

May 30, 2011

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, Hanlon and Collins.

Regrets: His Worship the Mayor and Councillor Colbert

The City Manager; Deputy City Manager/Director of Corporate Services & City Clerk; Deputy City Manager/Director of Public Works & Parks; Director of Planning; Director of Engineering; City Solicitor; and the Recording Secretary were also in attendance.

Adoption of the Agenda

SJMC2011-05-30/285R

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

- a. Media Release re: School Travel Planning Program**
- b. Bannerman Park Foundation Executive Committee Report – May 26, 2011**
- c. Memorandum dated May 30, 2011, from Mayor O'Keefe re: Travel Authorization to attend the Big City Mayor's Caucus in Halifax, NS**
- d. Letter of Opposition from Don & Marie Callahan re: Mary Brown's Restaurant Application – Civic No. 632 Topsail Road**

Adoption of the Minutes

SJMC2011-05-30/286R

It was decided on motion of Councillor Collins; seconded by Councillor Hanlon: That the minutes of the meeting held on May 24, 2011, be adopted as presented.

2011 Asphalt Sidewalk Replacement Program

Under business arising, Council considered a memorandum dated May 13, 2011, from the Director of Engineering regarding the above noted matter.

SJMC2011-05-30/287R

It was moved by Councillor Hickman; seconded by Councillor Hann: That Council authorize the call for public tenders for the work for the following streets under the 2011 Asphalt Sidewalk Replacement Program:

- a. Empire Avenue – north side from Newtown Road to Cairo Street**
- b. Rankin Street**
- c. Salisbury Street – Malta Street to Cairo Street**
- d. McNeil Street (Provisional Work)**

Owners of the property along which concrete sidewalk is installed under the 2011 Asphalt Sidewalk Replacement Program will be assessed for the new concrete sidewalk in accordance with the City of St. John's Assessment Policy. The assessment rate which Council has approved for 2011 for new sidewalk is \$23.30 per metre of frontage.

Councillor Galgay noted the importance of the Asphalt Sidewalk Replacement Program, and he indicated that there were a significant number of streets considered under this program. City staff inspected the various streets with asphalt sidewalks to prioritize those to be replaced.

The motion being put was unanimously carried.

Application to Rezone Property – Civic No. 181 Hamilton Avenue (Ward 2) – Roosevelt Properties

Under business arising, Council considered a memorandum dated May 25, 2011, from the Director of Planning regarding the above noted matter.

SJMC2011-05-30/288R

It was moved by Councillor Galgay; seconded by Councillor Tilley: That Council adopt the following resolutions for St. John's Municipal Plan Amendment No. 93, 2011, and St. John's Development Regulations Amendment No. 510, 2011, and that Council appoint Wayne Thistle, Q.C., who is a member on the City's commissioner list, as the commissioner to conduct a public hearing on the amendments regarding the property at Civic No. 181 Hamilton Avenue:

**RESOLUTION
ST. JOHN'S MUNICIPAL PLAN
AMENDMENT NUMBER 93, 2011**

WHEREAS the City of St. John's wishes to allow the redevelopment of the former CEI Club at Civic Number 181 Hamilton Avenue as a residential apartment building.

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

“Redesignate the property at Civic Number 181 Hamilton Avenue from the Open Space Land Use District to the Residential Medium Density Land Use District as shown on Map III - 1A attached.”

BE IT FURTHER RESOLVED that the City of St. John's requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on Behalf of Council this 30th day of **May, 2011.**

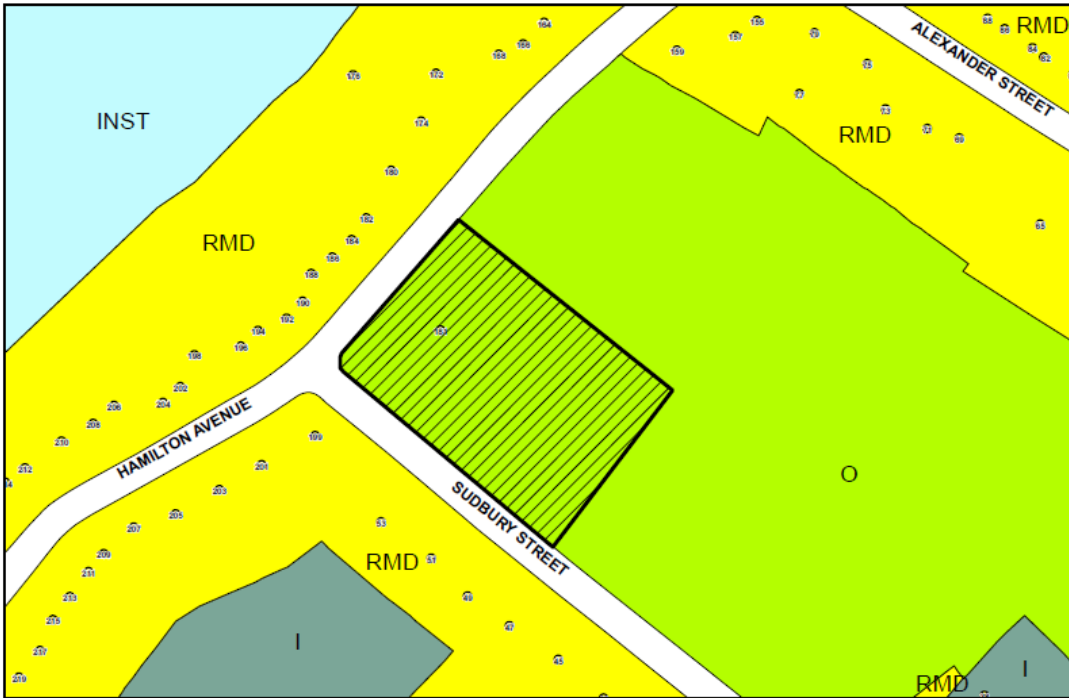
Mayor

City Clerk

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

MCIP

Councillor O'Leary noted that she had chaired the public meeting on this application, and it was evident that the neighbours were not opposed to the development but were concerned with the possible impact on Victoria Park and on parking in the area.



**CITY OF ST. JOHN'S
MUNICIPAL PLAN
Amendment No. 93, 2011
[Map III-1A]**

2011 04 27 SCALE: 1:1500
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING

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



AREA PROPOSED TO BE REDESIGNATED FROM
OPEN SPACE (O) LAND USE DISTRICT TO
RESIDENTIAL MEDIUM DENSITY (RMD) LAND USE DISTRICT

181 Hamilton Ave., CEI Club

M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 510, 2011**

WHEREAS the City of St. John's wishes to allow the redevelopment of the former CEI Club at Civic Number 181 Hamilton Avenue as a residential apartment building.

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

“Rezone the property at Civic Number 181 Hamilton Avenue from the Open Space (O) Zone to the Apartment Medium Density (A2) 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.

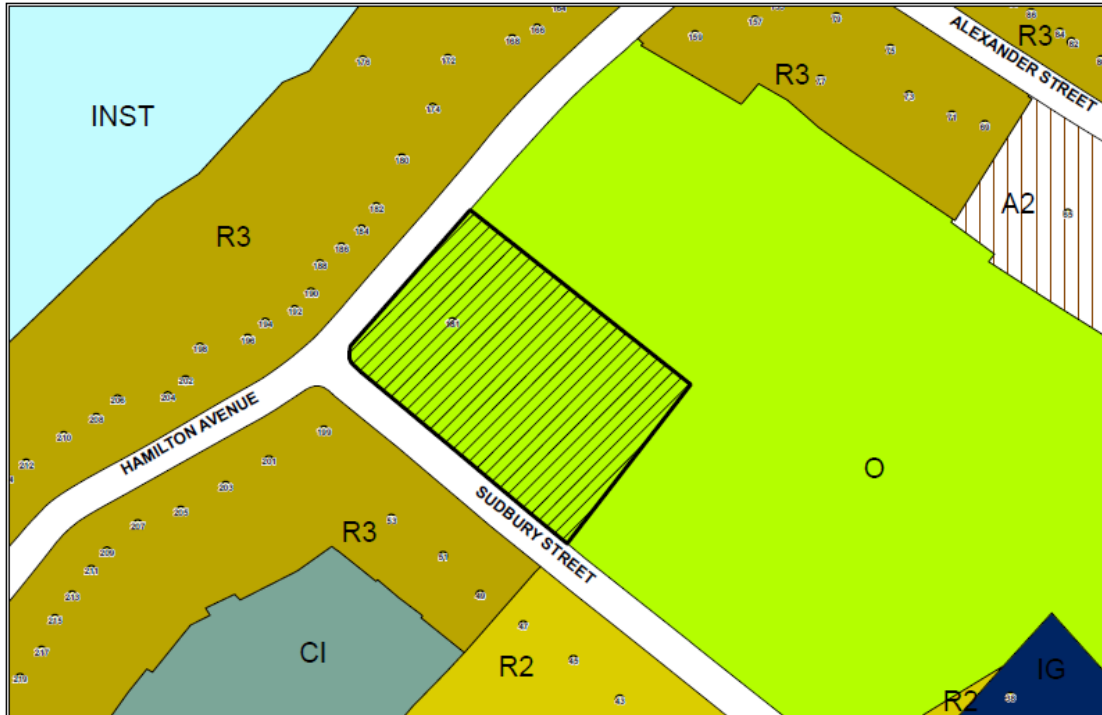
IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on Behalf of Council this 30th day of **May, 2011**.

