

May 3rd, 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.

Acting Mayor Duff presided.

There were present also: Councillors O'Leary, Hickman, Hann, Breen, Galgay; Tilley, and Collins

Regrets: His Worship the Mayor, Councillors Colbert and Hanlon

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

SJMC2010-05-03/238R

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

- a. Memorandum dated May 3rd, 2010 from the Director of Engineering Re: Harbour Drive/Water Street, Traffic Diversions
- b. Memorandum dated May 3rd, 2010 from the Transportation Engineer Re: Road Closure Request – East White Hills Road, May 6th, 7th, 8th, or 9th, 2010

Adoption of Minutes

SJMC2010-05-03/239R

**It was decided on motion of Councillor Collins; seconded by Councillor Galgay:
That the minutes of the April 26th, 2010 meeting be adopted as presented.**

The motion being put was unanimously carried.

Business Arising

**Proposed Rezoning of Land – Waterford Bridge Road (Ward 3)
Applicant: Corpus Christi Parish**

Under business arising, Council considered a memorandum dated April 29, 2010 from the Director of Planning regarding the above noted.

SJMC2010-05-03/240R

It was moved by Councillor Tilley; seconded by Councillor Hann: That the following Resolution for St. John's Municipal Plan Amendment Number 77, 2009 and St. John's Development Regulations Amendment Number 472, 2009 be adopted; which will 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 77, 2009
and
ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 472, 2009**

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 77, 2009 and St. John's Development Regulation Amendment Number 472, 2009 on the 5th day of April, 2010.
- b) gave notice of the adoption of St. John's Municipal Plan Amendment Number 77, 2009 and St. John's Development Regulations Amendment Number 472, 2009 by advertisements inserted in the Telegram newspaper on the 10th day and 14th day of April 2010.
- c) set the 28th day of April, 2010 at 7:00 pm at St. John's City Hall for the holding of 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 77, 2009 and St. John's Development Regulations Amendment Number 472, 2009 as adopted.

SIGNED AND SEALED this 3rd day of May, 2010.

Mayor

City Clerk

The motion being put was unanimously carried.

**Proposed Text Amendment – St. John’s Development Regulations
Building Height in the Industrial General (IG) Zone**

Under business arising, Council considered a memorandum dated April 27, 2010 from the Director of Planning regarding the above noted.

SJMC2010-05-03/241R

It was moved by Councillor Breen; seconded by Councillor O’Leary: That the recommendation of the Director of Planning that Council defer a decision for the present time on the proposed text amendment to the St. John’s Development Regulations to increase the maximum allowable building height for properties zoned as Industrial General (IG) which are located outside the St. John’s Harbourfront area, be approved, as the Department of Planning intends to have further discussions with the City’s Legal Department on the format/wording of the proposed amendment.

The motion being put was unanimously carried.

Proposed Sale of City Owned Land, Logy Bay Road

Under business arising, Council considered a memorandum dated April 29, 2010 from the Director of Planning advising that the public meeting scheduled for Tuesday, May 4th, 2010 has been cancelled due to the fact that Mr. Ron Fougere has withdrawn his request to purchase the City-owned land adjacent to Civic Number 172 Logy Bay Road.

Other Matters

As a follow up to her investigation on the Council Pension Plan, Councillor O’Leary advised that discussions were held by Council with the Director of Finance and City Treasurer and indicated she is satisfied with his explanation that it would be more cost efficient to the taxpayers to maintain status quo as opposed to paying into a registered pension plan.

Notices Published

1. **A Discretionary Use Application** has been submitted by Jeffery Heale requesting permission to operate a Lounge at Civic No. 275 Duckworth Street. The proposed business, "Clique" will occupy a floor area of 140 m² in the sub-basement area of the "CompuCollege School of Business" building. **(Ward 2)**

**One (1) submission of support
Two (2) submissions of objection/concern**

SJMC2010-05-03/242R

It was moved by Councillor Galgay; seconded by Councillor Hickman: That the application be rejected.

Discussion ensued during which Councillor Galgay referenced the two submissions of objection, and along with other members of Council noted the number of complaints often received concerning problems with lounges in the area. Councillor Hann asked if the proponent is aware of the submissions of objection received. The Director of Planning advised that to his knowledge the applicant has not enquired, and it is not normal practice for staff to contact the applicant prior to Council's decision, however, if the applicant does enquire the submissions are made available.

Following discussion, the motion to reject being put was carried with Councillor Hann dissenting.

2. **A Discretionary Use Application** has been submitted by Millie Bennett requesting permission to convert **Civic No. 6 Battery Road** into two (2) residential dwelling units by developing the property as Infill Housing. The applicant has submitted a site plan proposing to add one (1) additional parking space by widening the driveway. **(Ward 2)**

SJMC2010-05-03/243R

It was moved by Councillor Galgay; seconded by Councillor Breen: That the application be approved.

The motion being put was unanimously carried.

