

**November 15, 2010**

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

His Worship the Mayor presided.

There were present also: Deputy Mayor Duff; Councillors O'Leary, Hickman, Colbert, Hann, Breen, Tilley, Hanlon and Collins.

Regrets – Councillor Galgay.

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

**Adoption of the Agenda**

**SJMC2010-11-15/621R**

**It was decided on motion of Councillor Collins; seconded by Councillor Hickman: That the Agenda be adopted as presented.**

**Adoption of Minutes**

**SJMC2010-11-15/622R**

**It was decided on motion of Deputy Mayor Duff; seconded by Councillor Hann: That the minutes of the November 8<sup>th</sup>, 2010 meeting be adopted as presented.**

**His Worship the Mayor acknowledged the presence of striking Metrobus workers in the Public Gallery, and on behalf of Council thanked them for respecting the Rules of Procedure in the Chamber and indicated his hope that the issues can be resolved as quickly as possible.**

**St. John's Sports and Entertainment**

His Worship the Mayor acknowledged the presence of Mr. Gerry Smith, Chair, St. John's Sports and Entertainment, who attended the meeting during discussions on the St. John's Sports and Entertainment Budgeted Statement of Revenues and Expenses for the year ending December 31, 2011.

Councillor Breen, Council's representative on the St. John's Sports and Entertainment Board, reviewed the statements and their budget request for the upcoming year ending December 31, 2011. They are requesting that the City approve an operating grant in the amount of \$1,250,000.00 for the 12 month period ending December 31, 2011. This represents the third consecutive annual reduction of \$250,000.

Councilor Breen along with others members of Council commended Mr. Smith, all SJSEL boards members along with staff for a job well done in decreasing the subsidy.

Mr. Smith noted that the Board will continue discussions in pursuit of a hockey franchise for the City. He noted the huge success of the Four Nations Cup this past week, indicating that the Board will continue to focus on the entertainment side of the business.

It was noted that the Board's budget request for the upcoming year will be considered during 2011 budget discussions.

**Business Arising**

**St. John's Development Regulations Amendment Number 495, 2010,  
Comprehensive Development Area – Signal Hill/Battery Zone**

Under business arising, Council considered a memorandum dated November 12, 2010 from the Director of Planning recommending that, given Council made a decision at its Regular Meeting on November 8, 2010 to rescind the motion of September 20, 2010 granting an Approval-in-Principle for the proposed eight (8) lot residential subdivision at Murphy's Right -of -Way, that Council now rescind its decision of September 20, 2010 to

adopt the resolution for St. John's Development Regulations Amendment Number 495, 2010.

Councillor O'Leary gave the following Notice of Motion:

“Take Notice that I will at the next Regular Meeting of Council, move a motion to rescind the motion of September 20, 2010, to adopt the St. John's Development Regulations Amendment Number 495, 2010“.

**Development Committee Report dated November 10, 2010**

Council considered the following Development Committee Report dated November 10, 2010:

**RECOMMENDATION OF APPROVAL:**

- 1. Discretionary Use Application  
Proposed Construction of an Accessory Building  
Mr. Barry Grenning  
Civic No. 242 Southern Shore Highway**

The Development Committee recommends that Council approve the above noted application for the 16 ft. x 20 ft. accessory building subject to the demolition and inspection of the removal of the existing accessory buildings. Should the applicant obtain a permit to construct prior to the demolition of the existing accessory building, the applicant must deposit a security in the amount of \$1,141.30 (\$1,010.00 + HST) as determined by the Department of Building and Property Management.

- 2. Application for Billboard  
Torbay Road at Stavanger Drive  
Plaza Master GP Ltd.**

The Development Committee recommends that Council approve the sign as submitted.

- 3. *Department of Environment & Conservation File reference No. 1024632*  
Department of Planning/File No. 010-00378/B-17-I.6  
Crown Land Grant Referral  
395 Incinerator Road (Ward 5)  
Applicant: Foxtrap Forest Products Ltd.  
Industrial General (IG) Zone**

It is the recommendation of the Development Committee that Foxtrap Forest Products Limited's request for the Crown Land Grant be approved. Should the applicant be

successful in obtaining the Crown Land Grant, a formal development application must be submitted to the City for review and approval prior to the commencement of any development on the site.

