

November 30<sup>th</sup>, 2009

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

His Worship the Mayor presided.

There were present also Deputy Mayor Duff, Councillors O'Leary, Hickman, Hann, Breen, Galgay, Tilley, Hanlon and Collins

Regrets: Councillor Colbert

The City Manager, the Deputy City Manager/Director of Corporate Services and City Clerk; the Deputy City Manager/Director of Engineering, Development Engineer, City Solicitor and Manager, Corporate Secretariat were also in attendance.

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

##### **SJMC2009-11-30/667R**

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

#### **Adoption of Minutes**

##### **SJMC2009-11-30/668R**

**It was decided on motion of Councillor Galgay; seconded by Councillor Breen: That the minutes of the November 23<sup>rd</sup>, 2009 meeting be adopted as presented.**

#### **Notices Published**

- 1. Variance of Non-Conforming Use Application** has been submitted by Hampton Architects Inc. requesting permission to convert a portion of the subject building at **Civic No. 414 Blackmarsh Road** from its current use, Murray's Antiques, to professional offices for ten (10 employees). The change of use would entail changing the existing ground floor space and the back portion of the second floor to office space, while maintaining the second storey residential apartment. The

furniture restoration building at the rear of the property will be maintained and continue to operate. The parking lot will be expanded and upgraded to provide nine (9) parking spaces. (Ward 3)

**SJMC2009-11-30/669R**

**It was moved by Deputy Mayor Duff; seconded by Councillor Tilley:  
That the application be approved.**

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

**Other Business**

Councillor Hann again raised the issue surrounding offshore search and rescue. He indicated that he was “heartened” to hear a CBC news story concerning the issue and the fact that military documents obtained by CBC show how search and rescue in St. John’s could improve coverage for the offshore oil industry. The military’s own studies obtained through access to information show that the response time for a Cormorant Helicopter to a Cougar incident is at least forty-five minutes faster from St. John’s. The report released in 2000 says responding from St. John’s to a potential Cougar incident would be better than from Gander. Councillor Hann pointed out that St. John’s isn’t “pitting” itself against Gander but that Council unanimously approved a motion in April 2009 calling on DND to establish search and rescue unit in St. John’s in addition to Gander. Councillor Hann also pointed out that Newfoundland’s Federal MPs have raised the matter in the House of Commons, Liberal MP Judy Foote presented a private members bill calling for a unit to be established in St. John’s which was passed. Premier Williams has strongly supported the issue, and Mr. Robert Wells, Commissioner for the offshore helicopter safety inquiry, asked DND for representation at the hearing.

Councillor Hann thanked Council for its previous support and its continued support as the matter moves forward.

**Committee Reports**

**Arts Advisory Committee Report dated November 19<sup>th</sup>, 2009**

Council considered the following Arts Advisory Committee Report dated November 19<sup>th</sup>, 2009:

**Attendees:** Councillor Sandy Hickman, Acting Chairperson  
Councillor Sheila O’Leary  
Aiden Flynn  
Frank Fagan  
Kelly Davis  
Brenda McLellan  
Elizabeth Lawrence, Director of Economic Development, Tourism & Culture  
Heather Hickman, Manager of Community Development  
Kay Anonsen, Arts & Cultural Development Coordinator  
Helen Miller, City Archivist  
Karen Chafe, Recording Secretary

1. **Grants to Artists**

The Committee discussed the idea of increasing grants to artists. The current allocation is \$1.00 per capita for an approximate total of \$101,000 annually. Last year, the City received over \$273,000 worth of applications from artists, significantly higher than the funding allocated. Reference was also made to the recently adopted Municipal Arts Plan from which the following quote was cited:

*“Artistic Activity is a major and varied contributor to economic vitality... (The) productivity of earnings in a regional economy rise as the incidence of artists within its boundaries increases, because artists’ creativity and specialized skills enhance the design, production, and marketing of products and services in other sectors. They also help firms recruit top-rate employees and generate income through direct exports of artistic work out of the region.”*

*The Artistic Dividend:*

*The Arts’ Hidden Contributions to Regional Development,  
University of Minnesota.*

**The Committee on motion of Frank Fagan; seconded by Kelly Davis: recommends that Council consider increasing the allocated arts grants fund by 50% per year over the next two year period of 2010 and 2011. This would see the current grant allocation increasing from \$1.00 to \$1.50 per capita in 2010 and from \$1.50 to \$2.00 per capita in 2011. This would amount to a total amount in 2011 of approximately \$200,000.**