Public Hearings

Public Hearing Report dated April 21, 2010 Re: Application to Rezone Property to the Commercial Neighbourhood (CN) Zone, Civic Number 33-37 Elizabeth Avenue - Applicant: Pipers Super Stores

Councillor Galgay presented a public hearing report concerning an application by Pipers Super Stores to rezone property to the Commercial Neighbourhood (CN) Zone, Civic Number 33-37 Elizabeth Avenue to permit the redevelopment of the site for a new Pipers retail store. In this regard, Council considered a memorandum dated April 28, 2010 from the Director of Planning as well as written public submissions received by the City Clerk's office. A copy of the building elevation for the proposed new store which was presented by Pipers at the public meeting was also provided for Council's information.

A traffic impact study was prepared by Atlantic Road & Traffic Management under the terms of reference that were prepared by the Department of Planning. The results of the traffic impact study determined that the vehicle trips generated by a new Pipers store at the intersection of Elizabeth Avenue and New Cove Road will not have any noticeable impacts on the level of performance at the signalized intersections of Elizabeth Avenue/New Cove Road; Elizabeth Avenue/Portugal Cove Road; and Elizabeth Avenue/Torbay Road and that these three intersections will continue to operate at a satisfactory Level of Service "B" or "C". As well the Transportation Engineer advised that the recent upgrading of Elizabeth Avenue between New Cove Road and Torbay Road and conditions assigned by the City for access to the Pipers' site will adequately deal with traffic issues.

SJMC2010-05-03/244R

It was moved by Councillor Galgay; seconded by Councillor Tilley: That the property at Civic Number 33-37 Elizabeth Avenue be rezoned from the Commercial Industrial (CI) Zone to the Commercial Neighbourhood (CN) Zone in order to accommodate the proposed new Pipers retail store.

Discussion ensued during which members of Council were satisfied that the issues raised at the public meeting with respect to traffic to be generated by the proposed new Pipers store and access into and from the site will be adequately addressed. Councillor Hann advised that he was asked by Councillor Hanlon to note her support of the project indicating she intends to work with the proponent and felt assured the traffic problems will be resolved. Council also found the proposed building elevation for the new Pipers store to be acceptable. Councillor Duff indicated she received a concern with respect to the bright colour of the building and asked if consideration would be given to a less intrusive colour. It was noted that the proponent is open to a compromise on the colour.

Following discussion, the motion being put was unanimously carried.

SJMC2010-05-03/245R

It was then moved by Councillor Galgay; seconded by Councillor Tilley: That the following Resolution for St. John's Development Regulations Amendment Number 481, 2010 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:

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 481, 2010**

WHEREAS the City of St. John's wishes to rezone property situated at Civic number 33 – 37 Elizabeth Avenue in order to allow the redevelopment of the property for a retail store.

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 33 – 37 Elizabeth Avenue from the Commercial Industrial (CI) Zone to the Commercial Neighbourhood (CN) 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 _____ day of _____, 2010.

Mayor

**Director of Corporate Services/
City Clerk**

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

MCIP

The motion being put was unanimously carried.

Development Committee Report dated April 27th, 2010

Council considered the following Development Committee Report dated April 27th, 2010:

RECOMMENDATION OF APPROVAL:

**1. Crown Land Lease Referral
Jim and Gail Hansford
Dixie Line – Off Cochrane Pond Road (Ward 5)**

The Development Committee recommends that the above noted request for a Crown Land Lease be approved, subject to the following conditions:

- a. submission of a formal development application by the applicants to the City for review and approval prior to the commencement of any development on the site; and
- b. the applicants completing an Environmental Analysis Report (EAR) in accordance with Section 5.7 of the Development Regulations. The EAR would have to be advertised for public review before it could be considered for approval by Council and before final approval could be granted to a development application.

**Ronald Penney, Chairperson
City Manager**

SJMC2010-05-03/246R

It was moved by Councillor Hann; seconded by Councillor Collins: That the Committee's recommendation of approval be accepted subject to the conditions outlined.

The motion being put was unanimously carried.

Parks and Recreation Committee Report dated April 22nd, 2010

Council considered the following Parks and Recreation Committee Report dated April 22nd, 2010:

In Attendance:

- Councillor Wally Collins, Chairperson
- Deputy Mayor Shannie Duff
- Councillor Frank Galgay
- Councillor Danny Breen
- Councillor Bruce Tilley
- Councillor Sheilagh O'Leary
- Ron Penney, Chief Commissioner & City Solicitor
- Paul Mackey, Director of Public Works and Parks
- Jill Brewer, Director of Recreation
- Bob Bishop, Director of Finance
- Dave Blackmore, Director of Building & Property Management

Jim Clarke, Manager of Streets & Parks
Heather Hickman, Manager – Community Development
Tanya Haywood, Manager – Facilities Division
Natalie Godden, Manager – Family & Leisure Services
Carla Lawrence, Manager, Youth Soccer Division
Brian Head, Operations Assistant – Parks
Karen Chafe, Recording Secretary

1. **St. John's Minor Baseball Association**

The Committee met with the following representatives from the St. John's Minor Baseball Association: Glenn Cribb; Jason Spurrell; Frank O'Leary; Brian Morgan and Leanne Vatcher. The purpose of the meeting was to discuss their following goals and objectives which if achieved will help them address the demands of the consistent growth in additional attraction of membership:

- To acquire the use of Bannerman Park ball field as an exclusive use field for the St. John's Minor Baseball Association, (or at least 50% usage availability).
- To develop the concept of a field adjacent to St. Pat's Senior Ball Park for exclusive use of the St. John's Minor Baseball Association.
- To partner with the City of St. John's to develop these fields and cost share with the City of St. John's for needed infrastructure.