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



**CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
Amendment No. 510, 2011
[Map Z-1A]**

2011 04 27 SCALE: 1:1500
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING

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



AREA PROPOSED TO BE REZONED FROM
OPEN SPACE (O) LAND USE ZONE TO
APARTMENT MEDIUM DENSITY (A2) LAND USE ZONE

181 Hamilton Avenue., CEI Club

M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration

The motion being put was unanimously carried.

Application to Rezone Property – Civic No. 23 Bell Street (Ward 2) – Henry Bell Developments Ltd.

Under business arising, Council considered a memorandum dated May 25, 2011, from the Director of Planning regarding the above noted matter.

SJMC2011-05-30/289R

It was moved by Councillor Galgay; seconded by Councillor Hanlon: That Council adopt the following resolutions for St. John’s Municipal Plan Amendment No. 94, 2011, and St. John’s Development Regulations Amendment No. 511, 2011, and that Council appoint Wayne Thistle, Q.C., who is a member on the City’s commissioner list, as the commissioner to conduct a public hearing on the amendments regarding the property at Civic No. 23 Henry Street:

**RESOLUTION
ST. JOHN’S MUNICIPAL PLAN
AMENDMENT NUMBER 94, 2011**

WHEREAS the City of St. John’s wishes to redesignate the property at Civic Number 23 Henry Street to allow the development of a residential condominium development/parking garage development incorporating the site.

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

“Redesignate the property at Civic Number 23 Henry Street from the Residential Downtown Land Use District to the Commercial Downtown Land Use District as shown on Map III-1B 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.

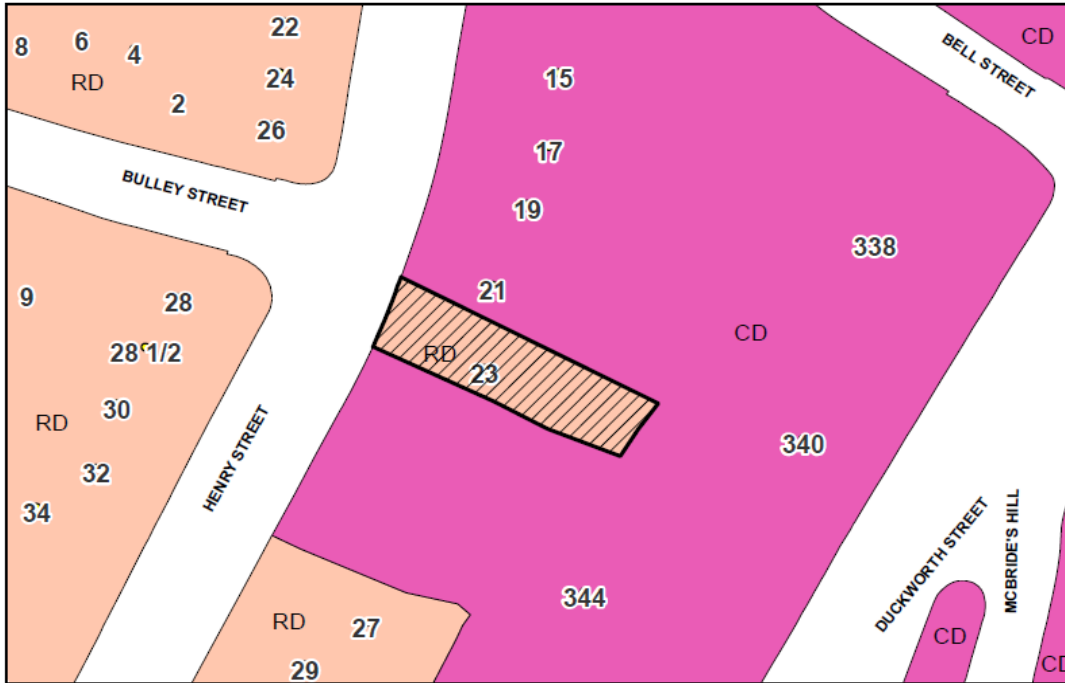
IN WITNESS THEREOF the Seal of the City of St. John’s has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on Behalf of Council this 30th day of **May, 2011.**

Mayor

City Clerk

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

MCIP



**CITY OF ST. JOHN'S
MUNICIPAL PLAN
Amendment No. 94, 2011
[Map III-1B]**

2011 04 27 SCALE: 1:500
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING

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



AREA PROPOSED TO BE REDESIGNATED FROM
RESIDENTIAL DOWNTOWN (RD) LAND USE DISTRICT TO
COMMERCIAL DOWNTOWN (CD) LAND USE DISTRICT

23 Henry St., Henry Bell Development Ltd.

M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 511, 2011**

WHEREAS the City of St. John's wishes to rezone the property at Civic Number 23 Henry Street to allow the development of a residential condominium development/parking garage development incorporating the site.

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

“Rezone the property at Civic Number 23 Henry Street from the Residential Downtown (RD) Zone to the Commercial Central Mixed Use (CCM) Zone as shown on Map Z-1B 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.

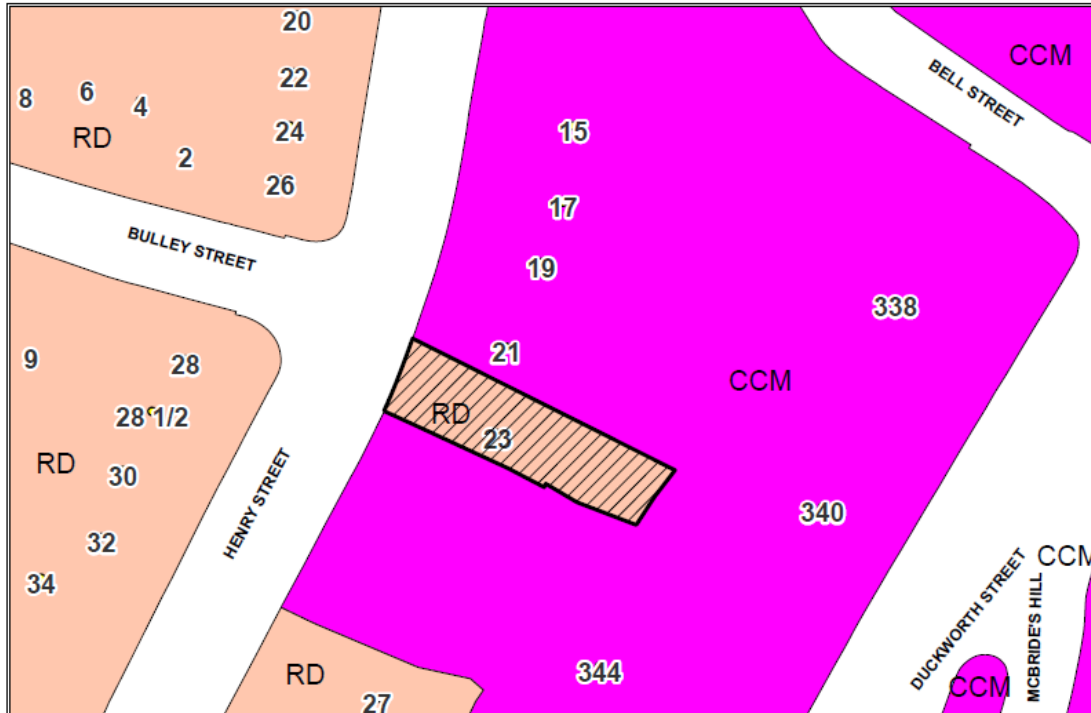
IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on Behalf of Council this 30th day of **May, 2011.**

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



**CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
Amendment No. 511, 2011
[Map Z-1B]**

2011 04 27 SCALE: 1:500
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING

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



AREA PROPOSED TO BE REZONED FROM
RESIDENTIAL DOWNTOWN (RD) LAND USE ZONE TO
COMMERCIAL CENTRAL MIXED (CCM) LAND USE ZONE

23 Henry St., Henry Bell Development Ltd.

M.C.I.P. signature and seal

Mayor

City Clerk

Council Adoption

Provincial Registration

The motion being put was unanimously carried.

Notice of Motion – St. John’s Truck Traffic By-Law

SJMC2011-05-30/290R

Pursuant to a Notice of Motion, it was moved by Councillor Hann; seconded by Councillor Hanlon: That the following St. John’s Truck Traffic (Amendment No. 1-2011) By-Law be adopted:

BY-LAW NO.

ST. JOHN’S TRUCK TRAFFIC (AMENDMENT NO. 1 – 2011) BY-LAW

PASSED BY COUNCIL ON MAY 30, 2011

Under and by virtue of the powers conferred by Sections 188 and 189 of the Highway Traffic Act, RSNL 1990 c.H-3 and pursuant to a delegation of power by the Minister of Works, Services and Transportation dated April 27, 1990, the City of St. John’s enacts the following by-law relating to the control of truck traffic within the City of St. John’s.

BY-LAW

1. This By-Law may be cited as the “St. John’s Truck Traffic (Amendment No. 1 – 2011) By-Law”.
2. Appendix A to the St. John’s Truck Traffic By-Law is amended by removing the period at the end of the text and adding the following:

“and also includes Water Street from Prescott Street to Waldegrave Street”.

IN WITNESS WHEREOF the Seal of the City of St. John’s has been hereunto affixed and this By-Law has been signed by the Mayor and City Clerk this 30th day of May, 2011.