2. **Public Art Advisory Committee (Report of August 19<sup>th</sup>, 2009, attached)**

The Committee considered the attached report of the Public Art Advisory Committee dated August 19<sup>th</sup>, 2009, outlining a number of recommendations for the Arts Advisory Committee’s review:

**The Committee recommends that the report be adopted by Council with the exception of item #'s 1 and 5 and that recommendation # 13 be revised to stipulate a resolution of 300 dpi (and not 72).**

**Councillor Sandy Hickman  
Acting Chairperson**

**SJMC2009-11-30/670R**

**It was moved by Councillor Hickman; seconded by Deputy Mayor Duff: That Committee recommendation #1, Grants to Artists, be referred to 2010 budget discussions, and that Item #2, Public Art Advisory Committee Report of August 19<sup>th</sup>, 2009, be adopted as presented.**

During discussion, Councillor Hickman commented on a seminar held last week with Mr. Reid Henrick from Local Projects in Toronto, which provided valuable information to the arts community from three levels of government, from the corporate sector, as well as downtown building owners. His presentation on various work carried out in other cities throughout Canada and North America shows the viability and value of converting older spaces to not only arts spaces, but incubator spaces, office spaces, studio spaces etc. Councillor Hickman advised that the information will be useful to the Artists Infrastructure Committee which is a subsidiary of the arts advisory committee, as the City eventually moves forward towards finding a type of facility suitable to the City's needs. He further noted there is a federal program that will provide up to 1/3 of the funding and has been extended for five years

**Following discussion, the motion being put was unanimously carried.**

**Development Permits List**

Council considered as information the following Development Permit List for the period November 20 to 26, 2009:

**DEVELOPMENT PERMITS LIST  
DEPARTMENT OF PLANNING  
FOR THE PERIOD OF November 20, 2009 TO November 26, 2009**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM	Arizona Heat	Commercial Building	Stavanger Drive (adjacent to #120 Stavanger Drive)	1	Approved	09-11-24
COM	Ann Margaret Barney	Home Office- Stone Mason	19 Colonial Street	2	Approved	09-11-25

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

INST - Institutional  
 IND - Industrial

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\*\* 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

**Building Permits List**

**SJMC2009-11-30/671R**

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

2009/11/25

Permits List

**CLASS: COMMERCIAL**

ULTRAMAR SERVICES LTD.	279 PORTUGAL COVE RD	OC SERVICE STATION
EVER GREEN ENVIRONMENTAL CORP.	79 BLACKMARSH RD	MS LIGHT INDUSTRIAL USE
EVERGREEN RECYCLING DEPOT	92 ELIZABETH AVE	MS LIGHT INDUSTRIAL USE
FLOOR SOURCE	210 KENMOUNT RD	MS RETAIL STORE
FURNITURE & MATTRESS WAREHOUSE	323 KENMOUNT RD	MS RETAIL STORE
EASTERN HEALTH	51 MAJOR'S PATH	SN OFFICE
ROGER WILKINS	20 ROPEWALK LANE	MS RETAIL STORE
SCREAMING EAGLE	673 TOPSAIL RD	MS RETAIL STORE
O'CONNOR RESIDENCE	230 WATERFORD BRIDGE RD	MS RETAIL STORE
EVERGREEN RECYCLING DEPOT	306 WATERFORD BRIDGE RD	MS LIGHT INDUSTRIAL USE
10801 NEWFOUNDLAND INC.	120 GABRIEL RD	RN RECREATIONAL USE
SOLO INVESTMENTS INC.	681 TOPSAIL RD	NC WAREHOUSE
CORPUS CHRISTI CHURCH	260 WATERFORD BRIDGE RD	EX ACCESSORY BUILDING
GALLERY SHOES LTD.	156 WATER ST	RN RETAIL STORE
50808 NL LIMITED	53 MARGARET'S PL	RN MIXED USE
GENTARA COMPANY LIMITED	655 TOPSAIL RD	RN RETAIL STORE
CHIMO HOLDINGS LIMITED	158 EAST WHITE HILLS RD	EX WAREHOUSE
BELL ALIANT	439 KENMOUNT RD, COMM TOWER	NC COMMUNICATIONS USE
LOBLAWS PROPERTIES LIMITED	55 STAVANGER DR	CR CLINIC
FACEY FINANCIAL	261 EMPIRE AVE	CR OFFICE

