-Use Upgrade Feasibility Assessment be granted approval-in-principle.

Discussion ensued, during which members of Council indicated their support of the plan. Councillor Duff indicated that a time frame is required to implement the plan, given the expense of the project as a whole which has to be considered along with the many other priorities of Council. The first phase of the implementation will involve the signing of on-road bike lanes, installation of universal bicycle signage, as well as the installation of bicycle racks in various locations within the City and on City buses. There will also be an educational component. The cost of this work is \$1.5 million and a funding application has been submitted to the Provincial Government under the Eco Action Trust Fund to help the City start the implementation.

Following discussion, the motion being put was unanimously carried.

Development Committee Report dated May 12th, 2009

Council considered the following Development Committee Report dated May 12th, 2009:

RECOMMENDATION OF APPROVAL:

- 1. Proposed Construction of Accessory Building
Mr. Pearce Power
Civic No. 71 Dan's Road - St. Philip's (Broad Cove River Watershed)**

The Development Committee recommends that Council approve the application for the 16ft. x 20ft. accessory building pursuant to Section 104(4)(a) of the City of St. John's Act, subject to the demolition and inspection of the removal of the existing accessory building or the applicant must deposit a security in the amount of \$2,000 should the applicant obtain a permit to construct, prior to demolition of the existing building.

**2. Proposed Demolition and Replacement of Single Detached Dwelling
Ms. Sharon Cave
Civic No. 17 Plank Road (Ward 2)**

The Development Committee recommends that Council approve the above noted application in accordance with Section 7.12.1(b) of the St. John's Development Regulations.

**3. Proposed Demolition and Replacement of Single Detached Dwelling
Mr. Jerome Quinlan
Civic No. 63 Warbury Street (Ward 2)**

The Development Committee recommends that Council approve the above noted application in accordance with Section 7.12.1(b) of the St. John's Development Regulations.

RECOMMENDATION OF REJECTION:

**4. Application for Billboard Sign
Civic No. 409 Bay Bulls Road (Ward 5)**

The Development Committee recommends that Council reject the above noted application as it is contrary to the Sign By-Law and is adjacent to a residential area.

**5. Application for Billboard Sign
Civic No. 382 Blackmarsh Road (Ward 3)**

The Development Committee recommends that Council reject the above noted application as it is contrary to the Sign By-Law and is adjacent to a residential area.

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

SJMC2009-05-19/292R

It was moved by Deputy Mayor Ellsworth; seconded by Councillor Hickman: That the Committee's recommendations be approved

The motion being put was unanimously carried.

Finance and Administration Standing Committee Report dated May 5th, 2009

Council considered the following Finance and Administration Standing Committee Report dated May 5th, 2009:

In Attendance: Deputy Mayor Ron Ellsworth, Chairperson
Councillor Shannie Duff
Councillor Art Puddister
Mr. Ron Penney, Chief Commissioner & City Solicitor
Mr. Neil Martin, Associate Commissioner/Director of Corporate Services & City Clerk
Mr. Bob Bishop, Director of Finance & City Treasurer
Mr. Kevin Breen, Director of Human Resources
Mr. Paul Mackey, Director of Public Works & Parks
Ms. Tanya Haywood, Acting Director of Recreation
Mr. Jason Silver, City Internal Auditor
Ms. Cindy McGrath, Supervisor of Humane Services
Ms. Kelly Butler, Recording Secretary

Also in attendance were Mr. Craig Ennis, St. John's Board of Trade and Mr. Curtis Rumbolt, CBC Radio.

1. Humane Services Spay and Neuter Program

The Supervisor of Humane Services provided the Committee with an overview of the proposed Spay and Neuter Program. She advised that all the local veterinary hospitals have agreed to provide the City with a 20% discount on the cost of spay and neuter procedures. Each hospital has different rates, but the average cost (without the 20% discount) for a cat spay is \$245 and a cat neuter is \$150. The hospitals will bill the City for the total cost of the surgery. She noted that the program will initially focus on cats, but will eventually be expanded to include dogs as well. Residents who apply for the program must provide a copy of their most recent income tax assessment form or a copy of a letter from their employer so that their income can be verified. Applicants must have a net family income of \$25,000 or less in order to qualify for the program.

A revenue account has been set up with the funds from pet license sales being deposited to that account. Once the funds build up, then the money will be switched to a reserve fund, which will be used to administer the spay and neuter program. Any money received from residents to pay for their portion of the surgery is also deposited into this account. In addition, residents who avail of funding from the spay/neuter program will be required to license their pet, if they have not already done so.

Councillor Puddister noted that he is requesting Council's approval to provide \$10,000 in start up funding for this program, with the money to be recovered from the sale of pet licenses. Last year the City sold approximately 700 pet licenses, and it is likely that the

number could increase to 1,000 this year. The Supervisor of Humane Services noted that all the local veterinary clinics are selling the City’s licenses. In addition, the City has recently installed a new software program that will enable staff to generate and mail out reminder renewal notices to people who purchased licenses last year.

The Committee recommends, on motion of Councillor Puddister; seconded by Councillor Duff: That the City allocate \$10,000 in start up funding for the Humane Services Cat Spay and Neuter Program, with the money to be recouped from the sale of pet licenses.