MAYOR

CITY CLERK

Appendix "A"

The "Designated Area" is described as follows:

Beginning at the at a point on the north-west corner of the intersection of Barter's Hill and New Gower Street, the designated area is bounded on the South by New Gower Street, Hamilton Avenue, Job Street, Water Street, Blackhead Road, Pitts Memorial Drive, on the West by Columbus Drive, on the North by Penneywell Road, Empire Avenue, and on the east by Freshwater Road, Adams Avenue, Prince of Wales Street, and Barter's Hill and also includes Water Street from Prescott Street to Waldegrave Street.



The motion being put was carried unanimously.

Notice of Motion – St. John’s Water Meter By-Law and Premises Isolation By-Law

SJMC2011-05-30/291R

Pursuant to a Notice of Motion, it was moved by Councillor Hickman; seconded by Councillor Tilley: That the following Water Meter By-Law and Premises Isolation By-Law be adopted:

BY-LAW NO.

WATER METER BY-LAW

PASSED BY COUNCIL ON MAY 30, 2011

Pursuant to the powers vested in it under the City of St. John’s Act, RSNL 1990 c.C-17 as amended and all other powers enabling it the City of St. John’s enacts the following By-Law relating to the installation of water meters.

BY-LAW

1. This By-Law may be cited as the “St. John’s Water Meter By-Law”.
2. In this By-Law:
 - (a) “inspector” means any person designated by council to administer and enforce this By-Law.

SCOPE AND APPLICATION

3.
 - (1) This By-Law shall apply to new and existing properties.
 - (2) Water meters shall be installed in all properties, except properties with fewer than 3 Dwelling Units or properties with a Home Office.
 - (3) Properties which are exempt under subsection (2) shall, where they are the result of new construction or which have been expanded shall ensure sufficient accessible space is identified, allocated and maintained for future installation of a water meter.
4.
 - (1) All water supplied to a property, except that flowing for fire protection or suppression, shall be metered.
 - (2) Notwithstanding subsection (1), where appropriate in the opinion of the inspector, water supplied to a property flowing for fire protection or suppression may be metered.

- (3) Water shall be considered to be supplied to a property at the point of entry into the lateral.

METER INSTALLATION INSPECTION AND TESTING

5. The city shall supply and install water meters and meter reading equipment. All water meters and reading equipment installed by the city remain the property of the city.
6.
 - (1) Water meters shall be located inside the structure before any branch or connection and must be installed within the first 3 metres of pipe where the water service enters the structure, unless otherwise approved by the inspector. The location shall be a heated non-confined space and be accessible by the inspector.
 - (2) Notwithstanding subsection (1) the inspector may require a water meter to be located at the property line in a heated, above ground, non-confined space structure which structure shall meet ASSE 1060, Class 1 – American Society of Safety Engineers and which shall be accessible by the inspector.
 - (3) The pipe to which a water meter is attached shall be in a continuous unobstructed space and be accessible by the inspector.
7. Water meters and meter reading equipment may be inspected and tested at the discretion of the inspector.

METER SIZING

8.
 - (1) For service lines less than 50 mm the property owner shall provide flow requirement information to the inspector. Based upon the information provided the inspector shall determine the meter size.
 - (2) For service lines equal to or greater than 50 mm a professional engineer shall provide flow requirement information to the inspector. Based upon the information provided the inspector shall determine the meter size.

RESPONSIBILITIES OF PROPERTY OWNER

9. The property owner shall:
 - (a) where a power supply is required to operate the water meter and meter reading equipment supply power to the water meter and meter reading equipment,
 - (b) carry out all necessary modifications or alterations to the property as directed by the inspector so as to allow for proper meter and meter reading equipment installation;

(c) bear the cost of repairing or replacing a damaged meter or meter reading equipment, excepting normal wear and tear; and

(d) provide access to the inspector for the purposes of inspection, testing, repair and/or replacement of the water meter and meter reading equipment as directed by the inspector.

- 10. (1) Only the inspector can remove a water meter or meter reading equipment.
- (2) By-passing of the water meter is not permitted without written approval of the inspector.
- (3) Tampering with, manipulation of, or interference with the water meter is prohibited.

WATER SUPPLY

11. The inspector may stop the supply of water to a property during the repair, replacement or testing of the water meter or meter reading equipment.

PENALTIES

12. Any person who contravenes the provisions of this By-Law shall be guilty of an offence and liable upon summary conviction to a penalty as provided for under section 403 of the City of St. John’s Act.

13. In addition to the penalty provided for in section 12, failure to comply with the provisions of this By-Law may result in the stopping of the supply of water to the property affected.

IN WITNESS WHEREOF the Seal of the City of St. John’s has been hereunto affixed and this By-Law has been signed by the Mayor and City Clerk this 30th day of May, 2011.

MAYOR

CITY CLERK

BY-LAW NO.

PREMISES ISOLATION BY-LAW

PASSED BY COUNCIL ON MAY 30, 2011

Pursuant to the powers vested in it under the City of St. John's Act, RSNL 1990 c.C-17, as amended and all other powers enabling it, the City of St. John's enacts the following By-Law relating to premises isolation and cross connection control.

BY-LAW

1. This By-Law may be cited as the "St. John's Premises Isolation By-Law".
2. In this By-Law:
 - (a) "qualified person" means a person licensed by the City of St. John's to carry out the functions and duties specified in Schedule A of this By-Law.
 - (b) "inspector" means any person designated by Council to administer and enforce this By-Law.

LICENSING

3.
 - (1) A qualified person shall be licensed by the City before carrying out work required by this By-Law within the City.
 - (2) The application for a license shall include:
 - (a) name;
 - (b) business address and location, if different from business address;
 - (c) proof of Atlantic Canada Water and Wastewater Association training and certification or equivalent from another jurisdiction acceptable to the inspector; and
 - (d) such other information as may be required by the inspector.
 - (3) A license issued under this By-Law is not transferrable.
 - (4) A license shall be valid for a maximum of one year from the date of issue.
 - (5) All licenses issued under this By-Law shall be for a period of 12 months from the date of issue.

- (6) The fee for a license shall be set by council from time to time.

PERMITS

4. (1) A permit is required for all work related to the installation and maintenance of a premises isolation system including, but not limited to, installation, testing, alteration, renewal or repair of premises isolation backflow prevention devices.
- (2) A permit shall only be issued to a qualified person who holds a valid license issued under this By-Law.
- (3) The application for a permit shall include:
- (a) name of the qualified person,
 - (b) name of the owner of the property at which work is to be carried out,
 - (c) location at which work is to be carried out,
 - (d) description of the work, and
 - (e) such other information as the inspector may require.
- (4) The inspector may refer any application for a permit to such other agencies, jurisdictions or departments for review and approval as he deems necessary or as required by law prior to granting a permit.
- (5) The application shall be reviewed by the inspector and if found to be in conformity with this By-Law and all other applicable legislation the inspector may issue a permit for the work proposed upon receipt of the appropriate permit fee, which fee shall be set by council from time to time.
- (6) The inspector may, upon granting a permit, impose such conditions as may be necessary to fulfill the requirements of this By-Law. Such conditions or requirements shall be outlined to the applicant in writing prior to, or upon the granting of, the permit.

SCOPE AND APPLICATION

5. (1) This By-Law shall apply to new and existing properties.
- (2) Premises isolation backflow prevention devices shall be installed on all water laterals supplying water to a property, except properties with fewer than 3 Dwelling Units or properties with a Home Office.
- (3) Properties which are exempt under subsection (2) shall, where they are the result of new construction or have been expanded, ensure sufficient accessible space is identified, allocated and maintained for future installation of a premises isolation backflow prevention device.

PROGRESS OF WORK

6. All work carried out under this By-Law shall be performed under the supervision and direction of a qualified person.
7. (1) Any and all work for which a permit has been issued shall be accessible by the inspector.

(2) Where any work or part thereof is covered it shall be uncovered and made accessible as directed by the inspector at the cost of the permit holder.
8. During any inspection deficiencies that are noted will be listed by the inspector on a Deficiency Notice and a copy of the Deficiency Notice issued to the permit holder and property owner.
9. A copy of the permit shall be kept posted in a conspicuous place at the location of the work for the duration of the work.
10. All permits issued by the inspector under the provisions of this By-Law shall expire six (6) months from the date of issue, unless otherwise noted on the permit.

RESPONSIBILITIES OF PROPERTY OWNER

11. The property owner shall ensure:
 - (1) that a qualified person determines the level of hazard at their property using an industry standard acceptable to the inspector,
 - (2) that where the level of hazard at their property cannot be determined with reference to an industry standard acceptable to the inspector that a professional engineer, being a qualified person within the meaning of this By-Law, be retained to determine the level of hazard, provided that final determination of the level of hazard shall be subject to approval by the inspector,
 - (3) that no unauthorized connection is made to their system that may increase the level of hazard of the property, and
 - (4) where the use of the property changes, major renovations are carried out at the property or whenever required by the inspector the level of hazard at the property shall be re-determined.
12. The property owner is solely responsible for the purchase, installation, testing, maintenance, repairs and replacement of premises isolation backflow prevention devices.

STANDARDS

13. (1) All premises isolation backflow prevention devices must be CSA approved for the application in which they are to be used and for the orientation in which they are to be installed.
- (2) Installation, maintenance and testing of premises isolation backflow prevention devices shall comply with applicable city standards.
- (3) Notwithstanding the provisions of subsections (1) and (2) the City may stipulate the type of premises isolation backflow prevention device to be used.
- (4) Above ground structures for housing premises isolation backflow prevention devices shall comply with the requirements of ASSE 1060, Class 1 – American Society of Safety Engineers.