THIS WEEK \$ 1,050,000.00

**CLASS: INDUSTRIAL**

NEWALTA CORPORATION	349 INCINERATOR RD	RN LIGHT INDUSTRIAL USE
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THIS WEEK \$ 52,000.00

**CLASS: GOVERNMENT/INSTITUTIONAL**

COCHRANE STREET UNITED CHURCH	COCHRANE ST	RN CHURCH
HOLY HEART OF MARY HIGH SCHOOL	55 BONAVENTURE AVE	RN SCHOOL

THIS WEEK \$ 16,000.00

**CLASS: RESIDENTIAL**

JOE PHILPOTT	48 FOURTH POND ROAD	NC ACCESSORY BUILDING
PRO-TECH CONSTRUCTION	65 CASTLE BRIDGE DR, LOT 108	NC SINGLE DETACHED DWELLING
CATHY RUSSELL	65 CHEYNE DR	NC FENCE
RICHARD YOUNG	36 CONNORS AVE	NC ACCESSORY BUILDING
JERRY YOUNG	53 FIRDALE DR	NC PATIO DECK
JASON ANDREWS	4 FORDE DR	NC ACCESSORY BUILDING
WILLIAM ST. CROIX	FRANCES ST, LOT 52	NC SINGLE DETACHED DWELLING
GUARDIAN HOMES	47 GOLD MEDAL DR, LOT 5-168	NC SINGLE DETACHED DWELLING
JOHN ROBERTS THE TRIMMER	34 GREAT EASTERN AVE, LOT 53	NC SINGLE DETACHED & SUB.APT
DARREN PIKE	188 GREEN ACRE DR	NC ACCESSORY BUILDING
FREEMAN MOYLES	16 HEFFERNAN'S LINE	NC ACCESSORY BUILDING
KARWOOD CONSTRUCTING	22 ICELAND PL, LOT I-7	NC SINGLE DETACHED DWELLING
HANLEY CONSTRUCTION	17 ICELAND PL, LOT I-52	NC SINGLE DETACHED
DWELLING		
HANLEY CONSTRUCTION	2 JAYCEE PL - LOT 1	NC SINGLE DETACHED & SUB.APT
HANLEY CONSTRUCTION	3 JAYCEE PL, LOT 2	NC SINGLE DETACHED & SUB.APT
HANLEY CONSTRUCTION	4 JAYCEE PL - LOT 3	NC SINGLE DETACHED & SUB.APT
HANLEY CONSTRUCTION	5 JAYCEE PL, LOT 4	NC SINGLE DETACHED & SUB.APT
HANLEY CONSTRUCTION	6 JAYCEE PL, LOT 5	NC SINGLE DETACHED & SUB.APT
HANLEY CONSTRUCTION	7 JAYCEE PL, LOT 6	NC SINGLE DETACHED & SUB.APT
HANLEY CONSTRUCTION	8 JAYCEE PL, LOT 7	NC SINGLE DETACHED & SUB.APT
GIBRALTAR DEVELOPMENT	70 JULIEANN PL	NC FENCE
GIBRALTAR DEVELOPMENT	74 JULIEANN PL, LOT 138	NC SINGLE DETACHED DWELLING
GIBRALTAR DEVELOPMENT	87 JULIEANN PL	NC FENCE
TERRY WALSH CONT	24 LADYSMITH DR, LOT 41	NC SINGLE DETACHED DWELLING
TERRY WALSH CONST.	26 LADYSMITH DR, LOT 40	NC SINGLE DETACHED DWELLING
TERRY WALSH CONTRACTING	28 LADYSMITH DR, LOT 39	NC SINGLE DETACHED DWELLING
TERRY WALSH CONTRACTING	30 LADYSMITH DR, LOT 38	NC SINGLE DETACHED DWELLING
DAVID HAWKINS	14 LEDUM PL	NC ACCESSORY BUILDING
GUARDIAN HOMES INC.	39 MARK NICHOLS PL	NC SINGLE DETACHED DWELLING
JIM WELSH	16 PETITE FORTE DR	NC ACCESSORY BUILDING
CECIL & ROSEMARIE HICKMAN	80 RIDGE RD	NC ACCESSORY BUILDING
ERCO HOMES	81 SHORTALL ST, LOT 71	NC SINGLE DETACHED DWELLING
STEVEN J. DREW	558 THORBURN RD	NC FENCE
DARREN FOWLER AND	28 SHAW STREET	NC SINGLE DETACHED DWELLING
NEW VICTORIAN HOMES	1 WHITEWAY PL	NC ACCESSORY BUILDING
PAULA STRATTON	25 BRAD GUSHUE CRES	CO HOME OCCUPATION
TERRY DOLLARD	5 CAMBRIDGE AVE	CO SUBSIDIARY APARTMENT
YORK DEVELOPMENTS	92 ALLANDALE PL, UNIT 15A	CR CONDOMINIUM
YORK DEVELOPMENTS	93 ALLANDALE PL, UNIT 20A	CR CONDOMINIUM
YORK DEVELOPMENTS	94 ALLANDALE PL - UNIT 25A	CR CONDOMINIUM
TERRY WALSH CONSTRUCTION	47 OTTER DR, LOT 120	CR SUBSIDIARY APARTMENT
WILLIAM NEVILLE	610 TOPSAIL RD	CR SUBSIDIARY APARTMENT
VALINDA WALSH	52 HUSSEY DR	EX MOBILE HOME
TODD P. FARRELL	5 HOPEDALE CRES	RN SINGLE DETACHED DWELLING
50808 NEWFOUNDLAND & LABRADOR	53 MARGARET'S PL	RN MIXED USE
CLOVER CONSTRUCTION INC.	74 MARK NICHOLS PL	RN SINGLE DETACHED DWELLING
ROSONNA M. TITE	24 PENNYWELL RD	RN PATIO DECK
DAVID P. MAUNDER	47-49 WILLIAM ST	RN SINGLE DETACHED & SUB.APT
SHAMUS TRAVERSE	41 SALISBURY ST	SW SINGLE DETACHED DWELLING