The Chief Commissioner and City Solicitor inquired about the possibility of residents being able to purchase “lifetime” licenses for their pets. The Supervisor of Humane Services indicated that there are factors that need to be taken into consideration with lifetime licenses, such as the breed of dog as large breed dogs tend to have shorter life spans than smaller breeds. However, she noted that the City of Calgary does offer lifetime licenses, and she indicated she would check to see how they handle this type of licensing.

2. Amendment to Travel Expense Policy (Policy No. 03-11-08)

The Committee considered a memorandum dated April 16, 2009, from the Director of Human Resources regarding the above noted matter.

The Director of Human Resources advised that as a result of changes in the air travel industry, the travelling public has the option to purchase certain service enhancements on flights which will guarantee a seat or provide access to hotels, meals, and ground transportation should flights be delayed or cancelled. The proposed amendments to the policy provide for reimbursement of the cost of any seat selection fare which will secure the individual’s seat on an aircraft in order to avoid a higher fee which guarantees a seat. It also clarifies that no other service, cancellation or insurance fees will be reimbursed unless a clear, discernible benefit to the City is demonstrated. The final decision on any fees claimed in this regard will be made by the Director of Finance.

The Committee recommends that the amendments to the Travel Expense Policy (as attached) be adopted.

3. Financial Support for Meetings and Conventions

The Committee considered a memorandum dated May 1, 2009, from the Director of Corporate Services regarding the above noted matter.

The Committee recommends that the following grants be awarded as per Policy 04-09-02 – Financial Support for Meetings and Conventions:

- 1. 2009 National Autism Conference \$750**
- 2. NLOWE 2009 Annual Conference \$0****

**** This request did not meet the criteria for funding as it is a provincial conference.**

4. Association of Canadian Assessors' Counsel Conference – September 24-25, 2009

The Committee considered a memorandum dated April 15, 2009, from the Director of Corporate Services regarding the above noted matter.

The Committee recommends that the City provide a luncheon for the registrants of the Association of Canadian Assessors' Counsel Conference on either September 24th or 25th, at an estimated cost of \$325.00.

5. SPN National Championships – July 31-August 3, 2009

The Committee considered a memorandum dated April 22, 2009, from the Director of Recreation regarding the above noted matter.

The Acting Director of Recreation advised that SPN Newfoundland and Labrador will be hosting the national championships and has requested donation of the softball facilities and associated maintenance for the upcoming championships as well as a grant to help host the opening Meet and Greet banquet for participants. The approximate cost of the field rentals plus associated maintenance is \$3,000.

The Committee recommends that the request by SPN Newfoundland and Labrador for donation of the City's softball fields and associated maintenance for same for the upcoming SPN National Championships be approved. It is further recommended that the City approve a grant of \$1,000 as per Policy 04-09-02: Financial Support for Meetings and Conventions, to help offset the cost of the opening Meet and Greet Banquet.

6. 30th Annual St. John's Fire Fighters Association Annual Charity Golf Tournament

The Committee considered correspondence from Gary Douglas and Chuck Nurse requesting that Council sponsor a team in the annual SJFFA Charity Golf Tournament taking place on July 9, 2009, at the Glendenning Golf Club. The cost per team entry is \$625.00.

The Committee recommends that Council approve the sponsorship of a team in the annual St. John's Fire Fighters Association Charity Golf Tournament at a cost of \$625.00.

7. SOS4000 Student Torch Run for Organ Donation

The Committee considered correspondence from Samantha Taite requesting financial support to travel to the SOS4000 Student Torch Run for Organ Donation. It was noted that the event has already taken place.

The Director of Finance advised that this request could be considered under the City's Travel Policy for Individuals. The Committee agreed that the Recording Secretary would contact Ms. Taite to determine if she had participated in the event and if she still required a donation to cover any outstanding travel expenses. If Ms. Taite indicates that she has

Councillor Debbie Hanlon
Ron Penney, Chief Commissioner & City Solicitor
Art Cheeseman, Associate Commissioner/Director of Engineering
Paul Mackey, Director of Public Works & Parks
Bob Bishop, Director of Finance & City Treasurer
Dave Blackmore, Director of Building & Property Management
Jim Clarke, Manager of Streets & Parks
Phil Hiscock, Operations Assistant – Streets
Jason Sinyard, Manager of Waste Management
Brian Head, Operations Assistant – Parks
Steve Colford, Operations & Systems Engineer
Jason Phillips, Infrastructure Engineer
Karen Chafe, Recording Secretary

1. **Snow Clearing – Sidewalk Snow Clearing & Salting**

The Committee considered a memo dated March 26th, 2009 from the Director of Public Works & Parks outlining the costs associated with the increased level of service to provide sidewalk snow clearing and salting as follows:

- Sidewalk Plowing: In order to provide a more timely service, it would require an increase in equipment from 2 sidewalk plows to 4. This will require an additional 6 operators (2 per shift). The cost of this enhancement is a one-time capital expenditure of \$390,000 and an annual budget increase of \$160,000.
- Sidewalk Salting: This service would require the purchase of 2 wheeled sidewalk machines with tow-behind salt spreaders. These will require an additional 6 operators (2 per shift). The cost of this enhancement is a one-time capital expenditures of \$346,000 and an annual operating budget increase of \$210,000.