LOCATION OF DEVICES

14. (1) For properties without a private hydrant premises isolation backflow prevention devices are to be located inside the structure before any branch or connection and must be installed within the first 3 metres of pipe where the water service enters the structure, unless otherwise approved by the inspector. The location shall be heated and a non-confined space. Separate premises isolation backflow prevention devices are required for domestic and sprinkler/standpipe lines.
- (2) For properties with a private hydrant premises isolation backflow prevention devices shall be located at the property line in a heated, above ground, non-confined space structure. The structure shall be located before any branch or connection and within 40 metres of where the lateral crosses the property boundary. Premises isolation backflow prevention devices are required for domestic, hydrant and sprinkler/standpipe lines.
- (3) Notwithstanding subsection (2), where appropriate in the opinion of the inspector, the premises isolation backflow prevention devices for a property with a private hydrant may be located inside the structure before any branch or connection and must be installed within the first 3 metres of pipe where the water service enters the structure with the location being heated and a non-confined space. Separate premises isolation backflow prevention devices are required for domestic, hydrant and sprinkler/standpipe lines.
- (4) The pipe to which a premises isolation backflow prevention device is attached shall be in a continuous unobstructed space and be accessible by the inspector.

INSTALLATION, INSPECTION, TESTING AND MAINTENANCE

15. Where a premises isolation backflow prevention device is required all laterals are to be fully isolated from the city's water distribution system.

- 16. Bypass of, tampering with, interference with or manipulation of a premises isolation backflow prevention device is prohibited.
- 17. Faulty or inoperable premises isolation backflow prevention devices are to be immediately taken out of service and repaired or replaced in a manner acceptable to the inspector.
- 18. Installation, inspection, testing, maintenance, repair and replacement of premises isolation backflow prevention devices is to be done by a qualified person in accordance with city standards.
- 19. The property owner shall provide access to the inspector for the purposes of inspection and testing of the premises isolation backflow prevention device.
- 20. Premises isolation backflow prevention devices are to be tested upon installation, following maintenance and repair, annually and as required by the inspector and a copy of the test results, together with confirmation that the premises isolation backflow device is functioning correctly, shall be provided to the inspector.

PENALTIES

- 21. Any person who contravenes the provisions of this By-Law shall be guilty of an offence and liable upon summary conviction to a penalty as provided for under section 403 of the City of St. John’s Act.
- 22. In addition to the penalty provided for in section 21, failure to comply with the provisions of this By-Law may result in revocation of licenses and permits issued under this By-Law and/or result in the stopping of the supply of water to the property affected.
- 23. Notwithstanding any other provision of this By-Law any person who owes outstanding fines to the city for a by-law or regulatory violation for which he has been convicted shall not be entitled to a license or permit issued pursuant to this By-Law until such time as all outstanding fines have been paid and proof of payment, in a form acceptable to the inspector, has been provided to the inspector.

IN WITNESS WHEREOF the Seal of the City of St. John’s has been hereunto affixed and this By-Law has been signed by the Mayor and City Clerk on behalf of the St. John’s Municipal Council this 30th day of May, 2011.

MAYOR

CITY CLERK

St. John's Premises Isolation By-Law

Schedule A

Authorized Functions List

Item	Authorized Function	Professional engineer with tester's licence	Professionally certified engineering technologist with tester's licence ¹	Licensed plumber with contractor's and tester's licence	Journeyman plumber with tester's licence ²	Fire system sprinkler fitter with a tester's licence
1	Carry out cross-connection survey	✓	✓	✓	✓	X
2	Install, relocate, or replace backflow preventer	X	X	✓	✓	X
3	Repair backflow preventer	✓	✓	✓	✓	X
4	Test backflow preventer	✓	✓	✓	✓	X
5	Complete Items 1, 2, 3, and 4 in relation to fire	✓	✓	✓	✓	✓
<p>1 = Required to be under the</p> <p>2 = Required to be employed by a licensed plumbing</p>						
<p>✓ = Authorized.</p> <p>X = <u>Not</u> authorized</p>						

The motion being put was carried unanimously.

Notice of Motion – St. John’s Fire Hydrant By-Law

SJMC2011-05-30/292R

Pursuant to a Notice of Motion, it was moved by Councillor O’Leary; seconded by Councillor Collins: That the following St. John’s Fire Hydrant (Amendment No. 1 – 2011) By-Law be adopted:

BY-LAW NO.

ST. JOHN’S FIRE HYDRANT (AMENDMENT NO. 1 – 2011) BY-LAW

PASSED BY COUNCIL ON FEBRUARY MAY 30, 2011

Pursuant to the powers vested in it under the City of St. John’s Act, RSNL 1990 c.C-17, as amended and all other powers enabling it, the City of St. John’s enacts the following By-Law relating to the regulation of fire hydrants.

BY-LAW

1. This By-Law may be cited as the “St. John’s Fire Hydrant (Amendment No. 1 – 2011) By-Law.
2. The following is added to the St. John’s Fire Hydrant By-Law as section 3.1:

“3.1 Private Fire Hydrants shall be used only for fire protection and suppression unless otherwise authorized by the Director of Public Works and Parks.”

IN WITNESS WHEREOF the Seal of the City of St. John’s was hereunto affixed and this By-Law has been signed by the Mayor and City Clerk this 30th day of May, 2011.

MAYOR

CITY CLERK

The motion being put was carried unanimously.

Notices Published

1. A Discretionary Use Application has been submitted by Genivar Incorporated on behalf of Mary Brown's Restaurants requesting municipal approval to establish and operate a Mary Brown's Restaurant and Drive-Thru at **Civic No. 632 Topsail Road** (the Irving Gas Station on Burgeo Street). There is an extension proposed for the restaurant with a total floor area of 139 m², with a 40 m² of seating area. The Restaurant and Drive-Thru has proposed operating hours of seven (7) days a week from 11 a.m. to 12 midnight. The total number of staff employed at the restaurant will be located on the southwest side of the redeveloped Irving site. On-site parking can accommodate thirty-two (32) vehicles. **(Ward 3)**

8 letters of opposition

SJMC2011-05-30/293R

It was moved by Councillor Tilley; seconded by Councillor O'Leary: That the a decision on the application be deferred and the application be referred to a public meeting to be chaired by a member of Council.

Councillor Hann spoke in support of the motion, noting that a few weeks ago, he suggested that before Council approves any more drive-thru applications for areas adjacent to residential uses that a review be conducted on the criteria for the drive-thrus. There may be an opportunity to create new rules to lessen the impact of drive-thrus located adjacent to residential areas. Staff have been asked to look at how other municipalities deal with drive-thru applications and then make some recommendations to Council on appropriate guidelines. The Director of Planning advised that staff have been collecting information from other municipalities and will bring forward a comprehensive memo with recommendations for Council.

The motion being put was unanimously carried.

2. A Discretionary Use Application has been submitted by Dave Ashley requesting permission to subdivide a vacant lot on Connors Avenue (**between Civic No. 13 and 27 Connors Avenue**) for the purpose of creating two (2) building lots and constructing two (2) Multiple Dwelling Units; each containing four (4) residential units. The proposed dwellings will be three (3) storeys in height with four (4) parking spaces provided on each lot. **(Ward 3)**

1 submission of concern

SJMC2011-05-30/294R

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

3. A Discretionary Use Application has been submitted by Merrill Heald requesting permission to occupy **Civic No. 93 Torbay Road** as a Commercial School for children aged 6 to 8 years. The proposed school will have a maximum student enrolment of twenty (2), a staff of two (2), and will operate Monday to Friday, 8:00 a.m. to 2:30 p.m. Parking for seven (7) vehicles as required under Section 9 of the St. John's Development Regulations can be accommodated on the adjacent property at Civic No. 95 Torbay Road. **(Ward 1)**

SJMC2011-05-30/295R

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

Public Works and Environment Standing Committee Report – May 19, 2011

Council considered the following report of the Public Works and Environment Standing Committee Report dated May 19, 2011:

Attendees: Councillor Hickman, Chairperson
Acting Mayor Shannie Duff
Councillor Tom Hann
Councillor Frank Galgay
Councillor Danny Breen
Councillor Bruce Tilley
Robert Smart, City Manager
Walt Mills, Director of Engineering
Bob Bishop, Director of Finance
Jason Sinyard, Acting Director of Public Works & Parks
Sylvester Crocker, Acting Director of Building & Property Management
Brendan O'Connell, Manager of Environmental Services
Phil Hiscock, Operations Assistant – Streets
Steve Colford, Operations and Systems Engineer
Brian Head, Operations Assistant – Parks
Karen Chafe, Recording Secretary

Also present was Dave Bartlett with the Telegram.

1. **Review of Garbage Bag Limit**

The Committee considered a memorandum from Acting Director of Public Works Mr. Jason Sinyard regarding the question of whether or not Council should consider reducing the garbage bag limit which is currently set at ten bags given the City's new recycling program. As Council is aware, the recycling program has been a success with the latest statistics showing participation rates at 69%, well surpassing the first year goal of 50%. The Committee agrees with staff's recommendation as follows:

That as participation is still increasing, it is recommended to continue with the City's current course of action and to re-evaluate our position in the fall. Once it becomes apparent that our participation rates have plateaued, it is recommended to consider a reduction in the bag limit at that time.

