

October 9th, 2007

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 O'Keefe, Councillors Duff, Colbert, Hickman, Hann, Puddister, Galgay, Ellsworth, and Collins

Regrets: Councillor Coombs

The Chief Commissioner and City Solicitor, the Associate Commissioner/Director of Engineering, Director of Planning, Acting City Clerk, and Recording Secretary were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2007-10-09/555R

It was decided on motion of Councillor Ellsworth; seconded by Councillor Hann: That the Agenda be adopted as presented with the following additional Item:

- a. **Tender – Autodesk Software Crossgrade**

Adoption of Minutes

SJMC2007-10-09/556R

It was decided on motion of Councillor Ellsworth; seconded by Councillor Hann: That the Minutes of the October 1st, 2007 meeting be adopted as presented.

Notice of Motion - Councillor Collins Capital Theatre Needs Assessment Study

Councillor Collins withdrew the above Notice of Motion for one week.

Public Hearing Report dated September 24, 2007 Re: Merrymeeting Road Laneway

Council considered a public hearing report dated September 24, 2007 which was held to discuss the property interests in the laneway running between the properties bounded by Merrymeeting Road, Mayor Avenue, Howley Avenue Extension and Aldershot Street. Residents have expressed concern regarding vandalism, criminal activity and unruly behaviour by young people in the laneway.

SJMC2007-10-09/557R

It was moved by Councillor Galgay; seconded by Councillor Puddister: That the City install gates at either end of the right of way and the three street accesses from Merrymeeting Road as an interim measure and provide keys to those who wish to maintain access to the rear of their properties. In the event that the installation of gates does not work then the City can acquire the property from the R.C. Episcopal Corporation, expropriate the private rights of way and transfer the land to the abutting landowners.

The motion being put was unanimously carried.

Development Committee Report dated October 2nd, 2007

Council considered the following Development Committee Report dated October 2nd 2007:

- 1. Proposed Construction of a Single Detached Dwelling
Mr. Steve Hodder
Civic No.25 Sudbury Street (Ward 2)**

The Development Committee recommends that the above noted application be approved in accordance with Section. 7.12.1(c) of the St. John's Development Regulations with the condition that the proposed dwelling unit be in accordance with Heritage Guidelines.

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

SJMC2007-10-09/558R

It was decided on motion of Councillor Hann; seconded by Councillor Hickman: That the Committee's recommendation be approved.

Public Works & Environment Standing Committee Report dated October 2nd, 2007

Council considered the following Public Works & Environment Standing Committee Report dated October 2nd, 2007:

Attendees: Councillor Ron Ellsworth, Chairperson
Councillor Frank Galgay
Councillor Tom Hann
Councillor Wally Collins
Ron Penney, Chief Commissioner/City Solicitor
Art Cheeseman, Associate Commissioner/Director of Engineering
Paul Mackey, Director of Public Works & Parks
Dave Blackmore, Director of Building & Property Management
Bob Bishop, Director of Finance & City Treasurer
Richard Parks, Manager of Fleets Division
Jason Sinyard, Manager of Waste Management
Steve Colford, Operations & Systems Engineer
Phil Hiscock, Operations Assistant - Streets
Brian Head, Operations Assistant – Parks
Debbie Reid, Internal Auditor
Karen Chafe, Recording Secretary

Report:

1. Service Evaluation Survey Results

The Committee refers the attached service evaluation survey results from the Dept. of Public Works & Parks to Council for information.

2. Petition from Residents of Doyle's Road

The Committee considered the petition from residents of Doyle's Road which was tabled during the Regular Council meeting of August 6th, 2007 by Deputy Mayor O'Keefe. The petition requests that the City take action on problems with dust, noise and garbage. With regard to the problems of noise and ATV racing, it was noted that these issues should be reported to the Royal Newfoundland Constabulary for investigation during the time of their occurrence.

