

October 26th, 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.

Acting Mayor Duff presided.

There were present also Councillors O'Leary, Hickman, Hann, Colbert, Breen, Galgay, and Collins

Regrets: His Worship the Mayor, Councillors Hanlon and Tilley

The Chief Commissioner and City Solicitor, the Associate Commissioner/Director of Corporate Services and City Clerk; the Associate Commissioner/Director of Engineering, the Director of Finance and City Treasurer, Development Engineer and Manager, Corporate Secretariat were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2009-10-26/601R

It was decided on motion of Councillor Hann; seconded by Councillor Colbert: That the Agenda be adopted as presented.

- a. Letter dated October 25, 2009 from Arthur H, Hamlyn and Lorraine Hamlyn, 180 Waterford Bridge Road Re Proposed Rezoning to accommodate Residential Development Waterford Bridge Road**

Adoption of Minutes

SJMC2009-10-26/602R

It was decided on motion of Councillor Hann; seconded by Councillor Breen: That the minutes of the October 19th, 2009 meeting be adopted as presented.

Delegation

Members of Council welcomed Major Richard Nolan, Commanding Officer and Master Warrant Officer, Roger Dewland, 56 Engineer Squadron.

SJMC2009-10-26/603R

It was moved by Councillor Galgay; seconded by Councillor Colbert: That the following Resolution be adopted:

The City of St. John's acknowledges with gratitude the outstanding service contributed by the **56 Engineer Squadron** to the City of St. John's. On the 26th day of October in the year 2009, the City of St. John's wishes to adopt the following resolution:

RESOLUTION

WHEREAS The City of St. John's has a long relationship with the 56 Engineer Squadron;

WHEREAS The 56 Engineer Squadron has been active in the support, maintenance and construction of trails and bridging projects in and around the St. John's area;

WHEREAS The 56 Engineer Squadron has been active with the restoration of the Quidi Vidi Battery;

WHEREAS The 56 Engineer Squadron has been active with the restoration of the footbridge at Rennie's River;

WHEREAS The 56 Engineer Squadron has been active with restoration of the Signal Hill gun recovery, and Fort Amherst gun recovery;

WHEREAS The 56 Engineer Squadron in its Military Role has a proud history of service to the City of St. John's;

THEREFORE BE IT RESOLVED that the City of St. John's proudly confers the **FREEDOM OF THE CITY** to the **56 ENGINEER SQUADRON**.

The motion being put was unanimously carried.

Business Arising

Under business arising, Acting Mayor Duff announced for the benefit of the general public the Chairs of the Standing Committees as approved by Council on October 19th, 2009.

**Notice of Motion – Councillor Colbert
Council Pension By-Law**

SJMC2009-10-26/604R

Pursuant to Notice of Motion, it was moved by Councillor Colbert; seconded by Councillor Hann: That the following Council Pension By-Law, Amendment No. 1, 2009 be adopted:

BY-LAW NO.

**COUNCIL PENSION BY-LAW (AMENDMENT NO. 1 – 2009) BY-LAW
PASSED BY COUNCIL ON OCTOBER 26, 2009**

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 establishment of a pension plan for members of Council.

BY-LAW

1. This By-Law may be cited as the “Council Pension (Amendment No. 1 – 2009) By-Law.

2. Section 6 of the Council Pension By-Law is amended by:
 - (a) renumbering Section 6 to be section 6(1); and
 - (b) adding the following as section 6(2):
 “6(2) Notwithstanding the foregoing a pension paid under section 6(1) shall be suspended should the person in receipt of same become a member of Council and shall remain suspended until such time as the person is no longer a member of Council.”
 - (c) adding the following as section 6(3):
 “6(3) Pension payable to a person whose pension is reinstated following a suspension under section 6(2) shall be based upon total Council service and calculated based upon the base annual salary in section 5 herein.”

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 26th day of October, 2009.

MAYOR

CITY CLERK

The motion being put was unanimously carried.

**Proposed Text Amendment to the St. John's Development Regulations,
Regulation of Taverns in the Downtown Business Improvement Area**

Under business arising, Council considered a memorandum dated October 23, 2009 from the Director of Planning regarding the above noted.