THIS WEEK \$ 4,353,516.00

**CLASS: DEMOLITION**

URBAN CONTRACTING

2-8 LITTLE ST, ASBESTOS

DM TOWNHOUSING

THIS WEEK \$ 40,000.00

THIS WEEK'S TOTAL: \$ 5,511,516.00

REPAIR PERMITS ISSUED: 2009/11/19 TO 2009/11/25 \$ 65,611.00

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**

**SJMC2009-11-30/672R**

**It was decided on motion of Councillor Tilley; seconded by Councillor Breen: That the following Payrolls and Accounts for the week ending November 26<sup>th</sup>, 2009, be approved:**

**Weekly Payment Vouchers  
For The  
Week Ending November 26, 2009**

**PAYROLL**

Public Works	\$ 308,318.72
Bi-Weekly Amalgamation	\$ 471,315.38
Bi-Weekly Management	\$ 586,808.27
Bi-Weekly Administration	\$ 654,169.94

**ACCOUNTS PAYABLE**

Cheque No. 155556 – 155885	\$4,185,162.48
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**Total: \$6,205,774.79**

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

## **Tender**

- a. Tender - Rental of Dump Trucks for Snow Removal from City Streets
- b. Tender – Metal Racking
- c. Tender – Annual Supply of Sodium Bisulphite for Riverhead Facility
- d. Tender – Robin Hood Bay Landfill Re-Engineering  
Contract 19C – Quarry for Special Waste Disposal Area

### **SJMC2009-11-30/673R**

**It was decided on motion of Councillor Tilley; seconded by Councillor Breen: That the recommendations of the Director of Finance and City Treasurer and the Deputy City Manager and Director of Engineering be approved and the tenders awarded as follows:**

- a. **Hennessey Trucking in the amount of \$3.93 m<sup>3</sup>, taxes not included**
- b. **Smart Industrial Solutions in the amount of \$29,998.00, taxes not included**
- c. **Brenntag Canada in the amount of \$117,720.00, taxes not included**
- d. **Capital Ready Mix Ltd. in the amount of \$1,309,670.00**

## **Petitions**

Councillor Hanlon tabled a petition the prayer of which reads as follows and which was referred to the St. John's Transportation Commission for follow-up:

**“We the families of Hunt's Lane, Kelly Street and Brophy Place need a bus shelter located in a strategic location for the children who must wait for the bus up to twenty minutes in all weather. Please sign below to indicate support, as we are lobbying City Hall, School Board and Metrobus to erect a shelter. There is room for such a shelter on Hunt's Lane, by the green space. Many people in our area are dependent on bus transportation.”**

## **Integrated Community Sustainability Plan as part of the Gas Tax Agreement**

Council considered a memorandum dated November 18, 2009 from the Director of Planning regarding the above noted and asked that it be deferred due to the absence of the Director of Planning and asked that it be referred to next week's Regular meeting of Council to be held on December 7<sup>th</sup>, 2009.