With regard to the use of the dirt road at the top of the cul-de-sac which is used by farmers and heavy equipment, it was noted that calcium was spread on a portion of the road during the summer to offset the dust problem, despite the fact that this is not a City-owned road. This land is owned by the Province and the problem should be referred to MHA, John Dinn for investigation.

3. **Roof Modifications – City Hall/Annex Pedestrian Bridge**

The Committee considered a letter dated August 21st, 2007 from the Director of Building & Property Management regarding the safety concerns associated with the build-up and subsequent fall of snow and ice from the pedestrian bridge between City Hall and the Annex. The original designers of the pedestrian bridge, FGA Consulting Engineers have examined the issue and recommend that a permanent solution would involve the reconfiguration of the roof itself. The cost of this work is estimated at \$240,000 including HST and engineering fees.

The Committee recommends that the project be referred to Capital Works for consideration.

4. **Capital Improvement, Municipal Non-Profit Housing Section 95, LEM Development**

The Committee considered a memorandum dated September 5th, 2007 from the Director of Building & Property Management regarding the need for major capital improvement to the Non-Profit Housing Units under the Lower End of Market Rent Program. A total of 268 units require improvement and they range in age of 20-25 years. The estimated capital upgrading required is \$6 million. The units under the LEM program are rented at the lower end of market rent with 15% - 20% of the units rented at a subsidized rent. To fund the capital works project, it is proposed that the revenue generated through the existing replacement reserve allocations and an increase in rent of the non-subsidized units would generate 50% of the required cost or \$3 million. The rental increases for the non-subsidized units could range between \$50 - \$100 per month, bringing the rents in line with current market rents.

In order to fund the balance of the project, the Committee endorses the recommendation of the Director of Building & Property Management that this project be ranked at the number 1 priority under the 2008 Provincial Cost Shared Funding Program.

The Committee further recommends that Council's approval of this recommendation should be subject to a means-testing process which will be developed by staff, the purpose of which is to ensure that those tenants who are financially disadvantaged are not adversely affected by the proposed rental increase.

5. **Standards for Landscape Features**

The Committee considered a memorandum dated September 6th, 2007 from the Director of Building & Property Management regarding the need to assign standards to landscape features to ensure minimum safety standards. The Committee endorses the following recommendation of staff:

That in the absence of a recognized standard for landscape features, that all such features be considered buildings as defined by the

National Building Code of Canada and constructed accordingly. This action will allow the review process to ensure that safety features such as guard and rail details are constructed to meet a recognized standard.

6. Insulation – Foundation Walls

The Committee considered a memorandum dated September 25th, 2007 from the Director of Building & Property Management regarding the requirement of the National Building Code of Canada that thermal insulation be installed on foundation walls of houses to at least four feet below grade. In practice the Building Inspection Division has only required that this be done for finished basements. For unfinished basements, only the joist cavities above the wall are required to be insulated. This practice came into effect as a result of home buyers wanting to finish the basements on their own, in their own time, after occupancy, when cash flow permitted. The intent of the Code requirement is to reduce energy consumption, however, the City has received very few complaints about heat loss or dampness.

The Committee recommends that the status quo be maintained and that the Building Inspection Division continue to only require the insulation of basements which are ready to be finished when the owner is in a financial position to carry out the work.

7. Retaining Walls

Councillor Galgay referenced the issue of retaining walls, noting specific examples of such and the problems of erosion that have occurred over the years, necessitating ongoing maintenance and in some cases, reconstruction. The question arises as to when the City should be held responsible for the maintenance or reconstruction of retaining walls, particularly if they are privately-owned or situated on private property.

The Committee on motion of Councillor Galgay; seconded by Councillor Collins, with Councillor Hann dissenting: recommends that Council accept responsibility for the retaining walls it has constructed and which are required by the City as a result of necessary public works. These retaining walls would have to be inventoried and maintained by the City irrespective of their location on public or private land.