2. **Downtown Clean-up**

The Committee discussed in-depth the problems of litter in the Downtown and whether or not there is a need for more City resources and equipment to tackle the problem and whether or not there is a need for more enforcement. The City already provides two manned carts which are on site at 6:00 a.m. every morning. Enforcement is problematic because as litter blows around, it is difficult to determine which property owners should be given notice of a violation. Those who receive tickets for violations also have the right to appeal the notice which further delays the enforcement process.

Litter continues to be a problem despite the City's efforts and it was generally agreed that there is an educational and attitudinal problem associated with the ongoing problem of litter. Councillor Tilley advised that he will be meeting with the Downtown Development Commission at which time he will raise this matter with them to determine how they can work with the City to deal with the problem.

3. **Landfill Tipping Fee Exemptions**

The Committee considered a memorandum dated March 8, 2011 from Acting Director of Public Works & Parks, Jason Sinyard regarding Landfill Tipping Fee Exemptions (R2004-05-10/8). The Committee recommends approval of the following revision proposed and that it be referred to Eastern Waste Management:

The following revision is recommended in order to maintain the volume of waste exempt from the tipping fee in light of recent and/or future increases in the dollar amount of the tipping fee:

- A. *A tipping fee exemption be granted on material generated by the following users of the Robin Hood Bay Landfill:*
 - *Registered charities while engaged in operations which recycle/reuse second-hand goods provided the annual tonnage does not exceed 50 tonnes per charity;*
 - *Volunteer groups while performing clean-ups of neighbourhoods, road-side ditches, open spaces and trails as a public service.*

4. **Request for Electrical Service – Mobile Vending Leased Space**

The Committee considered a memorandum dated May 2, 2011 regarding a request for electrical service for a mobile vending leased space. Existing mobile vendors presently do not have an AC power supply. These units have been operating in the City for many years and have been inspected and licensed by City and Public Health inspectors. The current inspection process involves checking of fire extinguishers/propane tanks and equipment and general review of the units to ensure occupant safety. As well, insurance certificates have to

be provided. Concern has been raised about the reliability of existing ventilation systems, equipment, lighting and fire protection.

Estimates obtained from the City's Electrical Maintenance Department confirmed that each site can be serviced by means of a pole and a 60 amp electrical power supply at a cost of \$6,500 HST included for each site. This cost could be amortized over a 10 year period @ 6.5% interest with the payment being approximately \$1,000 yearly. This additional cost could be added onto the existing yearly fee to recover the costs. The following options were outlined:

- a. Maintain status quo with vendors obtaining permission from Newfoundland Power and assuming full cost of electrical connection.
- b. City provide power to each site as required and build cost into a yearly fee.
- c. City provide service at no cost to vendor and require upgrading of mobile vending units to meet new electrical and ventilation requirements.

The Committee recommends approval of the first option whereby the City maintains the status quo with vendors obtaining permission from Newfoundland Power and assuming full cost of electrical connection.

5. Energy Reduction Strategy – New Residential Units

The Committee considered a memorandum dated May 2, 2011 from the Director of Building and Property Management outlining a proposed policy relating to improved energy performance for new residential units. The approach recommended is becoming an industry standard in many municipalities as the National Building and Energy Codes move to improved energy performance in new houses. The end result for the consumer is a lower annual operating cost providing a positive return on investment.

The Committee recommends that Council approve the Energy Reduction Strategy as attached.

6. Service Evaluation Survey Results

The Committee refers the attached service evaluation survey results to Council for information.

7. Rodent Problem

Councillor Tilley relayed concerns from constituents about the rodent problem in Cowan Heights, particularly in the western section where excavation for the extension of the Team Gushue Highway has occurred. Another problem area is on Blackmarsh Road in the vicinity of Gulliver Farms.

The Acting Director of Building & Property Management noted that developers are advised to contract exterminators prior to starting any major work. Major construction projects that exceed \$1 million in construction value and which involve land development (i.e. excavation or partial demolition) must be treated for rodent control by an approved pest control company. Written confirmation will be required to be submitted to the Building

Dept. prior to the release of any permits. It is anticipated that such action will significantly offset the rodent problem.

With regard to those areas currently experiencing problems, staff advised that rodents are attracted to food and shelter, so residents must take special care to keep their properties clean and devoid of any food sources such as garbage or inappropriate compost material. More information on how to deal with rodent problems is attached to this report and can also be accessed via the City's website:

<http://www.stjohns.ca/cityservices/animalcontrol/pdfs/rodents.pdf>

8. **Pinnacle Award for Curb It Recycling Program Marketing Campaign**

The Committee considered a memorandum dated May 19, 2011 from Acting Director of Public Works & Parks, Mr. Jason Sinyard advising that the City's "Curb It" marketing campaign won the award for Marketing Communications in the Communications Strategy Division.

Councillor Sandy Hickman
Chairperson

SJMC2011-05-30/296R

It was moved by Councillor Hickman; seconded by Councillor Galgay: That the recommendations of the Public Works and Environment Standing Committee be approved.

Regarding Item #2, Councillor O'Leary inquired about the clean up contract for the downtown and whether it was awarded by the DDC or the City. The Director of Public Works and Parks advised that the clean up contract is awarded by the City and the snow clearing contract is awarded by the DDC. Councillor O'Leary suggested that a full review of the downtown clean up contract might be necessary in order to improve efficiency. She noted that she often receives numerous complaints from constituents about the state of the downtown.

The motion being put was unanimously carried.

Development Committee Report – May 24, 2011

Council considered the following report of the Development Committee dated May 24, 2011:

RECOMMENDATION OF APPROVAL:

- 1. Proposed Eating Establishment Liquor License
Rocket Bakery
Civic No. 270 Water Street (Ward 2)**

The Development Committee recommends that Council approve the noted application.

- 2. Proposed Outdoor Eating Area-Murray Premises Courtyard
Gypsy Tea Room
Civic No. 315 Water Street (Ward 2)**

The Development Committee recommends that the application be approved as per **Section 10.25 of the St. John's Development Regulations** subject to the normal requirements of the Department of Building and Property Management.

Robert F. Smart
City Manager
Chair – Development Committee

SJMC2011-05-30/297R

It was decided on motion of Councillor Hann; seconded by Councillor Galgay: That the recommendations of the Development Committee be approved.

Heritage Advisory Committee Report – May 25, 2011

Council considered the following report of the Heritage Advisory Committee dated May 25, 2011:

Members: Acting Mayor Shannie Duff, Chairperson
Councillor Sheilagh O’Leary
Councillor Tom Hann
David Kelland, NL Association of Architects
Anne Hart
David Hood, NL Historic Trust
Cliff Johnston, Director of Planning
Joe Sampson, Manager of Development
Peter Mercer, Heritage Officer
Helen Miller, Archivist
Margaret Donovan, Tourism Industry Coordinator
Alannah Wicks, Archives
Karen Chafe, Recording Secretary

Also in attendance was Alisha Morrissey with the Board of Trade.

1. **49-53 Harvey Road: Proposed Office/Condominium Development**

The Committee met with the proponents for the development: Ms. Elaine Hann, Mr. Richard Hiblin and Mr. Dick Cook. The proponents have stated that they do not wish to make any changes to their last submission which was previously considered by the Heritage Advisory Committee and which is attached to this report. The proponents cited the following reasons:

- They are presenting a building that fits within a modern St. John's. It was their opinion that the street does not contain any structures which are of heritage significance, most having been recently built following the fire which took place in the early 1990's.
- Reference was made to the heritage that exists in other major cities such as the City of London for example and which coexist easily with modern architecture. Such structures show a City's architectural evolution because they do not replicate buildings of the past.
- The heritage of the City of St. John's consists mostly of Victorian style architecture and the replication of such lacks imagination.
- With regard to 49-53 Harvey Road, the City is trying to replicate a heritage style that did not previously exist on this location. The proposal put forth would mirror the architecture surrounding it rather than clashing with such.
- Particular reference was made to civic # 124 Water St. which was recently renovated and which does not appear to have complied with stringent heritage regulations, as it has a modern facade.
- The proponents questioned where and why there is no architectural creativity in this City.
- They feel that they should be able to put a modern building on this vacant empty lot which reflects today's architecture and not that of the past.
- The proponents circulated some examples of what they believe to be innovative and creative architecture from around the world which has enhanced the areas in which they are situated.

- The developers wish to invest \$5 million into this site and are frustrated by the City's process.