Staff advised that if Council wishes to proceed with these service enhancement for the winter of 2009/2010, an approval is required by June to allow sufficient time to order equipment and recruit additional operators.

The Committee recommends that the proposed service enhancements of sidewalk plowing and sidewalk salting be referred to next year's budget for consideration to determine whether or not this should become a permanent service. In the interim, the sidewalk plowing pilot project will continue.

2. **The Jessica Campaign – Sideguards for City Trucks**

The Committee met with Ms. Jeannette Holman-Price to discuss the above noted matter. Ms. Holman-Price conducted a power point presentation, a copy of which is on file with the City Clerk's Department. The City during its Regular Council Meeting of May 11th, 2009 adopted the following motion:

That staff be authorized to proceed with the installation of side guards (on the sidewalk side), on the single axle rear loader garbage truck, the tandem axle anti-icing truck and the tandem axle dump truck identified in the report presented by the Manger of Fleet Service Division, and that on a go forward basis, other trucks be considered for side guards as they are replaced.

The Committee by unanimous consent recommends the following amendment to the above noted motion of Council:

That side guards be installed on both sides of the heavy equipment machinery outlined above and not just on the sidewalk side. This action will significantly enhance the safety to pedestrians, particularly those crossing the street and encountering a truck's left hand (driver's side). The previous motion of Council only addressed the safety of those pedestrians on the sidewalk or right hand side of the truck.

3. **Snow Clearing – Downtown Sidewalks (Downtown Development Commission)**

Council considered a memo dated March 30th, 2009 from the Director of Public Works & Parks regarding the DDC's request that the City include the Downtown Sidewalks program in its regular sidewalk snow clearing budget. They have also requested that the City improve upon the existing service and that the sidewalks in question be cleared by 7:00 a.m. daily. In order to provide a dependable and consistent service to the downtown sidewalks as requested by the DDC, the City would have to purchase an additional sidewalk plow with blade and blower and hire one additional operator for the overnight shift. The total capital cost for this enhancement is \$147,000 and the total annual operating cost is \$45,000.00.

The Committee on motion of Deputy Mayor Ellsworth; seconded by Councillor Duff recommends that the above noted service enhancement proposal be rejected, and that Councillor Duff as Chairperson of the Joint Committee of Council and the Downtown Development Commission will work with the DDC to develop a strategic long term contract to address service standards for sidewalks in the Downtown.

4. **Garbage Collection Automation**

The Committee considered a memo dated April 9th, 2009 from the Director of Public Works & Parks regarding a report on automated garbage collection, noting that the trend throughout North America is strongly towards automated collection. The primary reason is protection of workers and a reduction in injuries attributed to manual collection. A disproportionate rate of workplace injuries in the City's Sanitation Division is due to waste collection, as compared to other work place environments in the City. The Committee on motion of Deputy Mayor Ellsworth recommends Council's approval of the following staff recommendation:

That all new garbage collection trucks be outfitted with the necessary hydraulics to facilitate the future installation of automated collection articulating arms.

5. Robin Hood Bay Landfill Wildlife Management Plan Exemptions

The Committee considered a memo dated May 5th, 2009 from the Director of Public Works & Parks regarding the Robin Hood Bay Landfill Wildlife Management Plan and exemptions to the Noise By-Law and Firearms By-Law. These exemptions are necessary to allow for the implementation of an effective Wildlife Management Plan (WMP) at the Landfill. The WMP was previously approved by Council as part of the overall Robin Hood Bay Landfill upgrading strategy. The Committee on motion of Deputy Mayor Ellsworth; seconded by Councillor Hickman recommends that Council approve the following staff recommendation:

That Council approve exemptions to the following By-Laws as they relate to the implementation of the Robin Hood Bay Landfill Wildlife Management Plan:

- **The Noise By-Law (# 1405)**
- **The Firearms By-Law (# 1422)**

**Councillor Wally Collins
Chairperson**

SJMC2009-05-19/294R

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

The motion being put was unanimously carried.

Heritage Advisory Committee Report dated May 13th, 2009

Council considered the following Heritage Advisory Committee Report dated May 13th, 2009:

Attendees: Councillor Shannie Duff, Chairperson
Gerard Hayes
Anne Hart, Resident Representative
Debbie O'Rielly, Heritage Foundation of NL
Ken O'Brien, Manager of Planning & Information
Peter Mercer, Heritage Officer
Helen Miller, Archivist
Margaret Donovan, Tourism Industry Coordinator
Karen Chafe, Recording Secretary

1. **Decommissioning of H.M. Penitentiary – 85 Forest Road**

The Committee considered the attached Statement of Significance provided by the Heritage Foundation of Newfoundland and Labrador with respect to the H.M. Penitentiary, 85 Forest Road. With the eventual relocation of the penitentiary to another site, the Committee questions the future status of 85 Forest Road, particularly the center block portion which was constructed between 1852-1859. The Provincial Government will eventually decommission this building, and it is the Committee's understanding that an environmental study is currently being conducted by AMEC.