The Committee acknowledges the significant costs associated with this recommendation and further recommends that a budget allocation be put in place to deal with these issues each year on a priority-ranked basis. The attached memorandum dated September 28th, 2006 from the Associate Commissioner/Director of Engineering advises that the maintenance and repair of these private structures would be in the vicinity \$500,000 per year not including the repair to major projects

such as Scanlon's Lane (\$750,000) which would require a separate budget allocation.

**Councillor Ron Ellsworth
Chairperson**

SJMC2007-10-09/559R

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

Regarding Item # 7 Retaining walls, Council felt that staff should have the ability to negotiate with the homeowner the purchase of the property where the cost of repairing the retaining wall exceeds the value of the property.

Following discussion, the motion being put was unanimously carried.

Special Events Advisory Committee Report dated October 4th, 2007

Council considered the following Special Events Advisory Committee Report dated October 4th, 2007:

- 1) Event: Children's Wish Foundation Parade
Location: Water Street
Date: October 14, 2007
Time: 9:00 am – 11:00 am

Water Street from Prescott Street to Beck's Cove will be closed in both directions.

- 2) Event: Cape to Cabot Road Race
Location: From Cape Spear to Signal Hill
Date: October 21, 2007
Time: 9:00 am – 12:00 pm

Recommendation

It is the recommendation of the Committee that Council approve the above noted events, subject to the conditions set out by the Special Events Advisory Committee.

Robin King, P. Eng.
Chairman, Special Events Advisory Committee

SJMC2007-10-09/560R

It was decided on motion of Councillor Collins; seconded by Councillor Hann: That the Committee's recommendations be approved.

Development Permit List

Council considered as information the following Development Permits List for the period September 28th to October 4th, 2007

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF SEPTEMBER 28, 2007 TO OCTOBER 4, 2007**

ISSUED FOR INFORMATION PURPOSES ONLY

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
Ind.	Kirkland Balsom Associates Limited	Proposed Aliant OPI Site	Freshwater Road at Elizabeth Avenue	Ward 4	Application Approved	2007 09 29
Res.	Eastern Siding Limited	Demolition and Reconstruction of Single Detached Dwelling	Civic No. 638 Empire Avenue	Ward 3	Application Approved	2007 10 02
Ag.	Mr. Howard Morry	Construction of Accessory Building for the Storage of Farm Equipment	Civic No. 381 Bay bulls Road	Ward 5	Application Approved: As per the decision of the LDAA	2007 10 04

NOTES:

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

**Ed Murray
Development Officer
Department of Planning**

Building Permits List

SJMC2007-10-09/561R

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

2007/10/03

Permits List

CLASS: COMMERCIAL

THE LAZER ROOM	2 MOUNT CASHEL RD	CO CLINIC
INTERNATIONAL CAREGIVERS	44 TORBAY RD-INT CAREGIVERS	CO OFFICE
PHILIP GRAY	515 KENMOUNT RD, PHILIP GRAY	NC CAR SALES LOT
RBC	40 ABERDEEN AVE, RBC	SN BANK
COMPLETE TIRE SALES & SERVICE	67 AIRPORT RD, COMPLETE TIRE	SN COMMERCIAL GARAGE
HICKMAN MOTORS	266 TORBAY RD	SW CAR SALES LOT
NEWFOUNDLAND STRUCTURES INC.	215 WATER ST	RN OFFICE
KELLY'S	8 ADELAIDE ST	RN TAVERN
WOODGATE FURNITURE LTD.	410 EAST WHITE HILLS RD	SW RETAIL STORE
PERENNIAL MANAGEMENT	40 ABERDEEN AVE, SEA CONTRACT	RN RETAIL STORE
VILLAGE SHOPPING CENTRE (2006)	430 TOPSAIL RD, METROBUS STOP	SW SHOPPING CENTRE
HELLY HANSEN ESTABLISHMENT	7 AIRPORT RD	CR DRYCLEANING
NEWFOUNDLAND STRUCTURES INC.	20 CROSBIE PL	TI OFFICE