The Director of Recreation advised that the Bannerman Park field is one of the City's most popular fields and is at full capacity. In order to accommodate minor baseball, the existing present users would have to be moved elsewhere. The City is attempting to find some hours for the St. John's Minor Baseball Association, however, they cannot accommodate them to the extent of the demand they have requested. Deputy Mayor Shannie Duff, speaking on behalf of the surrounding neighbourhood of Bannerman Park, opposed the idea of installing nets and lighting which she felt would be a huge distraction to the quiet enjoyment of the neighbourhood.

With regard to the idea of constructing an adjacent field to St. Pat's Senior Ball Park, staff indicated that this was an idea which had been previously inspected by the City for that purpose. A very small field can be installed but will not likely suit the required demand. The City has also searched for other optional pieces of land to develop for that purpose, but there are none available. The estimated minimal cost to reconfigure or construct a field which does not have major excavation or grading issues is approximately \$150,000 - \$200,000.

The Committee having considered the above noted requests from the St. John's Minor Baseball Association will:

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. Joe Sampson, Manager of Development
Mr. Ken O'Brien, Manager of Planning & Information
Ms. Lynnann Winsor, Development Engineer
Mr. Robin King, Transportation Engineer
Ms. Kelly Butler, Recording Secretary

Also in attendance was Ms. Alisha Morrissey with The Telegram.

1. Delegation – Compusult Ltd. Re: Civic No. 345 Water Street (former Arcade property) – Ward 2

The Committee met with Compusult representatives Mr. Barry O'Rourke and via conference call Mr. Paul Mitten; Mr. Beaton Sheppard, Sheppard Case Architects Ltd.; and Mr. Ron Hickey, Chimo Construction, to discuss the proposed office building development for Compusult at Civic No. 345 Water Street, site of the former Arcade Store. The Committee also considered the **attached** memorandum dated April 22, 2010, from the Director of Planning.

The Director of Planning advised that the City received an application last year from Compusult Ltd. for construction of an office building at Civic No. 345 Water Street. The proposed office building had a gross floor area of 6935 m² and a height of 21.3 metres. Following an extensive review of the application, Council rejected it on September 8, 2009, primarily over concerns associated with the lack of off-street parking. Compusult Ltd. has since indicated that it is still interested in developing the site. Mr. O'Rourke noted that he has met with City staff to discuss the issue of parking for the proposed office building under the new Downtown parking standard and the company is now seeking the Committee's direction in terms of the building design. Mr. Sheppard presented several renderings of the proposed office building, which is 21.3 meters in height measured from Water Street, with a brick and glass façade. The penthouse is stepped back 8 metres to maintain the scale of Water Street.

During the discussion, City staff noted that Council is presently considering removing all the properties on the south side of Water Street between Steers Cove and Bishops Cove from Heritage Areas 2 and 3 and designating these properties as bonus sites for greater building height and bulk.

(The delegation retired from the meeting.)

The Committee discussed the application at length, with it being noted that while the design presented is satisfactory in terms of street appeal, it would be better if that portion of the building, which would be constructed flush with Water Street did not exceed 15 metres in height in order to maintain the streetscape. It was also noted that the floor to ceiling ratio for

Class A office buildings is greater than regular commercial buildings, therefore, it may be difficult for Compusult to fit four storeys within a height of 15 metres. Deputy Mayor Duff indicated that the issue of parking also remains to be resolved before this project can be formally considered for approval.

The Committee recommends; on motion of Councillor Breen; seconded by Councillor Hanlon, with Councillor Hickman opposed: That staff advise Compusult officials that the Committee generally supports the proposed design, however, it would like Compusult to consider revising the plan so that any portion of the building along Water Street that is proposed to be greater than 15 metres in height be stepped back a minimum of 8 metres from the street line in order to maintain the streetscape and to prevent shadowing for pedestrians.

(Councillor Tilley retired from the meeting at 1:35 p.m. and Deputy Mayor Duff assumed the Chair.)

2. Delegation – Mr. Rod Evans re: Rezoning and Subdivision of Property – Civic No. 207 Old Pennywell Road – Ward 4

The Committee met with Mr. Rod Evans to discuss his application to rezone and subdivide his property. The Committee also considered the **attached** memorandum dated April 22, 2010, from the Director of Planning and the Manager of Planning and Information.