**RECOMMENDATION OF REJECTION:**

4. **Proposed Extension to Automotive Repair Garage  
Mr. Jack Lynch/Jack's Auto Repair's  
Civic No. 132 Paradise Road  
Town of Paradise  
Broad Cove River Watershed (W) Zone**

The Development Committee recommends that Council reject the application for the proposed extension to the subject building pursuant to the Town of Paradise and the City of St. John's Watershed Agreement and Section 104 of the City of St. John's Act.

**Ronald G. Penney, Chairperson  
City Manager**

**SJMC2010-11-15/623R**

**It was moved by Councillor Hann; seconded by Councillor Breen: That the Committee's recommendations be approved.**

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

**Mayor's Advisory Committee on the Status of Persons with Disabilities Report dated November 9, 2010**

Council considered the following Mayor's Advisory Committee on the Status of Persons with Disabilities Report dated November 9, 2010:

- In Attendance:**
- Kelly Heisz, Co-Chairperson
  - Betty Osmond, CCB
  - Lisa Green, CHANNAL
  - Barry Galloway, ILRC
  - Robin King, Transportation Engineer
  - Blair Bradbury, Project Engineer
  - Gord Tucker, Manager – Property Management
  - Michelle Winsor, Family & Special Services Coordinator
  - Karen Chafe, Recording Secretary

**Report:**

**Audible Pedestrian Signals for Portugal Cove at MacDonald Drive**

Council during its Regular Meeting of June 23<sup>rd</sup>, 2009, approved the design study for the installation of audible pedestrian signals at the intersection of Portugal Cove Road/MacDonald Drive. This work has now been done and the Committee, having considered the attached memorandum dated November 3, 2010 from Project Engineer, Blair Bradbury, hereby submits the following recommendation to Council:

**That Council approve the installation of an APS system at the intersection of Portugal Cove Road and MacDonald Drive at the cost of approximately \$45,000. A detailed estimate is attached for Council’s review.**

Kelly Heisz  
Co-Chairperson

**SJMC2010-11-15/624R**

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

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

**Development Permits List**

Council considered as information the following Development Permits List for the period of November 5 to November 10, 2010:

**DEVELOPMENT PERMITS LIST  
DEPARTMENT OF PLANNING  
FOR THE PERIOD OF November 5, 2010 TO November 10, 2010**

Code	Applicant	Application	Location	Ward	Development Officer’s Decision	Date
COM	James N. Sweeney	Home Office	72 Brad Gushue Crescent	5	<b>Approved</b>	10-11-05
RES	Dean Brown	Demolition & Replacement of Dwelling	23 Murphy’s Lane	4	<b>Approved</b>	10-11-08

*	<b>Code Classification:</b> RES - Residential COM - Commercial AG - Agriculture	INST - Institutional IND - Industrial
** This list is issued for information purposes only. Applicants have been advised in writing of the Development Officer's decision and of their right to appeal any decision to the St. John's Local Board of Appeal.		

**Gerard Doran**  
**Development Officer**  
**Department of Planning**

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**Building Permits List**

**SJMC2010-11-15/625R**

**It was decided on motion of Deputy Mayor Duff; seconded by Councillor O'Leary: That the recommendation of the Director of Building and Property Management with respect to the following Building Permits List be approved:**