SJMC2009-10-26/605R

**It was moved by Councillor Galgay ; seconded by Councillor Hickman :
That the following St. John's Development Regulations, Amendment
Number 470, 2009 be adopted, which will then be referred to the
Department of Municipal Affairs with a request for Provincial registration
of the amendment in accordance with the requirements of the Provincial
Urban and Rural Planning Act:**

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 470, 2009**

WHEREAS the City of St. John's wishes to modify the provisions of Section 7.22 –
"Taverns and Eating Establishments".

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

Repeal Section 7.22 ("Taverns and Eating Establishments") and substitute the
following new section.

- "1) No Tavern shall be permitted within 50 metres of the Newfoundland War Memorial;**
- 2) No Tavern or Eating Establishment shall be permitted on the property situate between Airport Road and Portugal Cove Road which property was the subject of the St. John's Development Regulations Amendment Number 325, 2004;**
- 3) An application for a Tavern shall be processed as a Discretionary Use where a Tavern is proposed to be located within 150 metres of a Church, a School or a Residential Zone or an Apartment Zone;**
- 4) An application for a Tavern at a property located in the Downtown Business Improvement Area shall be processed as a Discretionary Use excepting those properties abutting George Street, between Queen Street and Water Street as more particularly described in Map K, Section 3 of these Regulations where a Tavern shall be a Permitted Use; and**
- 5) An application for an outdoor eating area and/or a drive-thru associated with an Eating Establishment shall be processed as a Discretionary Use where the**

Eating Establishment is located within 150 metres of a Church, a School or a Residential Zone or an Apartment Zone.”

BE IT FURTHER RESOLVED that the City of St. John’ 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 26th day of October, 2009.

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

It was noted during discussion that there are still complaints from residents about noise from some bars after hours. The Chief Commissioner and City Solicitor noted that the City had extensive consultation with the club owners regarding after hour bar noise which was brought to the attention of the Newfoundland Liquor Corp. He indicated that if there are complaints they should be brought forward.

Following discussion, the motion being put was unanimously carried.

Public Hearings

Public Meeting Report dated October 20, 2009 Re

1. Rezoning Application for the Corpus Christi Parish Hall Site
2. Rezoning Application for the Land West of Civic Number 227 Waterford Bridge Road
Memorandum dated October 23, 2009 from the Director of Planning
Memorandum from the Director of Planning dated October 26, 2009

SJMC2009-10-26/606R

Regarding #1, Rezoning Application for the Corpus Christi Parish Hall Site; It was moved by Councillor Hickman; seconded by Councillor O’Leary; That a decision be deferred on the application for the rezoning of the Corpus Christi Parish Hall site until such time as the Eastern School District has an opportunity to review and comment on the application and until such time as the Eastern School District advises the City that the proposed subdivision

plan is acceptable for the parking requirements of the Beaconsfield Junior High School.

In this regard Council considered a letter dated October 25, 2009 from Arthur H, Hamlyn and Lorraine Hamlyn, 180 Waterford Bridge Road Re Proposed Rezoning to accommodate Residential Development Waterford Bridge Road

The motion being put was unanimously carried.

SJMC2009-10-26/607R

Regarding Item #2, Rezoning Application for the land West of Civic Number 227 Waterford Bridge Road, it was moved by Councillor Hann; seconded by Councillor Hickman: That the following Resolutions for St. John's Municipal Plan Amendment Number 77, 2009 and St. John's Development Regulations Amendment Number 472, 2009 be adopted in principle, which will then be referred to the Department of Municipal Affairs with a request for the issuance of a Provincial release, be adopted:

**RESOLUTION
ST. JOHN'S MUNICIPAL PLAN
AMENDMENT NUMBER 77, 2009**

WHEREAS the City of St. John's wishes to amend the land use designation of property located on the south side of Waterford Bridge Road, west of Civic Number 227 Waterford Bridge Road.

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

Redesignate land located on the south side of Waterford Bridge Road, west of Civic Number 227 Waterford Bridge Road, from the Institutional Land Use District to the Residential Low Density Land Use District and the Open Space 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 26th day of October, 2009.