The Director of Planning advised that municipal water and sewer was installed by the City in the vicinity of this property in 2006 to address the issue of possible contamination of wells and septic systems in the area. No storm sewer was installed, and the zoning designation of Rural Residential Infill (RRI) remained unchanged.

Mr. Evans noted that since he initially submitted his application, he was given four reasons why the application should be rejected – (a) the initial intention of installing the services was to alleviate an environmental risk; (b) the new water and sewer mains are not adequate for low density residential developments; (c) a storm sewer is required in low density residential zones; and (d) the road is not wide enough and requires sidewalks to accommodate the rezoning requests. He also put forward the following reasons why he felt his application should be approved:

- a. his family was specifically told by a City Councillor and a Federal Minister, prior to the installation of services, that the work would enable the further development of his family's property.
- b. the water and sewer mains have been said to be inadequate for the purpose of low density residential development – does this mean that they are of a different quality than regular mains installed in residential subdivisions. If not, then the information is irrelevant.

- c. a similar situation exists on New Pennywell Road – the last 200 metres of the street does not have a storm sewer installed, yet it is zoned as Residential Low Density (R1).
- d. New Pennywell Road, which lacks water mains and storm sewer and sidewalks, is still zoned as Residential Low Density.

(Following his presentation, Mr. Evans retired from the meeting.)

The Committee discussed the application, with it being noted that the services were installed at the urging of the former Deputy Mayor and the Mayor to address a specific situation on Old Pennywell Road with residents' well and septic systems. In installing the services, it was not Council's intention to allow increased density in the area, which is why the zoning designation was not changed from the RRI Zone which requires a minimum lot area of ½ acre, to the R1 Zone which requires a minimum of 450 m². The application site is not large enough to be subdivided to create an additional residential building lot under the lot area requirements of the RRI Zone.

The Committee recommends, on motion of Councillor Hann; seconded by Councillor Breen, with Councillor Hanlon opposed: That the rezoning application be rejected. It is further recommended that Council adopt a development policy, confirming that no development on urban sized building lots will be allowed in the City until full municipal services can be provided, including upgrading of the road on which properties are located. This policy statement could be included in the Municipal Plan.

3. Delegation – Bill Clarke, Leger Holdings and Richard Cook re: Proposed Residential Development – Murphy's Right-of-Way off Signal Hill Road – Ward 2

The Committee met with Mr. Bill Clarke, Leger Holdings and Mr. Richard Cook. regarding the above noted application. The Committee also considered the **attached** memorandum dated April 25, 2010, from the Director of Planning, and it also reviewed a View Plane Analysis prepared by City staff (a copy of which is available from the Department of Planning).

The Committee recommends, on motion of Councillor Hann; seconded by Councillor Hanlon: That a public meeting, to be chaired by a member of Council, be scheduled on the development application once City staff have completed their technical review of the application and provided there are no technical issues that would preclude the proposed residential development.

4. Teakwood Drive Subdivision – Proposed Rezoning of Two Parcels of Land (Parcel A and Parcel B) – Fairview Investments Ltd. – Ward 5

The Committee considered the **attached** memorandum dated April 21, 2010, from the Director of Planning and the Manager of Planning and Information regarding the above noted matter.

The Committee recommends, on motion of Councillor Collins; seconded by Councillor Hickman: That the proposed rezoning of Parcels A and B be advertised for public review and comment. It is further recommended that the City owned land situated behind Parcel A, which is intended to be the future site of the Southlands Community Centre, also be concurrently advertised for proposed rezoning from its current zoning designation of Institutional (INST) to Open Space (O). Upon completion of the advertising process, the proposed rezonings will be referred to a future Regular Meeting of Council for consideration of approval.

5. Amendments Regarding the Block of Land Between Steers Cove and Bishops Cove – Ward 2

The Committee considered the attached memorandum dated April 23, 2010, from the Director of Planning regarding the above noted matter.

The Committee directed that City staff draft the proposed amendments regarding proposed removal of all the properties in the block of land on the south side of Water Street, between Steers Cove and Bishops Cove, from Heritage Areas 2 and 3 and possible designation of these same properties as bonus sites for greater building height and bulk. These amendments would be referred to the Planning and Housing Committee for review. The issue of the proposed removal of these properties from Heritage Areas 2 and 3 should be referred to the City's Heritage Advisory Committee for review and recommendation to Council.

6. Proposed Extension of Carew Lodge – Stella Burry Community Services – Carew Street – Ward 2

The Manager of Development advised that Stella Burry Community Services has received funding to build 10 additional units at the Carew Lodge on Carew Street. The current zoning of the property requires a sideyard of 1 metre per storey. The proposed extension will require a minimum sideyard of 3 metres. Stella Burry would like to construct the extension to its property boundary and has been working with the Eastern School Board on a possible easement over its property to allow this. However, no agreement was able to be reached in this regard. The Manager of Development noted that Stella Burry has to have the foundation laid by the end of this construction season or it will lose the funding for the extension. It was suggested that a text amendment could be undertaken to allow Council the discretion to approve the construction of the proposed extension to the property boundary. Deputy Mayor Duff noted that a public meeting, to be chaired by a member of Council, should be held on the proposed text amendment to ensure that the process is open and transparent.