2010/11/09

Permits List

**CLASS: COMMERCIAL**

RANDY DAWE PHOTOGRAPHY	40 ABERDEEN AVE	MS OFFICE
DICKS AND COMPANY LIMITED	385 EMPIRE AVE	MS OFFICE
MULTI-ETHNIC WOMENS ORG.	180 PORTUGAL COVE RD, SIGN # 1	MS OFFICE
MULTI-ETHNIC WOMENS ORG.	180 PORTUGAL COVE RD, SIGN # 2	MS OFFICE
GGI ENTERTAINMENT	180 PORTUGAL COVE RD	MS HOTEL
FUTURE SHOP	20 STAVANGER DR	MS RETAIL STORE
HEALTH QUEST	140 STAVANGER DR	MS OFFICE
IRVING OIL MARKETING LIMITED	192-194 TORBAY RD, SIGN # 2	MS SERVICE STATION
MES AMIS PRESCHOOL	436 TORBAY RD	MS NURSERY SCHOOL
TIM HORTONS	139 TORBAY RD	MS RESTAURANT
KARAMAR HOLDINGS	9-11 HALLETT CRESCENT	RN RETAIL STORE
ANDREW MCCARTHY AND	15 BOND ST	RN MIXED USE
NEWALTA CORPORATION	349 INCINERATOR RD	SW LIGHT INDUSTRIAL USE
ARIZONA HEAT INC.	140 STAVANGER DR, UNIT 7	CR CLINIC
THE GYPSY TEA ROOM	315 WATER ST	CR RESTAURANT
PRO-TECH CONSTRUCTION LIMITED	247 MAJOR'S PATH	NC OFFICE
VILLAGE SHOPPING CENTRE (2006)	430 TOPSAIL RD STOKES	RN RETAIL STORE
ACTION FIBERGLASS &	615 KENMOUNT RD	EX INDUSTRIAL USE
JENDORE LIMITED	671 SOUTHSIDE RD	EX WAREHOUSE

THIS WEEK \$ 1,427,654.00

**CLASS: INDUSTRIAL**

NEWALTA CORPORATION	349 INCINERATOR RD	SW LIGHT INDUSTRIAL USE
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THIS WEEK \$ 46,000.00

**CLASS: GOVERNMENT/INSTITUTIONAL**

CANADA LANDS COMPANY CLC LTD.	PLEASANTVILLE AREA	SW ADMIN BLDG/GOV/NON-PROFIT
		THIS WEEK \$ 651,094.00

**CLASS: RESIDENTIAL**

PLUS REALTY INC	ANTELOPE ST, LOT 91	NC ACCESSORY BUILDING
NEW VICTORIAN HOMES	42 DAUNTLESS ST., LOT 125	NC SINGLE DETACHED DWELLING
MR. STEPHEN PLOWMAN	189 GOWER ST	NC PATIO DECK
SKYMARK CONTRACTING	38 ICELAND PL, LOT 1-15	NC SINGLE DETACHED DWELLING
GUARDIAN HOMES INC.	4 KNAPDALE PLACE - LOT 46	NC SINGLE DETACHED DWELLING
TERRY WALSH CONTRACTING	41 LADYSMITH DR, LOT 8	NC SINGLE DETACHED DWELLING
AUSTINS CONTRACTING	133 LADYSMITH, LOT 424	NC SINGLE DETACHED DWELLING
SHARON RODGER	250 MUNDY POND RD	NC FENCE
ENCON CONSTRUCTION LTD	115 OLD BAY BULLS RD, LOT 132	NC SINGLE DETACHED DWELLING
AUSTIN'S CONTRACTING	54 PETITE FORTE DR, LOT 349	NC SINGLE DETACHED DWELLING
AUSTIN'S CONTRACTING	78 PETITE FORTE DR, LOT 361	NC SINGLE DETACHED DWELLING
LEE NOSEWORTHY	11 PETITE FORTE DR	NC PATIO DECK
CARDINAL HOMES	ROTARY DR, LOT 119	NC SINGLE DETACHED & SUB.APT
P. ADAM COURAGE	1 RUMBOLDT PL	NC ACCESSORY BUILDING
BARRY W. WOODS AND	50 ROYAL OAK DR	NC ACCESSORY BUILDING
CLOVER CONSTRUCTION INC	1 ST. SHOTTS PL	NC ACCESSORY BUILDING
MICHAEL O'NEILL	527 SOUTHSIDE RD	NC ACCESSORY BUILDING
LAMONT HANAMESR	28 WARFORD RD	NC PATIO DECK
BRIAN & CHERYL ROLLS	16 BOLAND ST	CO HOME OFFICE
GARY HOLDEN	34 BONAVENTURE AVE	CO SUBSIDIARY APARTMENT
CHRISTINE CODY	184 MERRYMEETING RD	CR SINGLE DETACHED & SUB.APT
COREY WOODROW &	19 BURRY PORT ST	EX SINGLE DETACHED DWELLING
MARGARET LEE	28-30 DONOVAN'S RD	EX SINGLE DETACHED DWELLING
DANIEL STEWART	12 MCNAUGHTON DR	EX SINGLE DETACHED DWELLING
ELLEN DAWE	40 BANNERMAN ST	RN SEMI-DETACHED DWELLING
BRADLEY HANCOCK & DARLENE	42 COWAN AVE	RN SINGLE DETACHED DWELLING
BRADLEY HANCOCK	42 COWAN AVE	RN SINGLE DETACHED DWELLING
KARL SORENSEN	9 FLAVIN ST	RN TOWNHOUSING
LEONARD G. CLARKE	180 GOWER ST	RN SINGLE DETACHED DWELLING
DARCY JOSEPH WARD	93 HAMILTON AVE	RN TOWNHOUSING
LORRAINE DALTON	13 LESLIE ST	RN SINGLE DETACHED DWELLING
DONALD HOWLETT, LISA SPARKES	118 MERRYMEETING RD	RN TOWNHOUSING
TODD SHORT AND DOROTHY SUSAN	7 GALAXY CRES	SW SINGLE DETACHED DWELLING
CHOICE FOR YOUTH INC.	14 VICTORIA ST	SW VACANT LAND
		THIS WEEK \$ 2,452,300.00