THIS WEEK \$ 239,400.00
TO DATE \$ 34,447,025.00

CLASS: INDUSTRIAL

GIBRALTAR DEVELOPMENT	ROBIN HOOD BAY ROAD, LOT 1	NC LIGHT INDUSTRIAL USE
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THIS WEEK \$ 400,000.00
TO DATE \$ 1,924,967.00

CLASS: GOVERNMENT/INSTITUTIONAL

C.N.I.B.	70 BOULEVARD	SW SCHOOL
ST. JAMES UNITED CHURCH	330 ELIZABETH AVE	RN CHURCH

THIS WEEK \$ 173,940.00
TO DATE \$ 16,849,655.00

CLASS: RESIDENTIAL

MARK RANDELL	4 ALMOND CRES	NC ACCESSORY BUILDING
CLAYTON & EVA BURRY	46 BLACKMARSH RD	NC ACCESSORY BUILDING
JEFF SILVER	36 BRAD GUSHUE CRES	NC ACCESSORY BUILDING
ZAID & ROSE RAMJOHN	23 BRAD GUSHUE CRES	NC ACCESSORY BUILDING
DOWNHOME CONSTRUCTION LTD.	53 BRAD GUSHUE CRES, LOT 62	NC SINGLE DETACHED DWELLING
ELIAS BARTELLAS	22 BROWNRIGG PL	NC FENCE
JOHN LEWIS	13 BUTTERWORTH PL	NC ACCESSORY BUILDING
CAROL ANN SNELGROVE & RANDY	5 CHAFE AVE	NC ACCESSORY BUILDING
TERRY WALSH CONTRACTING	37 CHEROKEE DRIVE, LOT 49	NC SINGLE DETACHED DWELLING