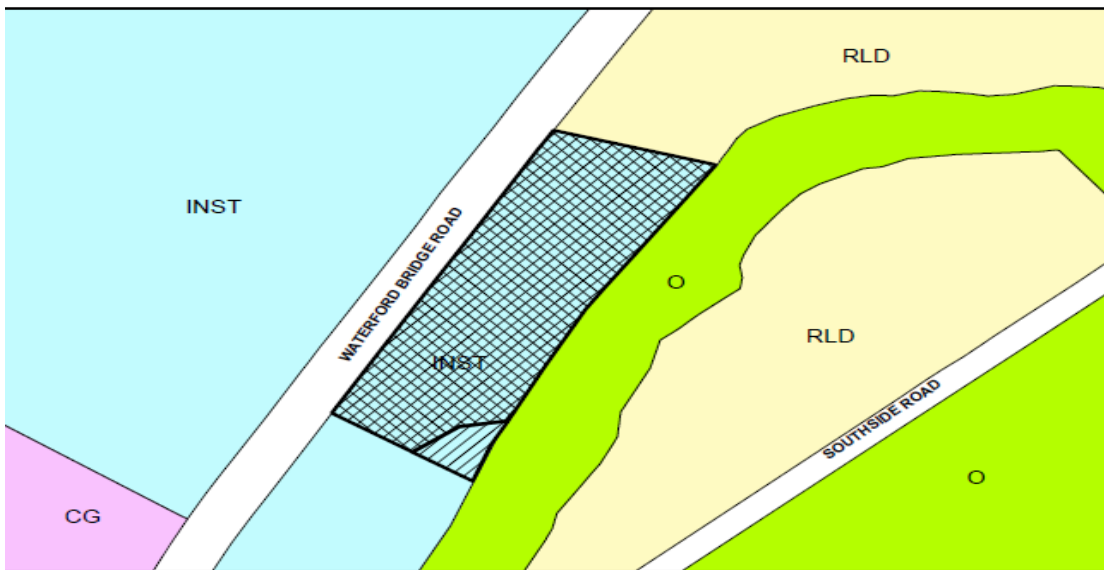
Mayor

**Director of Corporate Services
and City Clerk**

Provincial Registration

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. 77, 2009
[Map III-1A]**

2009 10 23 SCALE: 1:1250
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING



AREA PROPOSED TO BE REDESIGNATED FROM INSTITUTIONAL (INST) LAND USE DISTRICT TO OPEN SPACE (O) LAND USE DISTRICT



AREA PROPOSED TO BE REDESIGNATED FROM INSTITUTIONAL (INST) LAND USE DISTRICT TO RESIDENTIAL LOW DENSITY (RLD) LAND USE DISTRICT

Waterford Bridge Road, land west of civic #227,
Corpus Christ Church property

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

M.C.I.P. signature and seal

Mayor

Director Corp. Services/City Clerk

Council Adoption

Provincial Registration

RESOLUTION

**ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 472, 2009**

WHEREAS the City of St. John's wishes to amend the land use zoning designation of property located on the south side of Waterford Bridge Road, west of Civic Number 227 Waterford Bridge Road.

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

Rezone land located on the south side of Waterford Bridge Road, west of Civic Number 227 Waterford Bridge Road, from the Institutional Zone to the Residential Low Density (R1) Zone and the Open Space (O) Zone as shown in Map Z-1A attached.