The Committee when it last reviewed the application had made the following recommendation during its meeting of September 27th, 2010:

The Committee recommends that Council reject the application and the applicant submit a revised design that meets the requirements of Section 5.9.4 of the St. John's Development Regulations. The Heritage Advisory Committee will continue to offer advice to the City's Heritage Officer and the developer and offers the following design elements to serve as a guideline:

- **Fenestration:** *The proposed façade consists of a glass curtain treatment typically used in office towers rather than residential buildings. This presents Harvey Road with a fairly blank wall of glass so that the actual windows where people could see and be seen are almost invisible. Punched windows in a regular pattern with some symmetry, echoing the human form, i.e. taller rather than wider, would be more appropriate.*
- **Entrance:** *the front door should be situated such that it is visible and could be highlighted with a portico, eave and/or lighting.*
- **Materials:** *should be traditional to or echo the heritage area. Traditional materials for larger buildings would include brick and masonry. Curtain wall is associated with modern high-rise buildings and not considered to be a traditional element, though it has been used to good effect on the Blue Drop, Delgado and Lilly Buildings but usually restrained rather than filling the front façade.*
- **Size and scale:** *should be oriented to nearby buildings. The contrast in height should be organic, not stark. The scale of the proposed development is large and will overpower the adjacent properties, particularly as it encompasses three building lots. For example, facing Harvey Road, the property to the west is three storeys and the property to the east is two. The proposed development will be five storeys. The rear façade on Long's Hill will appear even more massive, consisting of garage doors on the lower level and balconies and glass rails on all other levels.*
- **Streetscape:** *given that the proposal will be situated on three lots as one major development, there is an issue with the loss of rhythm to the streetscape, which generally consists of storefront facades. There is a need to reflect a continuous pattern of similar scale buildings.*
- *New buildings do not have to replicate the past but they should have echoes of the past if they are to be built in a heritage area.*

The Committee expressed the importance of developers being engaged in and having a greater understanding of a heritage area's defining principles. The greater their sense for the areas in which they wish to build, the greater their sensitivity toward appropriate development.

Several photographs are attached of new construction and/or renovations in the heritage area that incorporate newer materials and modern design elements that have been very successful.

The Committee having considered the views expressed by the proponents during today's meeting did acknowledge that there is room for modern design and creativity in the heritage area; however, it was agreed that the artist rendering submitted does not reflect the creativity or vision that the applicants speak so passionately about. The Committee also reiterates its previous comments that buildings do not have to replicate the past but should have echoes of the past if they are to be built in a heritage area. A modern design would be acceptable if it were reflective of the surrounding neighbourhood.

The Committee is open to reviewing a new design that makes an effort to respect the heritage character of the area.

2. **Gypsy Tea Room (Murray Premises)**

The Committee considered an application to install a wrought iron fence for a proposed outdoor eating area for the Gypsy Tea Room at the Murray Premises court yard. The issue has been referred to the Development Committee. The Heritage Advisory Committee is asked to review the wrought iron fence/gate design only.

The Committee recommends approval of the fence/gate design.

3. **7 Plank Road – Revised Design**

The Committee previously reviewed the above noted application during their March 23, 2011 meeting at which time approval was given subject to some amendments, one of which was *that the new window proposed for the east elevation on the second level be narrowed to the same width as the windows that exist on that side. The proposal to widen the existing top window should stay within the same dimensions as those existing on that level.*

The applicant has now revised the plan to incorporate a double vertical slider window as shown on the attached plan.

The Committee recommends approval of the revised submission.

**Acting Mayor Shannie Duff
Chairperson**

SJMC2011-05-30/298R

It was decided on motion of Councillor O’Leary; seconded by Councillor Hickman: That the recommendations of the Heritage Advisory Committee with respect to Items 2 and 3, be approved.

SJMC2011-05-30/299R

Regarding Item #1, it was moved by Councillor Hann; seconded by Councillor O’Leary: That a decision on the application be deferred to allow the applicants an opportunity to meet again with the Heritage Advisory Committee regarding proposed minor changes to the development design.

Councillor Hann advised that he had been speaking with the applicants who had indicated they were willing to talk with the Heritage Advisory Committee about making minor changes to their

proposed design. He noted that the applicants were unable to discuss their situation with the Committee this week as they had to go out of the country to attend to an urgent family emergency.

Councillor Galgay indicated that he had spoken to the applicants and had suggested that a compromise might be required on their part in order for them to move forward with their proposed development. Deputy Mayor Duff also noted that some compromise was required on the part of the applicants as the Heritage Advisory Committee had offered them numerous suggestions on the design of the building. She indicated that she supported the motion to defer given the willingness of the applicants to make some changes to the building design. Councillor Breen also spoke in favour of the motion to defer, noting that any opportunity to have more discussion to try and reach a consensus on the matter is to the applicants' benefit. In closing the debate on the motion, Councillor O'Leary also indicated her support for deferral, and noted that she looked forward to sitting down with the developer and the Heritage Advisory Committee to reach an acceptable compromise on the proposal.

The motion to defer being put was unanimously carried.

Development Permits List

Council considered the following Development Permits List for the period May 20-26, 2011:

DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF May 20, 2011 TO May 26, 2011

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES	Paul Curtis	Rebuild of Single Detached Dwelling	20 Walsh's Lane	5	Approved	11-05-20
COM	Karen Yetman	Home Office - Drafting	22 Symonds Place	2	Approved	11-05-20
RES	Reginald Ward	Proposed Building Lot	89 Cochrane Pond Road	5	Rejected by Provincial Land Development Advisory Authority	11-05-20
RES	Al Spurrell	Demolition & Rebuild of Single Detached Dwelling	30 Gooseberry Lane	4	Approved	11-05-24
COM	Sheppard Case Architects	Lawton's Drugs	11 Elizabeth Avenue	4	Approved	11-05-20
INST	Ron Fougere Assoc. Ltd.	Ronald McDonald House	Clinch Crescent	4	Approved	11-05-25

Gerard Doran
Development Officer
Department of Planning

* Code Classification:
 RES - Residential
 COM- Commercial
 AG - Agriculture
 OT - Other

INST - Institutional
 IND - Industrial

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

Building Permits List

SJMC2011-05-30/300R

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

2011/05/25

Permits List

CLASS: COMMERCIAL		
PENNEY'S UNISEX	12-20 HIGHLAND DR	MS SERVICE SHOP
CLEARWATER POOLS LIMITED	274 KENMOUNT RD	MS RETAIL STORE
BEAGLE PAWS	135 MAYOR AVE	MS CLUB
EXECUTIVE COFFEE SERVICES	54 PIPPY PL	MS RETAIL STORE
I.M.P. GROUP LIMITED	5-7 PIPPY PL	MS OFFICE
LONG HARBOUR HOLDINGS INC	10 ST. CLARE AVE	MS RECREATIONAL USE
EAST COAST MORTGAGE BROKERS	50 TIFFANY LANE	MS OFFICE
IRONWOOD CHIP & PUTT INC.	421 TORBAY RD	MS RETAIL STORE
ICEBERG QUEST OCEAN TOURS INC.	PIERS 6, HARBOUR DRIVE	NC OTHER
IBM CANADA LTD.	136 CROSBIE RD	CR OFFICE
RICOH CANADA INC.	136 CROSBIE RD	CR OFFICE
CREATIVE FRAMING BY SPURRELL,	87 LONG'S HILL	RN CUSTOM WORKSHOP
BALLY HALY GOLF & COUNTRY	90 LOGY BAY RD	RN CLUB
		THIS WEEK \$ 109,000.00
CLASS: INDUSTRIAL		
JENKINS POWER SHEET METAL INC.	63-65 MAIN RD	EX LIGHT INDUSTRIAL USE
		THIS WEEK \$ 144,450.00
CLASS: GOVERNMENT/INSTITUTIONAL		
MACDONALD DRIVE ELEMENTARY	100 MACDONALD DR	MS SCHOOL
CANADIAN BLOOD SERVICES	434-438 MAIN RD	MS CLINIC
		THIS WEEK \$ 1,000.00