The Committee recommends that Council write a letter to the Minister of Justice, cc'd to the Ministers of Tourism, Culture & Recreation and Transportation & Works, to determine the possibility for adaptive reuse of 85 Forest Road, particularly considering the structure's historic significance. The Committee has conducted some preliminary research on other decommissioned penitentiaries around the world such as Alcatraz in San Francisco and Inverary in Scotland. These particular sites are world renown for commemorating their histories through "dark tourism" and have proven to be significant tourist attractions. The Committee questioned whether or not a similar use could be applied to 85 Forest Road, particularly considering the rich history of this building which dates back to over 150 years.

2. **King George V Condominiums**

The Committee considered a request from Mr. Guido Del Rizzo, Del Contracting Limited to request the City's permission to install a front awning to cover the air conditioning unit servicing Unit 202. A copy of the rendering is attached.

The Committee recommends approval of the installation of the air conditioning unit which is to be covered by an awning, with the stipulation that the awning cover be as unobtrusive as possible, and that the colors blend with the brick façade of the building. The King George V crest which is to be centered on the awning should also be unobtrusive in color.

3. **30 Queen's Road (Demolition of Garage)**

The Committee considered a request for the demolition of a detached garage situated at the rear of civic # 30 Queen's Road which is a heritage designated building.

The Committee recommends that the demolition of the garage be approved as it is not an original feature of the heritage designated building; it is in poor condition; and is not a character defining

element included with the building's statement of significance on file with the Heritage Foundation of Newfoundland and Labrador.

4. **13 George St. – O'Reilly's Pub (Exterior Renovations)**

The Committee considered the proposed exterior renovations to 13 George St., O'Reilly's Pub.

The Committee recommends deferral of the application pending further information to compare the proposed façade with the existing and past facades of the building which was once known as O'Keefe's Grocery. The original architecture was art deco in style, and the proposed renovations would be a complete departure from the original style. The Committee also felt that a review was merited of the George Street Study prepared by the PHB Group which contained a series of recommendations related to building facades in the George St. area.

5. **319 Water St. – Application to Replace Windows**

The Committee considered an application from the property owner of 319 Water St. to replace the windows to conform with the adjoining windows located at civic # 317 Water St.

The Committee, acknowledging Council's recent decision to approve the same style windows for civic # 317, recommends approval of the application submitted, as it is in the interest of complementing the architectural symmetry of these adjoining building.

6. **Application for Certificate of Recognition – Central Fire Station**

The Committee received a nomination from Mr. Glenn Barnes, Architect, for a certificate of recognition to the Central Fire Station. A copy of the nomination and background documentation is on file with the City Clerk's Department.

The Committee recommends that this nomination be referred for consideration with the other nominations to be awarded later in the year, and that the Heritage Officer acknowledge and respond to Mr. Barnes in this regard.

7. **The Narrows Condominiums**

The Heritage Officer tabled revised elevations to The Narrows Condominiums located on 45-47 Duckworth St., wherein the developer has requested that the brick façade be minimized such that it does not extend beyond the chimney line and that it be replaced with hardiplank siding. The developer has also requested that portions of the front façade, originally proposed to be covered in EIFS, now be clad with hardi-panel.

The Committee recommends that the original proposal with regard to the brick façade extending beyond the chimney line and the portion of

mansard roof at the rear of the building, which is symmetrical with the mansard on the front, should be reaffirmed, with it being noted that these façades are quite visible on Duckworth Street and from a distance.

With regard to the replacement of the EIFS siding with hardi-panel as outlined in the application submitted, the Committee expresses no objection to this request.

8. Greensleeves – Exterior Renovations

The Committee considered the attached elevations for the exterior renovations to Greensleeves.

The Committee recommends approval of the proposal as presented with a slight change in detail for the window sill.

9. Re-establishment of Heritage Sign By-Law Committee

The Committee acknowledges the increasing new sign technology that is becoming more prevalent in the City, and feels that there is a need to revisit signage regulations to address this new technology.

The Committee recommends that the Heritage Sign By-Law Committee be re-established to review the new sign technologies to ascertain how these technologies can be addressed under the Heritage Sign By-Law and whether or not new guidelines need to be developed to address the need.

**Councillor Shannie Duff
Chairperson**

SJMC2009-05-19/295R

**It was moved by Councillor Duff; seconded by Deputy Mayor Ellsworth:
That the Committee's recommendations be approved.**

Regarding Item #1, Councillor Coombs indicated that costing should be determined before taking a direction that may be too prohibitive for the City as a municipality. However, Councillor Duff noted that the committee's only recommendation is to write a letter to the Minister of Justice for information on the status of the building, particularly the center block portion, given the eventual relocation of the penitentiary.

Councillor Hann questioned the status of the City's lobby efforts for a penitentiary. His Worship the Mayor noted that matter should be looked into.

Following discussion, the motion being put was unanimously carried.