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

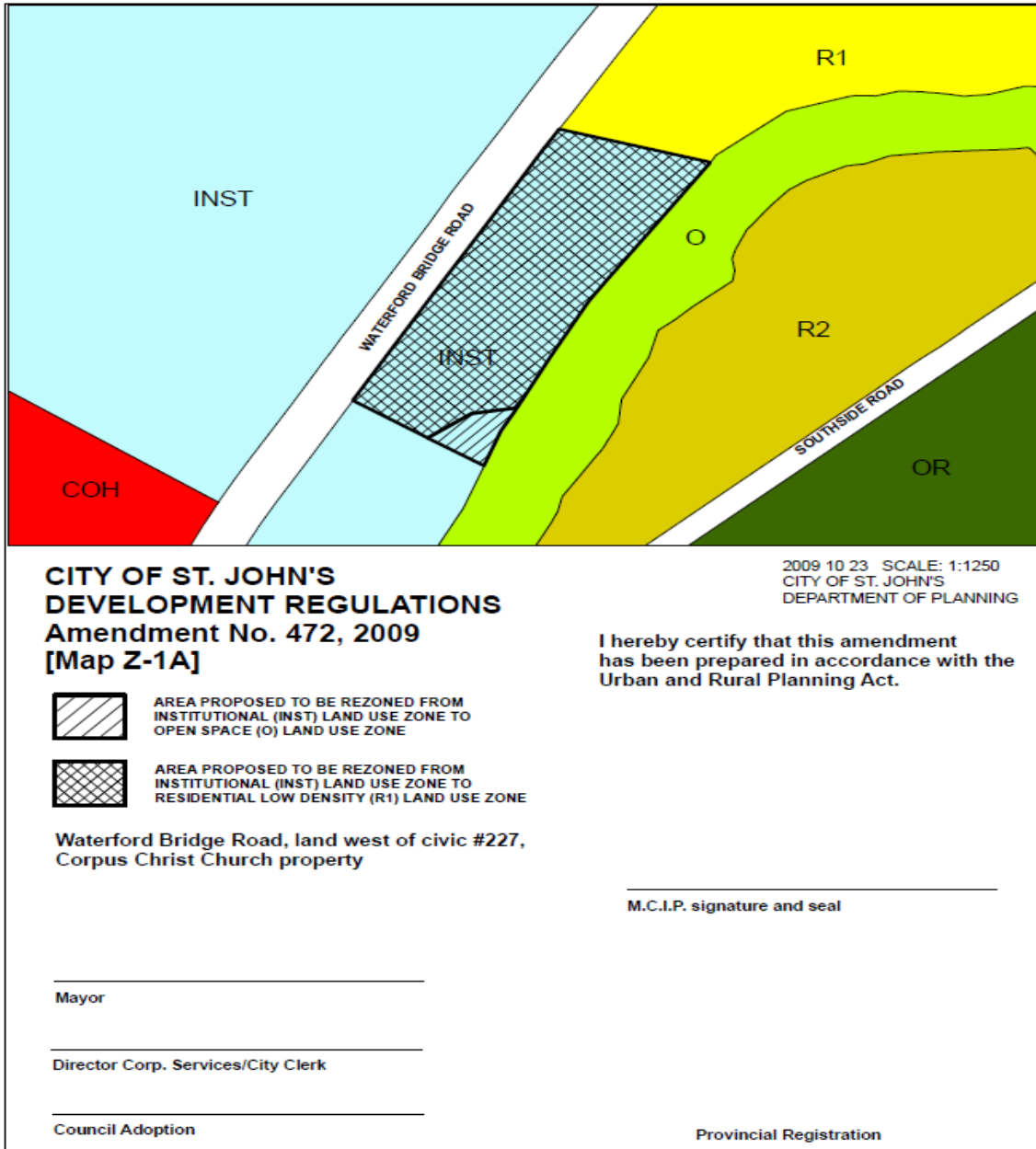
IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this 26th day of October.

Mayor

**Director of Corporate Services/
City Clerk**

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

MCIP



The Director of Planning pointed out that the rezoning application only is being dealt with at this point and once Provincial release is issued, the amendments will be referred back to a future Regular Meeting of Council for consideration of formal adoption and the appointment of an independent commissioner to conduct a public hearing on the amendments in accordance with the requirements of the Provincial Urban and Rural Planning Act .

Following discussion, the motion being put was unanimously carried.

Development Committee Report dated October 20, 2009

Council considered the following Development Committee Report dated October 20, 2009:

APPLICATIONS FOR APPROVAL

**1. Application to Construct an Accessory Building
Request for Approval of 5 Metre Height
Civic No. 322 Thorburn Road (Ward 4)**

The Development Committee recommends that the above noted application be approved.

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

SJMC2009-10-26/608R

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

The motion being put was unanimously carried.

Development Permits List

Council considered as information the following Development Permits List for the period October 16th, to 22nd, 2009:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF October 16, 2009 TO October 22, 2009**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES	Kevin Heffernan	Proposed Rezoning for Ten(10) Residential Building Lots	Maddox Cove Road	5	Rejected Contrary to Sections 10.38 and Section 5..1.3(3)	09-10-21
RES	Max Osmond	Building Lot	Amelia Street	4	Approved	09-10-22
RES	John Lewis and Kelly Hudson	Demolition and Rebuild of Dwelling	99 Pearltown Road	5	Approved	09-10-16