CLASS: RESIDENTIAL

ANTHONY DUGGAN	41 AIRPORT RD	NC ACCESSORY BUILDING
MICHAEL RANDELL DAWE AND	5 BANIKHIN PL	NC FENCE
DARREN HOWELL	26 BATTERY RD	NC ACCESSORY BUILDING
JOSEPHY B. & VALERIE BRODERS	18 BELLEVUE CRES	NC FENCE
JANICE R. BOONE & JASON CROFT	39 BELLEVUE CRES	NC PATIO DECK
CORRINA BARTLETT	32 BLACKWOOD PL	NC FENCE
JOHNATHAN C.T. GRIMES	17 BOLAND ST	NC ACCESSORY BUILDING
TRUE NORTH HOMES INC.	80 CAPE PINE ST, LOT 80	NC SINGLE DETACHED DWELLING
PRO-TECH CONSTRUCTION LTD.	75 CASTLE BRIDGE DR - LOT 103	NC SINGLE DETACHED DWELLING
THATA HIGGINS & KERRI HIGGINS	91 CASTLE BRIDGE DR, LOT 95	NC PATIO DECK
SCOTT LINEHAN	2 CEDAR DR	NC FENCE
BRICON ENT	124 CHEESEMAN DR, LOT 23	NC SINGLE DETACHED DWELLING
DBH ENTERPRISES LTD.	99 CHEESEMAN DR, LOT 60	NC SINGLE DETACHED DWELLING
BRICON ENT	113 CHEESEMAN DR, LOT 57	NC SINGLE DETACHED DWELLING
JEFFREY CAREW	117 CHEESEMAN DR, LOT 55	NC SINGLE DETACHED DWELLING
SULLIVAN'S CONTRACTING LTD.	127 CHEESEMAN DR - LOT 50	NC SINGLE DETACHED DWELLING
BYRON DRISCOLL	75 CHEYNE DR, LOT 3.10	NC SINGLE DETACHED DWELLING
CALCO HOMES	12 DAUNTLESS ST, LOT 96	NC SINGLE DETACHED & SUB.APT
CALCO HOMES	24 DAUNTLESS ST, LOT 134	NC SINGLE DETACHED DWELLING
CALCO HOMES	25 DAUNTLESS ST, LOT 116	NC SINGLE DETACHED DWELLING
LINDA M EBSARY	11 DAVIDSON PL	NC FENCE
CHRIS PITCHER	80 EASTBOURNE CRES	NC ACCESSORY BUILDING
KRISTA KING	36 FAHEY ST	NC FENCE
ERCO HOMES	28 GULLAGE ST, LOT 34	NC SINGLE DETACHED DWELLING
ERCO HOMES	30 GULLAGE ST, LOT 35	NC SINGLE DETACHED DWELLING
PETER FITZGERALD	105 HALL'S RD	NC FENCE
CALIBRE BUILDERS LTD.	11 HAMLET ST, LOT 47	NC SINGLE DETACHED DWELLING
KARA INVESTENTS LTD	23 HAMLET ST, LOT 53	NC SINGLE DETACHED DWELLING
DONOVAN HOMES	33 HAMLET ST, LOT 58	NC SINGLE DETACHED DWELLING
GEOFF & JANICE THISTLE	61 HOLBROOK AVE	NC ACCESSORY BUILDING
JANICE L. LOVEYS	16 JENNMAR CRES	NC FENCE
CARDINAL HOMES	10 KNAPDALE PL, LOT 43	NC SINGLE DETACHED DWELLING
ALLISTER KYLE	48 LEMARCHANT RD	NC FENCE
ANTHONY MAHER	36 LONG BEACH ST	NC FENCE
SCOTT STUCKLESS	80 MARK NICHOLS PL	NC FENCE
SCOTT STUCKLESS	80 MARK NICHOLS PL	NC PATIO DECK
KENNETH FOLLETT AND	205 MUNDY POND RD	NC ACCESSORY BUILDING
ATLANTIC HOMES	6 NERISSA PLACE, LOT 448	NC SINGLE DETACHED DWELLING
JOEL HICKEY	5 O'MARA PL	NC FENCE
EDWARD & KRISTA COADY	43 OTTER DR	NC FENCE
LEON G. MALLAY	57 OTTER DR	NC FENCE
JOHN ARTHUR SINGLETON &	17 PARKVIEW CRES	NC SWIMMING POOL
MARY DOULTON	52 AIRPORT HEIGHTS DR	NC ACCESSORY BUILDING
BARRY CHRISTOPHER LAKE	18 REID ST	NC SINGLE DETACHED DWELLING
CRAIG CONNERS	14 RICHMOND STREET - LOT 1	NC TOWNHOUSING
CRAIG CONNERS	16 RICHMOND STREET - LOT 2	NC TOWNHOUSING
PAMELA LAYDEN	16 ROSALIND ST, LOT 390	NC SINGLE DETACHED & SUB.APT
ELVIS LOVELESS	34 ROSALIND ST, LOT 399	NC SINGLE DETACHED & SUB.APT
CALCO HOMES	48 ROSALIND ST, LOT 406	NC SINGLE DETACHED & SUB.APT
CALCO HOMES	68 ROSALIND ST, LOT 416	NC SINGLE DETACHED & SUB.APT
MARNELL ENTERPRISES	11 ROSALIND ST, LOT 459	NC SINGLE DETACHED DWELLING
TRUE NORTH HOMES INC.	19 ROSALIND ST, LOT 455	NC SINGLE DETACHED DWELLING
TRUE NORTH HOMES INC.	31 ROSALIND ST, LOT 443	NC SINGLE DETACHED DWELLING
PHILIP POWER & SON	21 ROSE ABBEY ST - LOT 141	NC SINGLE DETACHED DWELLING
J & P CONTRACTING INC.	48 ROTARY DR, LOT 77	NC SINGLE DETACHED DWELLING
J & P CONTRACTING INC	99 ROTARY DR, LOT 97	NC SINGLE DETACHED & SUB.APT
PRANAV BHATT & FALGUNI BHATT	50 RUMBOLDT PL	NC ACCESSORY BUILDING
DOUGLAS PARKINSON	13 SERPENTINE ST	NC ACCESSORY BUILDING
JASON ROSE	9 SHANNON PL	NC ACCESSORY BUILDING
SHANNON G. WHEELER, BOYD B.	1 SPRUCEDALE DR	NC FENCE
CHRISTINA HUNT	12 STONEYHOUSE ST	NC FENCE

BRICON ENT	54 TEAKWOOD DR, LOT 113	NC SINGLE DETACHED DWELLING
SULLIVAN'S CONTRACTING LIMITED	74 TEAKWOOD DR - LOT 9	NC SINGLE DETACHED DWELLING
TERRY POWER	92 TEAKWOOD DR	NC ACCESSORY BUILDING
GEORGE V. SHEPPARD &	397 THORBURN RD	NC FENCE
DALE C PAUL AND	15 TOBY MCDONALD ST	NC ACCESSORY BUILDING
ROGER & BRENDA PERCHARD	74 VIRGINIA PL	NC FENCE
ROBERT J. KINSELLA &	20 WOODWYND ST	NC ACCESSORY BUILDING
LES LITTLE	4 EARLE ST	CR SUBSIDIARY APARTMENT
TERRANCE O'REILLY	20 GLOVER PL	EX SINGLE DETACHED DWELLING
BRIAN COLLINS	7 GOOSEBERRY LANE	EX PATIO DECK
MARK RICHARDS	807-815 MAIN RD	EX SINGLE DETACHED DWELLING
JAMES DINN	10-12 PARK LANE	EX ACCESSORY BUILDING
BRENT MEADE & GERRIE SMITH	6 SIMMS ST	EX SINGLE DETACHED DWELLING
WAYNE POWER AND	3 ALDERGROVE PL, LOT 238	RN SINGLE DETACHED DWELLING
EMILY SULLIVAN	19 CAVELL AVE	RN SEMI-DETACHED DWELLING
55736 NFLD & LAB INC.	100 ELIZABETH AVE, SUITE 202	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE, SUITE 211	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE, SUITE 402	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE, SUITE 404	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE, SUITE 413	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE, SUITE 415	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE, SUITE 501	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE, SUITE 503	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE, SUITE 509	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE, SUITE 513	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE, SUITE 514	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE, SUITE 515	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE, SUITE 603	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE - SUITE 311	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE. - SUITE 408	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE - SUITE 216	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE - SUITE 407	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE - SUITE 316	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE - SUITE 314	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE - SUITE 309	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE - SUITE 303	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE, SUITE 302	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE., SUITE 301	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE, SUITE 214	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE, SUITE 213	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE, SUITE 203	RN CONDOMINIUM
55736 NFLD & LAB INC.	100 ELIZABETH AVE, SUITE 204	RN CONDOMINIUM
NEVILLE & JUDITH MILLS	78 FOREST RD	RN SEMI-DETACHED DWELLING
JOHN ROWE	91-93 GOWER ST	RN TOWNHOUSING
KEITH THORNE	1 GREENSPOND DR	RN ACCESSORY BUILDING
NELSON HODDINOTT	86 HAMILTON AVE	RN SINGLE DETACHED DWELLING
JOHN F. & KAREN D. KENNEDY	81 MERRYMEETING RD	RN SINGLE DETACHED DWELLING
GERARD J. ENNIS	68 PRINCE OF WALES ST	RN SEMI-DETACHED DWELLING
ROSEMARIE SNOW	2 PROSPECT ST	RN TOWNHOUSING
GEORGE POWER	118 SPRINGDALE ST	RN SEMI-DETACHED DWELLING
ALBERT N. & TRUDI JOHNSON	158 CANADA DR	SW SINGLE DETACHED DWELLING
BYRON THOMEY AND	20 ICELAND PL	SW SINGLE DETACHED DWELLING
HUBERT & MICHELLE CREWS	32 MOUNTAIN VIEW DR	SW SINGLE DETACHED DWELLING

THIS WEEK \$ 8,728,591.00

CLASS: DEMOLITION

JOHN GUINEY	522-524 MAIN RD	DM SINGLE DETACHED DWELLING
		THIS WEEK \$ 4,000.00

THIS WEEK'S TOTAL: \$ 8,987,041.00

REPAIR PERMITS ISSUED: 2011/05/19 TO 2011/05/25 \$ 193,251.00

LEGEND

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

Payrolls and Accounts

SJMC2011-05-30/301R

It was decided on motion of Councillor Tilley; seconded by Councillor O’Leary: That the following Payrolls and Accounts for the week ending May 26, 2011, be approved:

**Weekly Payment Vouchers
For The
Week Ending May 19, 2011**

PAYROLL

Public Works	\$ 342,732.01
Bi-Weekly Casual	\$ 16,014.24

ACCOUNTS PAYABLE \$ 2,325,225.61

Total: \$ 2,683,971.86

Tenders

- a. 2011 Bridge Rehabilitation Program
- b. 2011 Sanitary Sewer Improvements – Contract 2

SJMC2011-05-30/302R

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

- a. Pyramid Construction in the amount of Three Hundred and Twenty Five Thousand Nine Hundred and Nineteen Dollars and Twelve Cents (\$325,919.12)**
- b. Can-Am Construction (2004) Limited in the amount of Three Hundred and Twenty Six Thousand Five Hundred and Seventy (\$326,570.00)**

Petition re: Closure of Exit at the Top of Doyle's Road

Councillor Collins tabled a petition from the residents of Doyle's Road regarding the above noted matter. The prayer of the petition reads as follows:

"We the residents of Doyles Road respectively request council to make arrangements to close the exit at the top of Doyles Road. At the entrance to our cul-de-sac it clearly states "NO EXIT" however there is constant flow of traffic exiting via the dirt road at the end of the cul-de-sac. We make this request for the safety of our children. Traffic travels at excessive speeds as well we have witnessed illegal activity. We have made 300+ calls to the police and numerous calls to the City of St. John's. We request something be done before someone is hurt or killed."