DAVID ROBERTS	18 DARLING ST	NC PATIO DECK
RONALD REGINALD CHAFE &	140 DONOVAN'S RD - LOT 6	NC ACCESSORY BUILDING
ANDREW VARDY & JILLIAN BURRAGE	19 DORSEY'S LANE	NC PATIO DECK
CORY & CARLA OSMOND	75 DURDLE DR	NC ACCESSORY BUILDING
ERCO HOMES	52 GREAT EASTERN AVE - LOT 144	NC SINGLE DETACHED & SUB.APT
JEFFREY CAREW	58 GREAT EASTERN AVE - LOT 141	NC SINGLE DETACHED DWELLING
SKYMARK HOMES	15 GULLAGE ST, LOT 21	NC SINGLE DETACHED DWELLING
ARNOLD HAINES	345 HAMILTON AVE	NC ACCESSORY BUILDING
AUSTIN BIXBY & DAPHNE BIXBY	42 HOPEDALE CRES	NC ACCESSORY BUILDING
PHILIP POWER & SON	25 HOPEDALE CRES, LOT 159	NC SINGLE DETACHED DWELLING
BARRY & SHARON TRENHOLM	32 HOWLEY AVE EXT	NC PATIO DECK
GIBRALTAR DEVELOPMENT LTD.	49 JULIEANN PL, LOT 108	NC SINGLE DETACHED DWELLING
NEALA D. DEVEREAUX	21 KELLAND CRES	NC ACCESSORY BUILDING
PRO TECH CONSTRUCTION LIMITED	38 MACBETH DR, LOT 6-34	NC SINGLE DETACHED DWELLING
PRO TECH CONSTRUCTION LTD	42 MACBETH DR, LOT 6-36	NC SINGLE DETACHED DWELLING
PRO-TECH CONSTRUCTION LTD.	62 MACBETH DR, LOT 6-46	NC SINGLE DETACHED DWELLING
GUARDIAN HOMES INC.	15 MARK NICHOLS PL, LOT 5-26	NC SINGLE DETACHED DWELLING
DAVID COLLINS	12 MERASHEEN PL	NC PATIO DECK
BALNAFAD COMPANY LIMITED	13 MYRICK PL - LOT 137	NC SINGLE DETACHED DWELLING
BALNAFAD COMPANY LIMITED	14 MYRICK PL, LOT 136	NC SINGLE DETACHED DWELLING
BALNAFAD COMPANY LIMITED	15 MYRICK PL, LOT 135	NC SINGLE DETACHED DWELLING
WAYNE & LINDA SMITH	319 NEWFOUNDLAND DR	NC ACCESSORY BUILDING
SHERRY LEWIS	189 NEW PENNYWELL RD	NC FENCE
NEW VICTORIAN HOMES	20 OAKLEY PL	NC FENCE
HANN CONSTRUCTION LTD.	30 OAKLEY PL - LOT 274	NC SINGLE DETACHED DWELLING
ROSEMARY WILLIAMS	16 O'NEIL AVE	NC PATIO DECK
DEREK WILBUR & TINA M. HUNT	17 PEPPERTREE PL	NC ACCESSORY BUILDING
GRANT G. CUTLER	17 PINSENT PL	NC FENCE
RONALD DUNN	26 POPLAR AVE	NC PATIO DECK
TODD PERRIN	93 QUIDI VIDI VILLAGE RD	NC ACCESSORY BUILDING
REARDON CONSTRUCTION & DEV LTD	27 SERPENTINE ST, LOT 34	NC SINGLE DETACHED DWELLING
HANN CONSTRUCTION LTD.	26 SOLDIER CRES - LOT 34	NC SINGLE DETACHED DWELLING
PATRICK & JOSEPHINE TYLER	39 TUNIS CRT	NC ACCESSORY BUILDING
JEAN BASTISTE/GUIDO & FRANCES	26 TUPPER ST	NC ACCESSORY BUILDING
KELLY HYNES	2 BEAUFORD PL	CO SUBSIDIARY APARTMENT
MICHAEL O'DEA	101 FOREST RD	CR SINGLE DETACHED & SUB.APT
LEONARD MANNING	86 MELVILLE PL	CR SUBSIDIARY APARTMENT
CHANTAL JORDAAN	89 GOWER ST	EX SEMI-DETACHED DWELLING
ELIAS BARTELLAS	22 BROWNRIIGG PL	RN ACCESSORY BUILDING
ROBERT TODD NOSEWORTHY	30 CARPASIAN RD	RN SINGLE DETACHED DWELLING
DEBBIE HANLON	33 COCHRANE ST	RN TOWNHOUSING
ROY KNOECHEL	71-73 GOWER ST	RN SINGLE DETACHED & SUB.APT
DEAN MOAKLER	227 HAMILTON AVE	RN SEMI-DETACHED DWELLING
DARRYL PALMER	40 HIGHLAND DR	RN SINGLE DETACHED DWELLING
MARTIN CHAISSON	62 MELVILLE PL	RN SINGLE DETACHED DWELLING
KATHIE HICKS & PETER HALLEY	21 QUEEN'S RD	RN MIXED USE
DEREK & DARLEEN GATES	49 RENNIE'S MILL RD	RN SINGLE DETACHED DWELLING
GREG PEDDLE	211 RUBY LINE	RN SINGLE DETACHED DWELLING
GERRY & JANE M. MANNING	3 STRATFORD PL	RN SINGLE DETACHED DWELLING
MICHAEL HIBBERT	182 WATERFORD BRIDGE RD	RN SINGLE DETACHED & SUB.APT
JOHN POPE & BEV. CLANCEY	3 BIRCHWYND ST	SW SINGLE DETACHED DWELLING
KRISHNAMURTHY VIDYASANKAR	10 EASTMEADOWS AVE	SW SINGLE DETACHED DWELLING

THIS WEEK \$ 3,098,100.00
TO DATE \$127,072,582.00

CLASS: DEMOLITION

HICKMAN MOTORS	151 KENMOUNT RD	DM EATING ESTABLISHMENT
HICKMAN MOTORS	266 TORBAY RD - HICKMANS	DM MIXED USE
CROSBIE GROUP (1991) LTD.	136 CROSBIE RD	DM OFFICE
DENISE FOWLER	329 DUCKWORTH ST	DM MIXED USE