**CLASS: DEMOLITION**

DEBORAH & WALTER EMBERLEY	74 LIME ST	DM TOWNHOUSING
CHRISTOPHER SQUIRES	225 WATERFORD BRIDGE RD	DM APARTMENT BUILDING
ST. JOHN'S RACING &	65 LAKE VIEW DR	DM AGRICULTURE
		THIS WEEK \$ 22,000.00

THIS WEEK'S TOTAL: \$ 4,599,048.00

REPAIR PERMITS ISSUED: 2010/11/04 TO 2010/11/09 \$ 64,600.00

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**

**SJMC2010-11-15/626R**

**It was decided on motion of Deputy Mayor Duff; seconded by Councillor O’Leary: That the following Payrolls and Accounts for the weeks ending November 11<sup>th</sup>, 2010 be approved:**

**Weekly Payment Vouchers  
For The  
Week Ending November 11, 2010**

**PAYROLL**

Public Works	\$	347,833.48
Bi-Weekly Management	\$	592,366.83
Bi-Weekly 1280	\$	691,311.55
Bi-Weekly Regional Fire	\$	552,154.56

**ACCOUNTS PAYABLE** \$ 6,042,792.94

**Total:** \$ **8,226,459.36**



### **Petitions**

Councillor Hanlon tabled a petition the prayer of which reads as follows and which was referred to the Public Works, Environment & Protection Standing Committee for consideration:

“Petition to the City of St. John’s by the residents of Winter Avenue to have the avenue made into a cul-de-sac or prohibit access from King’s Bridge Road (i.e. make it ‘no access’). This is in response to excessively heavy traffic and high speeds used by vehicles accessing this avenue, which endanger pedestrians and local residents, including children.”

### **13-15 Pippy Place, Carnell Management Limited**

Council considered a memorandum dated November 8, 2010 from the City Manager regarding the above noted.

#### **SJMC2010-11-15/627R**

**It was moved by Councillor Tilley; seconded by Councillor Colbert: That an easement at 13-15 Pippy Place required by the City for the replacement of a storm sewer line be acquired for the appraised value of \$1,395.00 for the easement plus legal fees, as recommended by the City Manager.**

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

### **Boggan Street**

Council considered a memorandum dated November 10, 2010 from the City Manager regarding the above noted.

#### **SJMC2010-11-15/628R**

**It was moved by Councillor Tilley; seconded by Councillor Hanlon: That a request by the owners of the Star of the Sea Building at Henry Street that the City sell to them its land at Boggan Street which is presently used for seven residential neighbourhood parking spaces, be granted, and sold at a rate of \$20.00 ft. <sup>2</sup> (approximately half of its value and approximately \$50,000.00) subject to a parking easement; and the developer would develop and maintain the seven parking spaces but with the City having full control over the spaces, as recommended by the City Manager.**

**SJMC2010-11-15/629R**

**It was moved by Deputy Mayor Duff; seconded by Councillor O’Leary: That the motion be amended to reflect that the request be granted on condition that the spaces remain available to residents of the area under the Residential Permit Parking program.**

**The motion as amended being put was carried with Councillor Hann dissenting.**

**Councillor Collins**

Councillor Collins advised of complaints in relation to start up time on construction sites and will follow-up on the matter with the Director of Building and Property Management.