Councillor Collins indicated that he was unsure if Council had the authority to close off the top of Doyle's Road or if it fell under the jurisdiction of the Provincial Department of Highways.

Council agreed that the petition be referred to the Director of Engineering for review and comment.

The Lung Association - Newfoundland & Labrador – President's Vote of Thanks Award

Council considered as information a letter dated May 11, 2011, to City Employee Bryan Harris informing him that he has been awarded the President's Vote of Thanks Award from the Lung Association of Newfoundland and Labrador.

Media Release – School Travel Planning Program

Council considered as information a Media Release issued by the Office of the Mayor regarding the School Travel Planning Program.

Bannerman Park Foundation Executive Committee Report – May 26, 2011

Council considered the following report of the Bannerman Park Foundation Executive Committee dated May 26, 2011:

In Attendance: Jennifer Guy, Chairperson
 Acting Mayor Shannie Duff
 Sonia Dawe-Ryan
 Kevin Nolan
 Jennifer Mills

Membership: Bannerman Park Foundation

The Committee recommends that Council approve the following new members for the Bannerman Park Foundation:

- John Clarke
- Ruth Canning
- Catherine Dempsey
- Judy Dobbin
- Tony Evans
- Glen Power
- Karen Armstrong

The Executive Committee would eventually like to identify an additional board member to represent citizens of the Downtown area.

Jennifer Guy
Chairperson

SJMC2011-05-30/303R

It was decided on motion of Councillor O’Leary; seconded by Councillor Breen: That the recommendation of the Bannerman Park Foundation Executive Committee be approved.

Travel Authorization to Attend the Big City Mayors’ Caucus

Council considered a memorandum from Mayor O’Keefe requesting authorization to travel to Halifax, Nova Scotia to attend the Big City Mayors’ Caucus from June 1- 3, 2011.

SJMC2011-05-30/304R

It was decided on motion of Councillor Galgay; seconded by Councillor Hann: That Council approve the request from Mayor O’Keefe to attend the Big City Mayors’ Caucus taking place in Halifax, Nova Scotia from June 1-3, 2011.

Councillor O’Leary

- Councillor O’Leary congratulated Allen Walbourne, Angela Antle, Veselina Tomova, Gloria Hickey, and Gerald Squires who were winners at the 6th Annual Excellence in Visual Arts Awards.
- Councillor O’Leary referenced the recent launch of the newest play from local writer Ed Riche called “Hail”. The play is currently running at the LSPU Hall and she encouraged the public to go and see it as it is a wonderful play starring great local actors - Aiden Flynn, Brad Hodder, Brian Marler, and Robert Joy.
- Councillor O’Leary raised the issue of inappropriate posters from various sex clubs in the downtown being displayed on utility poles, and she noted she has received complaints from many residents in this regard. She indicated that the matter had previously been discussed by Council and there are issues with infringing on a person’s right to freedom of speech and freedom of expression, however, these posters are dominating the utility poles in the downtown and are sexually explicit and not appropriate for young adults or children to see. She inquired if it would be possible to do a study of other municipalities to see how they deal with this issue and try to diminish the impact of these posters.

The City Solicitor advised that this issue is not something that a municipality can deal with in terms of legislation. Deputy Mayor Duff indicated that in the past, she has personally approached the various establishments advertising on the posters and asked them to use some common sense and discretion when posting posters. She noted that they did comply, however, the issue does tend to arise again. She suggested that contacting the various establishments might be the best approach in this situation. Councillor Hanlon noted that

she too has dealt with this issue by calling the various clubs and agreed that this would be the best approach.

Council agreed that the matter be referred to the Department of Building and Property Management and requested that staff contact the various clubs who are advertising on the posters and request that they use some common sense and discretion in their public advertising.

- Councillor O'Leary advised that the Coalition for Alternative Pesticides NL, of which she is a member, will be pursuing candidates on their stance against the use of cosmetic pesticides during the upcoming Provincial election.

Councillor Hickman

- Councillor Hickman advised that line painting is continuing throughout the City, however, the work is weather dependent. He asked residents to have patience, and noted that the work will be done as quickly as possible.
- Councillor Hickman also advised that pothole patching has started as well with the opening of the hot asphalt plants. Crews are making repairs as quickly as possible, and additional work will be done under the Streets Rehabilitation Program.

Councillor Hann

- Councillor Hann referenced the letter that Deputy Mayor Duff recently sent to the Province regarding the need for Provincial legislation to deal with the issue of motorcycle noise, and he noted that this is not the first time the City has contacted the Province in this regard. He indicated that representatives from the City's Police and Traffic Committee met with the Minister in 2009 on the matter, and at that time, the Minister indicated he was awaiting the results of a pilot project that was taking place nationally before moving forward with any legislation. Councillor Hann indicated that it was his understanding that the pilot project is now completed. Hopefully, the latest letter will prompt the Minister to take another look at

the issue. Deputy Mayor Duff noted that if the letter did not generate any response, she would request a meeting with the Minister to discuss the matter.

Councillor Breen

- Councillor Breen advised that there would be a public meeting taking place at 7:00 p.m. on Tuesday, May 31, 2011, at the Wedgewood Park Community Centre to discuss the possible closure of the laneway running between Highland Drive and Norfolk Place. Some area residents are having issues with the laneway and have requested that consideration be given to closing it.
- Councillor Breen referenced the ongoing odour issue at the Robin Hood Bay Landfill, and he noted that he received numerous calls over the last few weeks. He noted that the odour tends to worsen with certain weather conditions (i.e. a low cloud ceiling and damp weather). He indicated that last year the City had engaged a consultant to do a review of the landfill operations. The consultant prepared a report containing 30 recommendations, including constructing an extension to the gas collection system. The tender for this work was called, and the contract was awarded a few weeks ago. The work will be commencing very shortly and will hopefully be completed in the fall.

Councillor Tilley

- Councillor Tilley advised that the Seniors' Day Fair will be held on Wednesday, June 1st in the Foran Room at City Hall from 1-4 p.m. The purpose of the event is to give the City the opportunity to recognize seniors and give them information that will help enhance their quality of life in the City. There will be four presentations on the topics of Housing, Safety/Abuse, Health and Wellness, and Managing Affairs as well as 15 information booths.
- Councillor Tilley gave the following update on the status of the work on the extension of the Team Gushue Highway:

- The Team Gushue Highway project will likely be completed in phases similar to how the Outer Ring Road was completed and opened in stages.
- The limiting factor in road opening will likely be concrete overpass construction/scheduling. In order to open an interchange, the structure will normally be required to be completed before paving and opening in the staging process.
Road bed construction to Brookfield Road will likely be completed in 2011 as well as the twin overpass on Kenmount Road to the existing one to carry the divided highway southward. (Construction is now started on this overpass.)
- Overpasses/underpasses have to be built at Old Pennywell Road, Empire Avenue Extension (Proposed Collector Road) and Captain Whelan Drive interchanges to open the route to the Cowan Heights area. I anticipate possibly 2012 to this area if the construction schedule allows. Paving could be ongoing concurrently while overpass construction is proceeding, but these structure installations will likely be the critical path to the route opening.
- After these structures are completed, another twin structure installation is required at Blackmarsh Road, another single structure at Topsail Road to activate interchange access at Topsail Road, and a twin structure at Topsail Road to carry on over to Brookfield Road (2013 timeframe for construction).
- Two other interchanges are proposed for Brookfield Road. Some efficiency in tendering multiple overpass structures together is planned, but construction time will likely be critical due to the volume of work involved with such structures.
- Final completion of the whole route is anticipated in 2013/14.

Councillor Hanlon

- Councillor Hanlon advised that she had recently attended the Oil Show in Houston as the City's representative, and she noted that there was a lot of buzz about the City and the

Province and the resources that are available here with regard to cold water and deep water exploration. Councillor Hanlon also advised that she had attended the World Energy Cities Partnership meetings where the City was singled out for its hospitality.

- Councillor Hanlon thanked the residents and businesses in the downtown who had contacted her about the issue of truck traffic in the downtown. As a result, she noted she was able to bring the matter to the attention of Council and have the Truck Traffic By-Law amended to address the situation.
- Councillor Hanlon congratulated the Mayor's Advisory Committee on Seniors and City Staff for the hard work in putting together the 2nd Annual Seniors' Day Fair taking place later this week.

Councillor Collins

- Councillor Collins advised that he had received calls from the Southlands Committee wondering about the status of the funding request for Southlands Day. It was noted that the request is being considered as part of the Grants and Subsidies Program, and a final decision on the funding request is still pending but should be forthcoming shortly.
- Councillor Collins referenced a proposed new subdivision for the Shea Heights area, and he noted that there are issues with the sanitary sewer that need to be addressed before the project can proceed. He indicated that it will be another month or so before that issue is resolved.
- Regarding the issue of the use of cosmetic pesticides, Councillor Collins noted that there was an article in the paper which indicated that he was associated with a pesticide company in some way. He clarified that this is not the case. He noted that he has worked in the landscaping business for over 30 years, and has not encountered any issues, health or otherwise with cosmetic pesticide usage.

Adjournment

There being no further business, the meeting adjourned at 6:15 p.m.

MAYOR

CITY CLERK