The Committee agreed that City staff be directed to draft the proposed text amendment. When the amendment has been prepared, City staff should schedule a public meeting on the amendment.

Councillor Bruce Tilley
Acting Chairperson

Deputy Mayor Shannie Duff
Acting Chairperson

SJMC2010-05-03/248R

Regarding Item #1: It was moved by Councillor Tilley; seconded by Councillor Galgay: That the Committee's recommendation be approved.

Discussion ensued during which Acting Mayor Duff indicated that the main issue for this development is parking which is still unresolved. Councillor Hann indicated that he will not support any further discussion on the parking issue since the proposed development will be required to operate under the conditions of the recently adopted Downtown Parking Study.

Following discussion, the motion being put was carried with Councillor Hickman dissenting.

SJMC3020-05-03/249R

Regarding Item #2: It was moved by Councillor Tilley; seconded by Councillor Hickman: That the Committee's recommendation be approved.

The motion being put was unanimously carried.

SJMC2010-05-03/250R

Regarding Item #3: It was moved by Councillor Tilley; seconded by Councillor Galgay: That the Committee's recommendation be approved.

The motion being put was unanimously carried.

SJMC2010-05-03/251R

Regarding Item #4: It was moved by Councillor Tilley; seconded by Councillor Collins: That the Committee's recommendation be approved.

The motion being put was unanimously carried.

SJMC2010-05-03/252R

Regarding Item #5: It was moved by Councillor Tilley; seconded by Councillor Collins: That the Committee's recommendation be approved.

Discussion ensued during discussion, Councillor Hann questioned the validity of the motion given Council's previous decision that a comprehensive review of the Municipal Plan be carried out in conjunction with the Northeast Avalon Regional Plan prior to making planning decisions. The City Manager ruled the motion to be in order.

Following discussion, the motion being put was carried with Councillor Hann dissenting.

SJMC2010-05-03/253R

Regarding Item #6: It was moved by Councillor Tilley; seconded by Councillor Hickman: That the Committee's recommendation be approved.

The motion being put was unanimously carried.

Tree Committee Report dated April 21st, 2010

Council considered the following Tree Committee Report dated April 21st, 2010:

Attendees: Jim Floyd, Chairperson & Representative of NL Association of Landscape Architects
Deputy Mayor Shannie Duff, Council Representative
Councillor Sheilagh O'Leary
Leanne Montgomery, St. John's Clean & Beautiful
Rod Hillyard, Department of Natural Resources
Eric Salter, Resident Representative
Laura Jackson, Resident Representative
Jim Clarke, Manager of Streets & Parks
Brian Head, Operations Assistant – Parks
Dave Evans, Senior Municipal Arborist
Paul Boundridge, Planning Coordinator
Karen Chafe, Recording Secretary

1. Arbor Day Sub-Committee

The Arbor Day Sub-Committee had recently sent a letter to community and neighbourhood groups requesting that those interested should submit a proposal to receive a tree for their neighbourhood and a tree for a neighbouring school to be planted on or close to Arbor Day. The Sub-Committee received a total of four submissions from which to make their selection, and the following recommendations are submitted for Council's approval:

That the West Heights Tenants Association be awarded two trees, one for their neighbourhood and one for a neighbouring school of their choice. The Committee further recommends that the remaining three submissions noted below receive one tree each for planting in their respective neighbourhoods:

- **Cochrane House Citizens Association**
- **Friends of Victoria Park (in honour of Remembering Don Wherry)**

- **Georgetown Neighbourhood Association**

2. Tree Committee Membership

The Committee reviewed three submissions received for Tree Committee membership.

The Committee recommends that the following applicants be approved for membership:

- **Dr. Bruce A. Roberts, Ecologist and Community Advisor, Tree Canada;**
- **Mark Wilson, Director of NL Organics Ltd. and NL representative to the Organic Federation of Canada.**

Jim Floyd
Chairperson

SJMC2010-05-03/254R

It was moved by Councillor O’Leary; seconded by Councillor Breen: That the Committee’s recommendations be approved.

During discussion, Councillor Hickman asked the status of a proposed policy respecting the planning of trees on lots in new subdivisions. Acting Mayor Duff agreed to follow-up on this matter.

The motion being put was unanimously carried.