Tree Committee Report dated May 7th, 2009

Council considered the following Tree Committee Report dated May 7th, 2009:

Attendees: Jim Floyd, Chairperson & Representative of NL Association of Landscape Architects
Councillor Shannie Duff, Council Representative
Rod Hillyard, Department of Natural Resources
Mike Murray, Landscape Newfoundland and Labrador
Paul O'Leary, Newfoundland Power
Eric Salter, Resident Representative
Laura Jackson, Resident Representative
Paul Mackey, Director of Public Works & Parks
Paul Boundridge, Planning Coordinator
Brian Head, Operations Assistant – Parks
Karen Chafe, Recording Secretary

Proposed Hosting of the Canadian Urban Forest Conference (CUFC)

The Committee considered the Council Directive from the Regular Meeting of March 30th, 2009 referred to the Director of Public Works & Parks, advising that Council has agreed to defer a decision on the above noted matter in order to ask Tree Canada for an extension to the conference bid deadline in order to allow staff the opportunity to gather more information on the possible financial risk to the City and to investigate partnership/sponsorship possibilities with the Province.

Staff advised that Tree Canada had proposed to the City that the 2010 conference be held in St. John's. The conference is bi-annual and the next one after 2010 would be 2012 which is already confirmed to be held in Ottawa. The Committee agreed that the City should pursue the 2014 conference.

The Committee recommends that Council prepare a bid to host the 2014 Canadian Urban Forest Conference (CUFC), and that a local steering committee be established in this regard to develop appropriate themes.

The Committee further recommends that in order to facilitate preliminary work on the conference programming, that a City delegation be sent to the 2010 and 2012 conferences to promote the 2014 event.

Jim Floyd
Chairperson

SJMC2009-05-19/296R

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

SJMC2009-05-19/297R

It was then moved by Deputy Mayor Ellsworth; seconded by Councillor Coombs: That the Committee’s recommendation be deferred pending information on the financial cost to the City to host the conference.

Councillors Duff and Puddister objected to the motion to defer, were confident that the registration costs can be recovered, that the business plan can be carried out by existing resources, travel can be funded under travel budgets, and that the conference would mean great exposure for the City.

Following discussion, the motion to defer being put was carried with Councillors Puddister and Duff dissenting.

Development Permits List

Council considered as information the following Development Permit List for the period May 8 to 14, 2009:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF May 8, 2009 TO May 14, 2009**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM	Eldon Bessey	Self Storage Facility	581 Thorburn Road	4	Approved	09-05-08
RES	Tina Tulk	Building Lot	2 Forde Drive	4	Approved	09-05-13
AG	Donald Sinnott & Tina Robson	Proposed Construction of Residential Dwelling	Tobin's Road	5	Rejected by Dept of Nat.Resources	09-05-08
COM	Crystal Clear Images Inc.	Home Office – Photography Business	27 Green Acre Drive	5	Approved	09-05-14
AG	Shelia Ivimey	Farm Related Residence	Back Line	5	Rejected by Department of Nat. Resources	09-05-08

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

**Gerard Doran
Development Officer
Department of Planning**

Building Permits List

SJMC2009-05-19/298R

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

2009/05/13
Permits List

CLASS: COMMERCIAL

PATSY PEYTON	316-320 FRESHWATER RD	CO RETAIL STORE
PORTOBELLO'S	115 DUCKWORTH ST	SN RESTAURANT
PRODUCT X	316-320 FRESHWATER RD, PROD X	SN RETAIL STORE
DORSET INVESTMENTS LIMITED	315 KENMOUNT RD	SN RETAIL STORE
FURNITURE MARKET	315 KENMOUNT RD FURNITURE MARK	SN RETAIL STORE
JUNE BLACKMORE	123-125 LONG'S HILL	SN SERVICE SHOP
ISLAND CONSTRUCTION & ENVIRON	76 KENMOUNT RD, TEMP TRAILER	NC ACCESSORY BUILDING
JULMAR HOLDINGS LTD	362 DUCKWORTH ST. THE SPROUT	RN RESTAURANT
GALLERY SHOES	39 ROWAN ST	CR RETAIL STORE
EVERGREEN ENVIRONMENTAL CORP	92 ELIZABETH AVE	RN LIGHT INDUSTRIAL USE
HOLDEN VENTURES INC.	255 BROOKFIELD RD	NC ACCESSORY BUILDING
MURRAY HOLDINGS	50 MUNDY POND RD	RN MIXED USE
F.J. WADDEN & SONS LTD.	30 O'LEARY AVE	NC COMMERCIAL GARAGE