THIS WEEK \$ 91,500.00

TO DATE \$ 505,856.00

THIS WEEK'S TOTAL: \$ 4,002,940.00

TOTAL YEAR TO DATE: \$180,800,085.00

REPAIR PERMITS ISSUED: 2007/09/27 TO 2007/10/03 \$ 100,475.00
2006/12/28 TO 2007/10/03 \$ 2,504,481.00 YTD

LEGEND

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

Payrolls and Accounts

SJMC2007-10-09/562R

It was decided on motion of Councillor Hann; seconded by Councillor Puddister: That the following Payrolls and Accounts for the week ending October 4th, 2007 be approved as presented:

**Weekly Payment Vouchers
For The
Week Ending October 4, 2007**

PAYROLL

Public Works	\$ 275,743.51
Amalgamation	\$ 531,053.75
Bi-Weekly Administration	\$ 555,957.98
Bi-Weekly Management	\$ 510,122.97

ACCOUNTS PAYABLE

Cheque No. 12452 – 122753 (Includes Direct Deposits/Transfers/Equip. Leasing)	\$2,268,360.04
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Total: \$4,141,238.25

Tenders

- a. Tender – Purchase of Two (2) Service Vans
- b. Tender – Purchase of Two (2) Extended Cab Pickups
- c. Tender – Purchase of Two (2) New Four Door Compact Cars
- d. Tender – Autodesk Software Crossgrade

SJMC2007-10-09/563R

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

- a. **Avalon Ford Sales in the amount of \$60,361.60 (HST Extra)**
- b. **Avalon Ford Sales in the amount of \$48,409.98 (HST Extra)**
- c. **Freshwater Suzuki in the amount of \$22,755.00 each (Taxes not included)**
- d. **Imaginit Technologies in the amount of \$17,850.00 plus HST**

Bell Aliant OPI Site Easements

Council considered a memorandum dated October 3, 2007 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2007-10-09/564R

It was decided on motion of Councillor Ellsworth; seconded by Councillor Puddister: That the recommendation of the Chief Commissioner and City Solicitor that the Mayor and City Clerk be authorized to execute an agreement between the City and Bell Aliant pertaining to an easement at Downing Place for the consideration of \$2,516.86 plus usual administration fees, be approved.

826 Southside Road, James and Mary Rose

Council considered a memorandum dated October 4, 2007 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2007-10-09/565R

It was decided on motion of Councillor Puddister; seconded by Councillor Hann: That the recommendation of the Chief Commissioner and City Solicitor that City owned land encroached on for construction of a shed by owners of 826 Southside Road, be sold to them at a price to be based on \$1.00 per square foot (approximately \$100.00) plus usual administration fees and HST, be approved.

58 Critch's Path

Council considered a memorandum dated October 4, 2007 from the Director of Building and Property Management regarding the above noted.

SJMC2007-10-09/566R

It was decided on motion of Councillor Hann; seconded by Councillor Puddister: That the recommendation of the Director of Building and Property Management that the demolition application for property at 58 Critch's Path be approved subject to a detailed plan of the house transfer being approved by Engineering/Traffic, be accepted.

Letter dated October 2, 2007 to the Director of Building and Property Management from the Manager of Employee Development re: Request to raise the United Way 2008 Campaign Banner

Council unanimously agreed to the request that the City raise the UnitedWay Banner on October 22nd, 2007.

Councillor Ellsworth

Councillor Ellsworth raised a request from the family of the late Zachary Strong that the playground on Gairlock Street be named "Zachary's Place" .

SJMC2007-10-09/567R

It was moved by Councillor Ellsworth; seconded by Councillor Duff: That the playground on Gairlock Street be named "Zachary's Place" in memory of Zachary Strong.

The motion being put was unanimously carried.

Adjournment

There being no further business, the meeting adjourned at 4:55 p.m.

MAYOR

CITY CLERK