Building Permits List

SJMC2010-05-03/255R

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

2010/04/28

2010/04/28

Permits List

CLASS: COMMERCIAL

EMERGENCY ALERT OF NL INC.	16-72 HAMLIN RD - UNIT 0130	CO OFFICE
SUZANNE BLAIR	31 DOYLE'S RD	OC DAY CARE CENTRE
EMERGENCY ALERT	16-72 HAMLIN RD	SN OFFICE
FFAW-CAW ETAL	368 HAMILTON AVE	SN OFFICE

CAPITAL SUBARU	46 KENMOUNT RD	SN CAR SALES LOT
PYRAMID CONSTRUCTION	BLUE PUTTEE DR	NC ACCESSORY BUILDING
NEW WORLD FITNESS	644 TOPSAIL RD	RN CLUB
SS SUBWAY LTD	188 WATER ST	RN EATING ESTABLISHMENT
ATLANTIC SHOPPING CENTER LTD.	AVALON MALL, AMERICAN APPAREL	RN RETAIL STORE
PUGLISEVICH OILFIELD	149 AIRPORT RD	EX WAREHOUSE
SHOPPERS DRUG MART	390 TOPSAIL RD	RN RETAIL STORE
WEST 49 (AVALON) INC.	AVALON MALL, WEST 49 INC	RN RETAIL STORE
PETS UNLIMITED	39 KELSEY DR	TI RETAIL STORE

THIS WEEK \$ 552,531.00

CLASS: INDUSTRIAL

THIS WEEK \$.00

CLASS: GOVERNMENT/INSTITUTIONAL

KINGDON HALL OF JEHOVAH'S	168 MACDONALD DR	NC FENCE
MEMORIAL UNIVERSITY OF	194 ELIZABETH AVE BOWATER HOUS	RN ADMIN BLDG/GOV/NON-PROFIT

THIS WEEK \$ 3,002,500.00

CLASS: RESIDENTIAL

TERRY HICKMAN	184 BAY BULLS RD	NC ACCESSORY BUILDING
ROGER AVERY	38 BEAUFORD PL	NC FENCE
JAMES L. GRUCHY	54 BELLEVUE CRES	NC ACCESSORY BUILDING
ALFRED & MARY WHIFFEN	58 BRAD GUSHUE CRES	NC ACCESSORY BUILDING
TRUDY BUTT	24 BRENNAN FIELD	NC ACCESSORY BUILDING
TRUDY BUTT	24 BRENNAN FIELD	NC FENCE
MADONNA COLE	25 CARNELL ST	NC FENCE
DARRELL & BEVERLY ELLIS	40 CHEROKEE DR	NC ACCESSORY BUILDING
WAYNE CLARKE	34 CONNORS AVE	NC FENCE
KIMBERLY CHAFE	140 DONOVAN'S RD	NC FENCE
SEAN CASEY	9 DURDLE DR	NC ACCESSORY BUILDING
SEAN CASEY	9 DURDLE DR	NC FENCE
KEVIN BENNETT	50 FAULKNER ST	NC ACCESSORY BUILDING
PRO-TECH CONSTRUCTION LIMITED	60 FRANCIS ST, LOT 87	NC SINGLE DETACHED DWELLING
PRO-TECH CONSTRUCTION	43 FRANCIS ST, LOT 58	NC SINGLE DETACHED DWELLING
PRO-TECH CONSTRUCTION	63 FRANCIS ST, LOT 49	NC SINGLE DETACHED DWELLING
ALBERT BAKER	9 FREDERICTON PL	NC ACCESSORY BUILDING
DAVID WHITE	90 FRESHWATER RD	NC ACCESSORY BUILDING
WING YUN TAM & FLORENCE TAM	50 GREAT EASTERN AVE	NC ACCESSORY BUILDING
SKYMARK HOMES	91 GREAT EASTERN AVE, LOT 1-55	NC SINGLE DETACHED & SUB.APT
KIMBERLEY G. TEMPLEMAN	15 GREENSPOND DR	NC FENCE
BRIAN & PAMELA PITTMAN	361 GROVES RD	NC FENCE
RANDY COOPER	43 GUZZWELL DR	NC FENCE
EDGAR LEARNING	47 HOWLEY AVE EXTEN	NC ACCESSORY BUILDING
FAIRVIEW INVESTMENTS LIMITED	40 ICELAND PL, LOT 16	NC SINGLE DETACHED DWELLING
SKYMARK CONTRACTING LTD.	61 ICELAND PL	NC ACCESSORY BUILDING
REARDON CONSTRUCTION & DEV LTD	8 JENNMAR CRES, LOT 141	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION & DEV LTD	22 JENNMAR CRES, LOT 134	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION & DEV LTD	24 JENNMAR CRES, LOT 133	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION & DEV LTD	19 JENNMAR CRES, LOT 81	NC SINGLE DETACHED DWELLING
GORDON HYNES	13 KATIE PL	NC ACCESSORY BUILDING
BLAIR MCNIVEN	29 LADY ANDERSON ST, LOT 275	NC SINGLE DETACHED DWELLING
LEE ENNIS & ELDENE ENNIS	51 LADYSMITH DR, LOT 13	NC SINGLE DETACHED DWELLING
DONALD M. WILLIAMS	6 LUCYROSE LANE	NC ACCESSORY BUILDING
SCOTT MERCER	24 MIKE ADAM PL	NC ACCESSORY BUILDING
RONALD VATERS	16 NORTH DR	NC ACCESSORY BUILDING