THIS WEEK \$ 368,891.00

CLASS: INDUSTRIAL

THIS WEEK \$.00

CLASS: GOVERNMENT/INSTITUTIONAL

MEMORIAL UNIVERSITY OF NFLD.	194 ELIZABETH AVE, FIELD HOUSE	RN SCHOOL
AGNES PRATT HOME INC	TOPSAIL RD	RN HOME FOR AGED

THIS WEEK \$ 20,000.00

CLASS: RESIDENTIAL

LEONARD & ELIZABETH HOLWELL	2 AMHERST HTS	NC PATIO DECK
LARRY ABBOTT	207 BAY BULLS RD	NC ACCESSORY BUILDING
ENCON CONSTRUCTION	81 BRAD GUSHUE CRES, LOT 5-149	NC SINGLE DETACHED DWELLING
JEFFREY CAREW	91 BRAD GUSHUE CRES, LOT 154	NC SINGLE DETACHED DWELLING
ATLANTIC HOMES LTD	22 CARIBOU PL, LOT 11	NC SINGLE DETACHED DWELLING
D.C. CONTRACTING LTD.	39 CASTLE BRIDGE DR, LOT 121	NC SINGLE DETACHED DWELLING
TERRY & CAROLYN HUMBER	69 CHERRINGTON ST	NC PATIO DECK
DARREN & PEGGY HALLERAN	72 CHEYNE DR	NC SINGLE DETACHED DWELLING
JOSH LEDREW	66 COWAN AVE	NC ACCESSORY BUILDING
JOHN TILLEY	136 CRAIGMILLAR AVE	NC ACCESSORY BUILDING
KEVIN & KAREN O'LEARY	8 DERBY PL	NC ACCESSORY BUILDING
DERRICK LEARNING	45 DOWNING ST	NC FENCE
WILLIAM & SHEILA HAPGOOD	21 DUNLEA ST	NC FENCE
CABOT HABITAT FOR HUMANITY	EASTAFF STREET	NC SINGLE DETACHED DWELLING

TED & MAUREEN ROWE	12 EXETER AVE	NC SINGLE DETACHED DWELLING
FRANCIS MCGRATH & CHRISSEY	FOURTH POND RD	NC SINGLE DETACHED DWELLING
SHAWN RUSSELL ARNOLD & SHANNON STAGG	49 GAIRLOCK ST	NC FENCE
EUGENE & PAULA GREELEY	42 GIL EANNES DR	NC FENCE
RAY KIELLY	104 GILLIES RD	NC ACCESSORY BUILDING
MICHAEL COX	22 GOLD MEDAL DR, LOT 5-180	NC SINGLE DETACHED DWELLING
WILLIAM & BARBARA CONNORS	52 GOLD MEDAL DR, LOT 195	NC SINGLE DETACHED DWELLING
ELIZABETH FURLONG	67 GREAT EASTERN AVE, LOT 260	NC SINGLE DETACHED DWELLING
ELIZABETH FURLONG	177 GREEN ACRE DR	NC FENCE
CRAIG CLARKE	177 GREEN ACRE DR	NC ACCESSORY BUILDING
DARRELL LEWIS	90 HALL'S RD	NC FENCE
PAUL & MARY TOWNS	34 HOPEDALE CRES	NC ACCESSORY BUILDING
GIBRALTAR DEVELOPMENT	58 HOPEDALE CRES	NC PATIO DECK
DARRELL BOONE & CAROL DALEY	77 JULIEANN PL. LOT 130	NC SINGLE DETACHED DWELLING
DARRELL BOONE & CAROL DALEY	13 KENSINGTON DR	NC SWIMMING POOL
ANGELA STRICKLAND	13 KENSINGTON DR	NC FENCE
CRYSTAL & SEAN KNIGHT	16 LADY ANDERSON ST, LOT 290	NC SINGLE DETACHED DWELLING
NFLD & LAB HOUSING CORPORATION	20 LADY ANDERSON ST, LOT 288	NC SINGLE DETACHED DWELLING
NFLD & LAB HOUSING CORPORATION	24 LINEGAR AVE, UNIT A	NC SINGLE DETACHED DWELLING
GREG BURT & TANYA WHITE	24 LINEGAR AVE -UNIT B	NC SINGLE DETACHED DWELLING
GREG BURT & TANYA WHITE	17 LUCYROSE LANE	NC FENCE
KEVIN BILES & MARIE CAREW	17 LUCYROSE LANE	NC PATIO DECK
KATHERINE DENISE PEDDLE	48 MACBETH DR	NC ACCESSORY BUILDING
MARK BUTLER	29 MACLAREN PL	NC FENCE
DWAYNE & NICOLE GEORGE	10 MELROSE PL	NC PATIO DECK
DAVID O'DEA	20 MIKE ADAM PL, LOT 5-247	NC SINGLE DETACHED & SUB.APT
TIMOTHY FARRELL	26 MYRICK PL	NC ACCESSORY BUILDING
RAYMOND & PAULA HENNESSEY	62 NEWFOUNDLAND DR	NC ACCESSORY BUILDING
GLENN & SUSANNE MERCER	224 OLD BAY BULLS RD	NC FENCE
MATTHEW KENDALL	37 PEARCE AVE	NC SINGLE DETACHED DWELLING
CLOVER CONSTRUCTION INC.	22 PETITE FORTE DR. LOT 310	NC SINGLE DETACHED DWELLING
KEITH CHUBBS & DELIA KIELEY	21 PETITE FORTE DR, LOT 296	NC SINGLE DETACHED & SUB.APT
BERNADETTE M. BUCKLEY	219-221 PETTY HARBOUR RD	NC ACCESSORY BUILDING
CHRISTOPHER REID	16 RALEIGH ST	NC FENCE
NEW VICTORIAN HOMES	42 SEABORN ST	NC FENCE
NADINE IVANY	49 SGT. CRAIG GILLAM AVE LOT21	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION & REARDON CONSTRUCTION & ANTHONY & REGINA COSTELLO	600 SOUTHSIDE RD	NC FENCE
GERALD & PATRICIA HUMBY	7 SPRUCEDALE DR, LOT 161	NC SINGLE DETACHED DWELLING
GERALD & PATRICIA HUMBY	13 SPRUCEDALE DR, LOT 164	NC SINGLE DETACHED DWELLING
ALLAN KWABIAH	41 BEACON HILL CRES	CO HOME OFFICE
TOM HOWLETT	4 KEATS PL	CO SUBSIDIARY APARTMENT
LARRY BREEN	4 KEATS PL	CO SUBSIDIARY APARTMENT
DARRELL BOONE & CAROL DALEY	297 ELIZABETH AVE	CR SUBSIDIARY APARTMENT
THOMAS & RHONDA WILLIAMS	838 MAIN RD	CR SUBSIDIARY APARTMENT
AMBROSE & MARY BENNETT	413 NEWFOUNDLAND DR	CR SUBSIDIARY APARTMENT
ROBERT TAYLOR	13 KENSINGTON DR	EX SINGLE DETACHED DWELLING
GLENN JANES	56 ROCHE ST	EX SINGLE DETACHED DWELLING
EVER GREEN ENVIRONMENTAL CORP.	14 TANNER ST	EX SINGLE DETACHED DWELLING
ERCO HOMES	48 TUNIS CRT	EX ACCESSORY BUILDING
KARA INVESTMENTS LTD.	56 BERTEAU AVE	RN SINGLE DETACHED DWELLING
PRO TECH CONSTRUCTION	79 BLACKMARSH RD	RN LIGHT INDUSTRIAL USE
JEFFREY REARDON, GARY REARDON, JANET MASON	20 GOLF COURSE RD	RN SINGLE DETACHED DWELLING
GEORGE STOCKLEY	13 KING EDWARD PL - LOT 8	RN SINGLE DETACHED DWELLING
DARRELL BOONE & CAROL DALEY	70 MACBETH DR	RN SINGLE DETACHED DWELLING
TERRA NOVA PROP. & MGMT. INC.	31 SHAW ST	RN SINGLE DETACHED DWELLING
	40 POWER'S CRT	RN SINGLE DETACHED DWELLING
	12 CORNWALL CRES	SW SINGLE DETACHED DWELLING
	13 KENSINGTON DR	SW SINGLE DETACHED DWELLING
	191 UNIVERSITY AVE	SW SINGLE DETACHED DWELLING