## **Chairing Public Meetings 2010**

Council considered a memorandum dated November 30, 2009 from the Deputy City Manager/Director of Corporate Services and City Clerk regarding the above noted.

**Council unanimously agreed that the following rotation for chairing Public Meetings for 2010 be approved:**



<b>January</b>	<b>Councillor Collins</b>
<b>February</b>	<b>Councillor Hickman</b>
<b>March</b>	<b>Councillor Colbert</b>
<b>April</b>	<b>Councillor Galgay</b>
<b>May</b>	<b>Councillor Breen</b>
<b>June</b>	<b>Deputy Mayor Duff</b>
<b>July</b>	<b>Councillor O’Leary</b>
<b>August</b>	<b>Councillor Tilley</b>
<b>September</b>	<b>Councillor Collins</b>
<b>October</b>	<b>Councillor Hickman</b>
<b>November</b>	<b>Councillor Hanlon</b>
<b>December</b>	<b>Councillor Hann</b>

**Mayor Dennis O’Keefe**

His Worship the Mayor tabled a letter from Sgt. John Carew, seeking the City’s participation in the “Flag Project” which is an opportunity for the Provincial Reconstruction Team stationed in Kandahar to fly their City flag at the entrance of their camp, amongst those of the hometowns of several of their members.

**Council unanimously agreed to this request.**

**Councillor Collins**

Councillor Collins noted that Mr. Harold Druken is stepping down as chair of the Board of Directors of the Shea Heights Community Centre. He commended him on his significant contribution to the community of Shea Heights. Councillor Hann asked that the Mayor write a letter of commendation to Mr. Druken on behalf of Council. Council agreed.

**Councillor Hanlon**

Councillor Hanlon tabled a letter from R. F. Gosine, on behalf of the Board of Directors of the Allandale Place Condominium Corporation, concerning a flooding incident that occurred at 90 Allandale Place on November 16, 2009.

**The matter was referred to the Public Works, Environment and Protection Standing Committee for follow-up.**

**Councillor Tilley**

Councillor Tilley asked that a letter of congratulations be forwarded to Deputy Chief of Operations, Jack Hickey, who represented the St. John's Regional Fire Department at the 2009 World's Combat Challenge during the week of November 16<sup>th</sup> to 20<sup>th</sup>. This year he teamed up with Cyril Fraser of the Halifax Regional and Emergency Services to win and set a new World Record in the "Over 50" Tandem competition.

Councillor Tilley advised that he spoke to the Director of Engineering about the temporary traffic lights at the Canada Drive/Columbus Drive intersection which were installed following a traffic incident and was advised that permanent lights will be installed as soon as insurance issues are resolved.

Councillor Tilley asked if the Police and Traffic Committee would convene in the absence of the Chair due to a number of outstanding agenda items. Council agreed that a meeting be convened and that Councillor Hanlon act as Chair.

**Councillor Galgay**

Councillor Galgay commended the organizers, volunteers, groups and organizations for their contribution towards another very successful annual Downtown Santa Claus Parade.

**Councillor Breen**

Councillor Breen tabled an email dated November 24, 2009 from Nancy Constantine noting that she is unable to let her small dog run free at the Quidi Vidi Lake dog park for fear of being trampled by larger dogs. She asked if the City has plans for a dog park suitable for smaller dogs. The matter was referred to the Parks and Recreation Standing Committee for comment.

**Councillor O'Leary**

Councillor O'Leary advised that in future artists will have the option of submitting their submissions in digital format.

Councillor O'Leary noted that she has received numerous calls and emails on a proposal by Fortis to build an office tower in the downtown. She advised the public that the City has not received a formal application on this proposed development.

**Adjournment**

There being no further business, the meeting adjourned at 5:15 p.m.

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**MAYOR**

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**CITY CLERK**