*	Code Classification: 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

Building Permits List

SJMC2009-10-26/609R

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

2009/10/21

Permits List

CLASS: COMMERCIAL

ROYAL BANK OF CANADA	40 ABERDEEN AVE	MS BANK
BOGART'S JEWELRY LTD	40 ABERDEEN AVE	MS RETAIL STORE
WOODWARD AUTO SALES	152 AIRPORT RD	MS CAR SALES LOT
BENNETT RESTAURANTS LIMITED	37 ANDERSON AVE MCDONALDS	MS EATING ESTABLISHMENT
AERO POSTALE	AVALON MALL -AERO POSTALE	SN RETAIL STORE
WALLACE ENTERPRISES	12 BAY BULLS RD TIM HORTON'S	MS EATING ESTABLISHMENT
LESTER FARMS	149-151 BROOKFIELD RD	MS AGRICULTURE
BODY QUEST	92 ELIZABETH AVE	MS SERVICE SHOP
DICKS AND COMPANY LIMITED	385 EMPIRE AVE	MS OFFICE
GOING MOBILE	336 FRESHWATER RD	MS RETAIL STORE
IN MOTION	179 HAMLYN RD	MS CLUB
THERAPEUTIC SERVICES LTD.	12-20 HIGHLAND DR	MS CLINIC
CAL LEGROW INSURANCE LIMITED	189 HIGGINS LINE	MS OFFICE
MOORES	41 KELSEY DR	MS RETAIL STORE
WAL-MART CANADA CORP.	75 KELSEY DR	MS RESTAURANT
MCDONALD'S RESTAURANTS CAN.LTD	54 KENMOUNT RD	MS RESTAURANT
METRO SELF STORAGE	790 KENMOUNT RD	SN WAREHOUSE
WENDY'S RESTAURANT-ROBIN MOORE	35 KENMOUNT RD	MS RESTAURANT
PENNEY KIA INC.	497 KENMOUNT RD	MS CAR SALES LOT
KENNY'S POND FACILITY INC.	135 MACDONALD DR	MS CONDOMINIUM
BENNETT RESTAURANTS LIMITED	345-349 MAIN RD MCDONALDS	MS EATING ESTABLISHMENT
MR. SUB	446 NEWFOUNDLAND DR	MS EATING ESTABLISHMENT
BUDDY'S FISH & CHIPS LTD.	445 NEWFOUNDLAND DR	MS EATING ESTABLISHMENT
BUDDY'S FISH & CHIPS LTD.	445 NEWFOUNDLAND DR	MS EATING ESTABLISHMENT
CREATIVE BRICK AND TILE	78 O'LEARY AVE	MS RETAIL STORE
PRO-GLO LIMITED	33 O'LEARY AVE	MS PLACE OF AMUSEMENT
ATLANTIC CASH & CARRY	37 O'LEARY AVE	MS RETAIL STORE
HICKMAN MOTORS LIMITED	20 PEET ST	MS CAR SALES LOT

ORTHOPEDIC SOLUTIONS	342 PENNYWELL RD	MS RETAIL STORE
EASTSIDE MARIO'S	180 PORTUGAL COVE RD	MS RESTAURANT
TIM DONUT LIMITED	30 ROPEWALK LANE	MS RESTAURANT
MR. SUB	117 ROPEWALK LANE	MS EATING ESTABLISHMENT
MCDONALD'S RESTAURANTS OF	14 STAVANGER DR	MS RESTAURANT
FUTURE SHOP	20 STAVANGER DR	MS RETAIL STORE
CREATIVE BRICK AND TILE	25 STAVANGER DR	MS RETAIL STORE
GOING MOBILE	15-27 STAVANGER DR	MS RETAIL STORE
LOBLAWS PROPERTIES LIMITED	55 STAVANGER DR	MS RETAIL STORE
MCDONALD'S RESTAURANTS CAN.LTD	506 TOPSAIL RD	MS RESTAURANT
NEW WORLD FITNESS	644 TOPSAIL RD	MS CLUB
RED ROCK GRILL	686 TOPSAIL RD	MS RESTAURANT
SECOND PAGE	655 TOPSAIL RD	MS OFFICE
CHES'S SNACKS LIMITED	655 TOPSAIL RD	MS RESTAURANT
MCDONALD'S REST.CAN.LTD.	248 TORBAY RD	MS RESTAURANT
JUNGLE JIMS	286 TORBAY RD	MS RESTAURANT
THE MATTRESS STORE LTD.	286 TORBAY RD	MS RETAIL STORE
GRUMPY STUMP	272-276 TORBAY RD	MS TAVERN
BRITON HOLDINGS INC.	272-276 TORBAY RD	MS RESTAURANT
HAWKNO HOLDINGS LIMITED	272-276 TORBAY RD	MS RESTAURANT
COCONUT ISLAND TAN	272-276 TORBAY RD	MS SERVICE SHOP
BANK OF NOVA SCOTIA	TORBAY RD	MS BANK
BULLDOG FITNESS	TORBAY ROAD-TORBAY RD MALL	MS SERVICE SHOP
THERAPEUTIX	722 WATER ST	MS CLINIC
D & H ENTERPRISES LTD.	43 FLEMING ST	NC PATIO DECK
JUNCTIONS	208 WATER ST	RN TAVERN
LOTO KING ENTERPRISES	AVALON MALL - LOTTERY KIOSK	CO RETAIL STORE
CHURCHILL INVESTMENTS INC.	3 CHURCH HILL	RN OFFICE
GREENSLEEVES LTD.	14 GEORGE ST	RN TAVERN
GREAT WEST LIFE	39-41 PIPPY PL	RN OFFICE
ROYAL BANK OF CANADA	151 CROSBIE RD	RN BANK
SIMPLY LIVING	20 ROPEWALK LANE	CR RETAIL STORE
SOUTHWEST PROPERTIES	215 WATER ST, 7TH FLR CORRIDOR	RN MIXED USE
HENNEBURY ENGINEERING LTD	20 WHITE ROSE DR	NC WAREHOUSE
AVALON SPORTS INC.	39 CHURCHILL AVE	NC CLUB