THIS WEEK \$ 5,050,735.00

CLASS: DEMOLITION

DON HEARN	52-54 PETTY HARBOUR RD	DM SINGLE DETACHED DWELLING
MZ DUFFY PLACE INC.NTS INC.	13-15 DUFFY PL	DM OFFICE
		THIS WEEK \$ 4,900.00
		THIS WEEK'S TOTAL: \$ 5,444,526.00

REPAIR PERMITS ISSUED: 2009/05/07 TO 2009/05/13 \$ 113,580.00

LEGEND

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

Payrolls and Accounts

SJMC2009-05-19/299R

It was decided on motion of Councillor Collins; seconded by Councillor Hann: That the following Payrolls and Accounts for the week ending May 14, 2009 be approved:

**Weekly Payment Vouchers
For The
Week Ending May 14, 2009**

PAYROLL

Public Works	\$ 301,072.82
Bi-Weekly Amalgamation	\$ 470,076.09
Bi-Weekly Management	\$ 576,638.52
Bi-Weekly Administration	\$ 578,557.53

ACCOUNTS PAYABLE

Cheque No. 146898 - 147209	\$3,297,255.31
Total:	\$5,223,600.27

Tenders

1. Tender – 2009 Infrastructure Maintenance – Contract 2
Manholes and Catch Basins East End
2. Tender – Robin Hood Bay Landfill Re-Engineering
Contract 7 – Leachate Collection and Disposal
3. Tender – Road Gravel
4. Tender - Washed Stone
5. Tender – Ball Field Sand and Gravel
6. Tender – Supply and Installation of Outdoor Fitness Equipment

SJMC2009-05-19/300R

It was decided on motion of Councillor Collins; seconded by Councillor Hann: That the recommendations of the Associate Commissioner and Director of Engineering and the Director of Finance and City Treasurer be approved and the tenders awarded as follows:

1. **Modern Paving Ltd. in the amount of \$265,000.00**
2. **Modern Paving Ltd. in the amount of \$6,369,697.00**
3. **Municipal Construction @ \$97,700.00 and Cabot Ready Mix (this vendor is used s a back-up) @ \$106,250.00, as per the Public Tendering Act (taxes not included)**
4. **Municipal Construction @ \$27,825.00, as per the Public Tendering Act (taxes not included)**
5. **Butler’s Sand and Stone @ \$49,500.00, as per Public Tendering Act (taxes not included)**
6. **Green Gym Inc. @ \$27,499.00 (Minus \$2200.00 Rebate) as per the Public Tendering Act (taxes not included)**

Notices of Motion

Councillor Duff gave the following Notice of Motion:

TAKE NOTICE that I will at the next regular meeting of the St. John's Municipal Council move to enact the St. John's Smoke-Free Playgrounds and Outdoor Recreational Facilities By-Law which will have the effect of prohibiting smoking in City owned, operated or occupied playgrounds or outdoor recreational facilities.