SKYMARK HOMES	3 PIPER ST, LOT 167	NC SINGLE DETACHED & SUB.APT
JEFFREY DYKE	16 SYMONDS PL	NC ACCESSORY BUILDING
LAURA PARK	5 TORBAY RD	NC PATIO DECK
SHARON LEBLANC AND	12 TORNGAT CRES	NC PATIO DECK
SHIKARA A. PUMPHREY	73 WARBURY ST	NC FENCE
JOSEPH CONDON	18 SHOAL BAY RD	CR SUBSIDIARY APARTMENT
BLAIR JANES	324 BACK LINE	EX SINGLE DETACHED DWELLING
JACQUELINE DALE	85 BERTEAU AVE	EX SINGLE DETACHED DWELLING
ERIK & ELIZABETH SEAWARD	10 CORPORAL JAMIE MURPHY ST	EX SINGLE DETACHED DWELLING
ANNE MARIE CLARKE	92 DURDLE DR	EX SINGLE DETACHED DWELLING
SAMUEL BROMLEY & SHARLENE	54 GIL EANNES DR	EX SINGLE DETACHED DWELLING
COLIN & ANGELA HARRIS	224 HAMILTON AVE	EX SEMI-DETACHED DWELLING
STEPHEN RYAN	16 MONTGOMERY ST	EX SINGLE DETACHED DWELLING
BRYAN DUNNE	45 BEACON HILL CRES	RN SINGLE DETACHED DWELLING
PENELOPE CARROLL	51 CORNWALL CRES	RN SINGLE DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP.	1-3 EMPIRE PL	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	13-15 EMPIRE PL	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	214-228 FRESHWATER RD	RN TOWNHOUSING
PAUL HOLDEN	101 GREENSPOND DR	RN SINGLE DETACHED & SUB.APT
FAIRVIEW INVESTMENTS LIMITED	50 ICELAND PL, LOT 21	RN SINGLE DETACHED DWELLING
KARA INVESTMENTS	9 KING EDWARD PL	RN TOWNHOUSING
PAUL PHILLIPS	15 MIKE ADAM PL	RN SINGLE DETACHED DWELLING
GREGORY C. CAMPBELL AND	125 AIRPORT HEIGHTS DR	RN SINGLE DETACHED DWELLING
TONY J. MORRISON	15 POWER ST	RN SEMI-DETACHED DWELLING
WALLACE & ANGELA PELLEY	98 SEABORN ST	RN SINGLE DETACHED DWELLING
GERARD MURPHY	554 WATER ST	RN TOWNHOUSING

THIS WEEK \$ 3,587,772.00

CLASS: DEMOLITION

THIS WEEK \$.00

THIS WEEK'S TOTAL: \$ 7,142,803.00

REPAIR PERMITS ISSUED: 2010/04/22 TO 2010/04/28 \$ 174,600.00

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

SJMC2010-05-03/256R

It was decided on motion of Councillor Collins; seconded by Councillor Breen: That the following Payrolls and Accounts for the week ending April 29th, 2010 be approved:

**Weekly Payment Vouchers
For The
Week Ending April 29, 2010**

PAYROLL

Public Works	\$ 299,133.06
Bi-Weekly Management	\$ 571,846.97
Bi-Weekly Administration	\$ 636,535.79
Regional Fire Services	\$ 535,063.91

ACCOUNTS PAYABLE \$ 2,325,444.20

Total: \$ 4,368,023.93

Tenders

- a. Tender - Traffic Signal & Decorative Lights Maintenance Contract
- b. Tender – 2010 Asphalt Crack Sealing Program
- c. Tender – Two (2) New Street Sweepers
- d. Tender – Two (2) New Stake Body Trucks
- e. Tender – Six (6) New One Ton Pickups
- f. Tender – Three (3) New ½ Ton Pickups
- g. Tender – Three (3) New Cube Vans
- h. Tender - 2010 Infrastructure Maintenance Program – Contract #1: Manholes and Catch

SJMC2010-05-03/257R

It was decided on motion of Councillor Hickman; seconded by Councillor Tilley: That the recommendations of the Director of Engineering; the Director of Finance & City Treasurer and the Deputy City Manager/Director of Public Works and Parks be approved and the tenders awarded as follows:

- a. **Lighting and Traffic Systems Ltd. In the amount of \$228,090.50**
- b. **Crown Contracting Inc. in the amount of \$76,105.50**
- c. **Saunders Equipment Ltd, in the amount of \$424,466.00 (taxes not included)**
- d. **Avalon Ford in the amount of \$123,637.82 (taxes included)**

- e. **Avalon Ford in the amount of \$170,579.71 (taxes included)**
- f. **Avalon Ford in the amount of \$77,715.13 (taxes included)**
- g. **Hickman Motors in the amount of \$146,923.73 (taxes included)**
- h. **Kelloway Construction in the amount of \$1,106,298.20**

105 Portugal Cove Road – Derek & Margaret Burton

Council considered a memorandum dated April 29, 2010 from the City Manager regarding the above noted.