THIS WEEK \$ 4,348,786.00

CLASS: INDUSTRIAL

THIS WEEK \$.00

CLASS: GOVERNMENT/INSTITUTIONAL

THIS WEEK \$.00

CLASS: RESIDENTIAL

LORNE & TRACEY LAMBERT	24 BAR HAVEN ST	NC ACCESSORY BUILDING
STANFORD COLLINS	3 BAR HAVEN ST	NC ACCESSORY BUILDING
STEVE KIELEY	BISHOP'S LINE, LOT 2	NC SINGLE DETACHED DWELLING
NEW VICTORIAN HOMES	2 BLUE JACKET PL, LOT 77	NC SINGLE DETACHED DWELLING
ERCO HOMES	1 BLUE JACKET PL, LOT 59	NC SINGLE DETACHED DWELLING
MIKE & ASHLEY FELTHAM-BROWNE	21 BOLAND ST	NC ACCESSORY BUILDING
GERALDINE DONOVAN	128 BOND ST	NC PATIO DECK
STEVEN PERHAM	223 BROOKFIELD RD	NC ACCESSORY BUILDING
DENNIS PENNEY	17 CARIBOU PL, LOT 17	NC SINGLE DETACHED DWELLING
NEIL HARDY	106-108 DONOVAN'S RD	NC ACCESSORY BUILDING
JAMES SMITH	60 EDISON PL	NC PATIO DECK
DERMOT & JOAN CONWAY	779 EMPIRE AVE	NC ACCESSORY BUILDING