**Councillor Hanlon**

Councilor Hanlon asked that His Worship the Mayor on behalf of Council forward a letter of congratulations to Newfoundland business man, Mr. Ches Penney who has been named a Member of the Order of Canada.

Councillor Hanlon congratulated the 2010 Gemini Award Winners, Shaun Majumber, Mark Critch and Cathy Jones.

Councillor Hanlon advised she has received complaints that blue recycling bags are in short supply and was advised to contact the Manager of Waste Management who will work with the suppliers in this regard.

Councillor Hanlon also noted there is an abundance of signage material in the Portugal Cove Road/New Cove Road area that needs to be cleaned up which matter was referred to the Director of Building and Property Management for follow-up.

**Councillor Tilley**

Councillor Tilley asked the status of the debris clean up. The Deputy City Manager/Director of Public Works and Parks advised that the equipment contracted from Corner Brook Pulp and Paper is scheduled to start in Bowring

Park on Tuesday and will take approximately 10 days to complete the entire cleanup.

**Councillor Breen**

As a follow-up to Councillor Collins' comments with respect to start up time on construction sites, Councillor Breen advised that he recently met with the Road Builders Association as well as the NL Construction Association to obtain some perspective from them on possible changes to the Noise By-law, and will meet with staff in the hope of bringing forward his proposed notice of motion to change the allowable start up time on construction sites.

Councillor Breen advised the City of St. John's Para Transit Advisory Committee will be hosting a public meeting to discuss issues related to the para-transit service, currently contracted to Wheelway Inc. on Tuesday, November 16th, 2010, Foran/Greene Room at 7:00 p.m.

**Councillor Hann**

Councillor Hann congratulated Telegram Reporter, Alisha Morrissey who will be moving on in her career from the Telegram to a new position and commended her on "more than fair - excellent reporting".

**Councillor Hickman**

Councillor Hickman asked the status of the Portugal Cove Road intersection and the sewer projects. The Director of Engineering noted that as Council is aware the contracts were rolled into one for coordination efforts, and indicated that the work should be finished by the first week in December depending on the weather, mid December at the latest.

His Worship the Mayor asked the status of the Brookfield Road construction work. The Director of Engineering advised that the work should be completed by mid December as well.

Councillor Hickman referenced an email to some members of Council concerning hunting activity in the Doyles Lane and Tobin's Road area. He asked the City Solicitor's explanation on the rules governing hunting in this area. The City Solicitor advised that the City's By-Laws do not control hunting, but control the discharge of firearms. The discharge of firearms is not permitted in the City with the exception of an area in the Goulds, brought in under amalgamation, that was traditionally a hunting area and at the time because of that Council had exempted the area. His Worship the Mayor advised that he has already referred the matter to the City Manager for followup.

### **Councillor O'Leary**

Councillor O'Leary congratulated the Artists Cultural Industries on their successful meetings held this past weekend and noted that the association is a strong voice for the arts and cultural works across the Province.

Councillor O'Leary also congratulated the junior and high schools who are in week four of their participation in the St. John's Clean and Beautiful Amazing Waste Race, noting the winning school will received \$5000 for their efforts.

### **Deputy Mayor Duff**

Deputy Mayor Duff reminded Council that on November 23<sup>rd</sup>, the City will be hosting a seminar on Affordable Housing focusing on financing.

Deputy Mayor Duff advised that she was told that biodegradable bags are not accepted as part of the City's curbside recycling program. She noted she will contact the Manager of Waste Management for clarification.

Deputy Mayor Duff congratulated a group of Newfoundland Rowers attending MUN who participated in the Head of the Hooch Regatta in Chattanooga, Tennessee, November 6 and 7, on their medal winnings. She asked that the Mayor

write letters of congratulations on behalf of Council to their coaches, John Smyth and Paul Power.

**Adjournment**

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

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**MAYOR**

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**CITY CLERK**