SJMC2010-05-03/258R

It was moved by Councillor Hann; seconded by Councillor Hickman: That the recommendation of the City Manager that the easement, required by the City, at 105 Portugal Cove Road in relation to the realignment of the New Cove Road/Portugal Cove Road Intersection, be acquired for \$500.00 plus the cost of legal fees.

The motion being put was unanimously carried.

177 New Gower Street, Healy Holdings Ltd.

Council considered a memorandum dated April 29, 2010 from the City Manager regarding the above noted.

SJMC2010-05-03/259R

It was moved by Councillor Tilley; seconded by Councillor Glagay: That the recommendation of the City Manager that the owners of 177 Gower Street be permitted to lease land located at the rear of their building for the construction of a deck, at a rate of \$2.50 per square foot per year (approximately \$600.00) plus usual administrative fees and HST, be approved.

The motion being put was unanimously carried.

May 2010 Economic Update

Council considered as information the May 2010 Economic Update.

Letter dated April 27, 2010 from Ian S. Wishard, Chair, Regimental Advisory Council, The Royal Newfoundland Regiment extending thanks to Council and staff for their support during the Princess Anne Royal Visit.

Council acknowledged the above noted letter.

Letter dated April 16, 2010 from Father Charlie Kelly, Pastor, Basilica of St. John the Baptist extending thanks to Council for its support of the Basilica's Green-Heat Campaign in waiving fees associated with the installation of a new heating system at the Basilica

Council acknowledged the above noted letter.

Harbour Drive/Water Street, Traffic Diversions

Council considered a memorandum dated May 3rd, 2010 from the Director of Engineering advising that on Tuesday, May 4th, 2010, Harbour Drive from Cliff's Baird Cove to Prescott Street will be changed to one way east bound for a period of approximately six weeks. This traffic change is necessary to install remaining underground piping and other work. It is the Engineer Department's plan to have Harbour Drive fully opened to tractor trailer traffic and have Pier 11 wharf reinstated prior to school closing in late June. The DDC and Harvey's Offshore have been advised of this temporary change and have acknowledged their approval of the plan. This work will not interfere with Cruise Ship visits.

Road Closure Request – East White Hills Road, May 6th, 7th, 8th, or 9th, 2010

Council considered a memorandum dated May 3rd, 2010 from the Transportation Engineer regarding a request from Cougar Helicopters to close East White Hills Road between Sugarloaf Road and Harding Road for approximately 15 minutes between 5:45 and 6:15 one morning between May 6th and May 9th to facilitate the landing of a helicopter. It is necessary to land the helicopter on the roadway instead on the property because of clearance issues.

SJMC2010-05-03/260R

It was moved by Councillor Hickman; seconded by Councillor Breen: That a request from Cougar Helicopters to close East White Hills Road between Sugarloaf Road and Harding Road for approximately 15 minutes between 5:45 and 6:16 one morning between May 6th and May 9th to facilitate the landing of a helicopter, be approved, since it is necessary to land the helicopter on the roadway instead on the property because of clearance issues, and subject to the conditions of the Department of Engineering.

The motion being put was unanimously carried.

Councillor Breen

Councillor Breen advised that a public meeting will be held on May 6th, 2010 to consider an application from Bella Vista Limited to rezone the property at Civic

Number 24 Torbay Road from the Residential Low Density (R1) Zone to the Commercial Local (CL) Zone.

Councillor Breen noted concern expressed with respect to a strong odour prevalent in the east end of the City and advised he is working with staff to find the source.

Councillor Breen noted an item posted on the CBC website that left the impression the City would fund the building and provide for the upkeep of a downtown library. He indicated that he is very supportive of a downtown library but the matter is a provincial responsibility, noting there are many needs within the City's mandate and limited resources.

Councillor Galgay

Councillor Galgay reiterated Councillor Breen's comments with respect to a downtown library and hopes that Council will lobby the MHAs for the capital funding for a library in the downtown.

Councillor Hann

Councillor Hann also expressed his support of a library for the downtown and agreed that members of Council need to lobby the MHAs and as well assist the Committee in charge.

Councillor Hann asked that staff provide a report to Council for consideration at next week's regular meeting of Council on enforcement requirements with respect to Humane Services and Parks.

Councillor Hann encouraged residents to view the youth art show at City Hall, May 1 to 7, 2010.

Councillor Hickman

Councillor Hickman reminded residents that covering of garbage bylaw is now in effect and encouraged residents to clean up their properties.

Councillor O’Leary

Councillor O’Leary also encouraged residents to take an active role, clean up their properties and report offenders to the City’s Service Centre at 311.

Councillor O’Leary commended St. John’s Clean and Beautiful and the volunteers on their “Read for the Environment” event held on April 21, and as well the Take Pride Take Action Program, and encouraged neighbourhood groups and schools to get involved.

Councillor O’Leary congratulated volunteers of Mayor’s Advisory Committee on Youth. She also congratulated Mr. Beni Malone and Ms. Diana Baird who recently received awards on Environment Initiatives.

Adjournment

There being no further business, the meeting adjourned at 6:45 p.m.

MAYOR

CITY CLERK