Doolings Line – George Mogridge

Council considered a memorandum dated May 14, 2009 from the Chief Commissioner and City Solicitor regarding the above meeting

SJMC2009-05-19/301R

It was moved by Deputy Mayor Ellsworth; seconded by Councillor Coombs: That the recommendation of the Chief Commissioner and City Solicitor that the Estate of George Mogridge at Doolings Line be compensated in the amount of \$104.00 plus legal fees for an easement expropriated by the City, be approved.

The motion being put was unanimously carried.

567 Topsail Road

Council considered a memorandum dated May 14th, 2009 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2009-05-19/302R

It was moved by Deputy Mayor Ellsworth; seconded by Councillor Coombs: That the recommendation of the Chief Commissioner and City Solicitor that an easement required by the City for a sanitary sewer line, over land at 567 Topsail Road, be acquired for \$300.00, be approved.

The motion being put was unanimously carried.

**Proposed Cost-Sharing Arrangement
Gravity Sanitary Sewer Main, Kelsey Drive**

Council considered a memorandum dated May 19, 2009 from the Development Engineer advising that because of the existing topography of the area, the next stage of the Kenmount Terrace development cannot be serviced by a gravity sanitary sewer system to Kenmount Road. In order to provide the next stage of development with sanitary sewer service, the developer of the subdivision will have to install a temporary sewage lift station and a temporary force main to pump sewage back to the sanitary sewer system in Kenmount Road.

SJMC2009-05-19/303R

It was moved by Councillor Hanlon; seconded by Councillor Puddister: That the City cost-share the construction of the gravity sanitary sewer main from Kelsey Drive to a maximum amount of \$51,175.00, plus HST.

The motion being put was unanimously carried.

Letter dated May 4th, 2009 from Peter Dawe, Executive Director, Canadian Cancer Society congratulating the City on the Implementation of smoke free policies for the City

Council acknowledged the above noted letter.

St. John's Cruise Ship Season Begins

His Worship the Mayor provided information on the kick off of the cruise season for the City of St. John's.

OTC 2009 – Houston, May 3 to 7, 2009 - Itinerary

Council considered as information the Offshore Technology Conference itinerary, which was attended by His Worship the Mayor, Councillor Galgay and staff.

His Worship the Mayor indicated that during the conference he attended a luncheon when the Canadian Consul General referenced the oil developments across Canada started in British Columbia and ended with offshore Nova Scotia. Members of Council expressed frustration about the omission about the offshore oil and gas industry in Newfoundland and Labrador.

Councillor Coombs asked that the Mayor on behalf of Council write the organization asking that they rectify the misconception by informing the attendees of the conference of the Province's significant oil production industry. Councillor Hann suggested that the City forward a copy of the City's comprehensive marketing package. His Worship the Mayor advised that a letter is already being prepared by the Director of Economic Development, Tourism and Culture.

Councillor Duff noted that worth considering, in cooperation with the Province through External Affairs, would be the organization of a familiarization tour for some of the key foreign business officers who are serving in foreign embassies on behalf of Canada.

Councillor Hanlon

Councillor Hanlon congratulated and thanked Executive Director of Clean and Beautiful, Karen Hickman for her work with the Take Pride Take Action program. Councillor Hanlon appealed to the business community to come onboard and clean up their properties.

Councillor Hanlon asked for an explanation on the differences in the tender unit prices for the 2009 Infrastructure Maintenance – Contract 2, Manholes and Catch Basins East End, which matter was referred to the Association Commissioner/Director of Engineering for follow-up.

Councillor Puddister

Councillor Puddister noted he received a number of calls about the condition of streets which is basically the sand left over from the winter snow clearing and asked for an update from the Director of Public Works and Parks on the street cleaning program.

Councillor Hickman

Councillor Hickman noted that due to limited street cleaning equipment, residents and businesses owners should take the initiative and clean areas in front of their properties.

Councillor Hickman asked the status of regulations proposed by the Tree Committee in relation to the tree requirement for new development. Councillor Duff advised that the matter was raised at the last committee meeting and will be brought forward at the next meeting.

Deputy Mayor Ellsworth

Deputy Mayor Ellsworth encouraged residents to attend the public meeting being held tomorrow night, May 20th, 2009 in the E.B. Foran/Green Room, on the Para Transit Review Study.

Councillor Coombs

Councillor Coombs noted he received calls concerning the situation with regard to the Torbay soccer field. He asked the status of minor soccer this year knowing that the Torbay soccer field may not be available nor King George V. He enquired as to the number of fields available in relation to last year and if there is anything the City can do to assist St. John's Minor Soccer in ensuring they have adequate fields for their tournaments.

The Director of Recreation advised that the City does have a contingency plan in place, noting that there are enough fields for the City's programs which operate during week days. She indicated that the concern is for the all star program which for the past number of years has been operating under a regional approach, with King George facility hosting. She indicated there are a number of new and great facilities around the region and all the surrounding communities have agreed to cooperate and will be doing more hosting. She noted that staff are confident the City has an adequate plan in place, certainly not as ideal without King George V but manageable with some inconvenience, certainly for spectator capacity. The Director of Recreation advised that it is her understanding in speaking with a provincial official today that the Torbay soccer field situation will be rectified in the near future.

Adjournment

There being no further business, the meeting adjourned at 6:10 p.m.

MAYOR

CITY CLERK