PRO TECH CONSTRUCTION	FRANCIS STREET, LOT 71	NC SINGLE DETACHED DWELLING
PERHAM HOMES LTD.	30 GREAT EASTERN AVE, LOT 55	NC SINGLE DETACHED DWELLING
REV. MYLES VARDY	34 CURLING PL	NC ACCESSORY BUILDING
REARDON CONSTRUCTION	7 JENNMAR CRES - LOT 75	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION	9 JENNMAR CRES - LOT 76	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION	17 JENNMAR CRES - LOT 80	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION & DEV LTD	39 JENNMAR CRES, LOT 91	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION	43 JENNMAR CRES -LOT 93	NC SINGLE DETACHED DWELLING
GIBRALTAR DEVELOPMENT LTD.	68 JULIEANN PL	NC FENCE
GIBRALTAR DEVELOPMENT LTDMITED	68 JULIEANN PL	NC ACCESSORY BUILDING
NEW VICTORIAN HOMES	19 KERR ST, LOT 42	NC SINGLE DETACHED DWELLING
FRANK WILLIAM O'NEILL	17 LAUGHLIN CRES	NC ACCESSORY BUILDING
CARDINAL HOMES LIMITED	17 LIONS RD, LOT 44	NC SINGLE DETACHED DWELLING
CARDINAL HOMES LIMITED	23 LIONS RD, LOT 41	NC SINGLE DETACHED DWELLING
ASHLEY ROWBOTTOM	37 PIPER ST	NC PATIO DECK
ERCO HOMES	24 SGT. CRAIG GILLAM AVE LOT 7	NC SINGLE DETACHED DWELLING
GREG DALTON	32 SLATTERY RD	NC ACCESSORY BUILDING
PAUL DALY PHOTOGRAPHY	20 CRAIGMILLAR AVE	CO HOME OCCUPATION
ROBERT & ELIZABETH CAMPBELL	12 LAUGHLIN CRES	EX SINGLE DETACHED DWELLING
GERALD & TINA RAYMOND	461 MAIN RD	EX SINGLE DETACHED DWELLING
PRINCIPAL HOLDINGS	38 BATTERY RD	RN SEMI-DETACHED DWELLING
TOR NAESS	3 OUTER BATTERY RD	RN SINGLE DETACHED DWELLING
JIM & GLENDA HAYNES	18 CATHERINE ST	RN SINGLE DETACHED DWELLING
RAYMOND POLLETT	1 DUMBARTON PL	RN SINGLE DETACHED DWELLING
ALLISON MILES	60 FERRYLAND ST W	RN SINGLE DETACHED DWELLING
GEORGE ALEXANDER OAKLEY	64 FRESHWATER RD	RN SEMI-DETACHED DWELLING
VALERIE GAMBERG	21 MAYOR AVE	RN SINGLE DETACHED DWELLING
KELLY FEWER	83 NEW COVE RD	RN SINGLE DETACHED & SUB.APT
ASHLEY ROWBOTTOM	37 PIPER ST	RN SINGLE DETACHED DWELLING
CURTIS W. BURNS AND	109 PLEASANT ST	RN SINGLE DETACHED DWELLING
PATRICIA GREENE	58 PRESCOTT ST	RN SINGLE DETACHED DWELLING
STEPHEN & CHRISTA SHORT	96 SEABORN ST	RN SEMI-DETACHED DWELLING
WESLEY TEMPLE	163 UNIVERSITY AVE	RN SINGLE DETACHED & SUB.APT

THIS WEEK \$ 2,254,167.00

CLASS: DEMOLITION

TAIWAN (ST. JOHN'S) INC.	394 KENMOUNT RD	DM RESTAURANT
		THIS WEEK \$ 25,000.00

THIS WEEK'S TOTAL: \$ 6,627,953.00

REPAIR PERMITS ISSUED: 2009/10/15 TO 2009/10/21 \$ 78,726.00

LEGEND

CO CHANGE OF OCCUPANCY	SN SIGN
CR CHNG OF OCC/RENOVTNS	MS MOBILE SIGN
EX EXTENSION	TI TENANT IMPROVEMENTS
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

SJMC2009-10-26/610R

It was decided on motion of Councillor Colbert; seconded by Councillor Collins: That the following Payrolls and Accounts for the week ending October 22nd, 2009, be approved:

**Weekly Payment Vouchers
For The
Week Ending October 22, 2009**

PAYROLL

Public Works	\$ 315,306.68
Bi-Weekly Casual	\$ 16,240.08

ACCOUNTS PAYABLE

Cheque No. 153818 - 154191	\$4,877,684.25
Total:	\$5,209,231.01

The motion being put was unanimously carried.

Tenders

- a. Tender – Litter Pickup at Robin Hood Bay
- b. Tender - Ayre Athletic Grounds, Proposed Service Building

SJMC2009-10-26/611R

It was moved by Councillor Colbert; seconded by Councillor Collins: That the recommendations of the Director of Finance and City Treasurer, and the Director of Building and Property Management be approved and the tenders awarded as follows:

- a. **Kelloway Construction in the amount of \$95,695.00 (taxes not included)**
- b. **J & T Construction in the amount of \$447,000.00**

Regarding b – Tender for Ayre Athletic Grounds, Proposed Service Building, Councillor Hann expressed concern over the fact that the tender is \$97,000 over the

pre-tender estimate and that the over expenditure has to be funded out of next year's budget. Councillor Hann asked that the Director of Finance provide a list of projects preapproved in advance of next year's budget.

Councillor Colbert pointed out that the tender came in over the pre-tender estimate, largely due to additional site work and current marketing prices. However, he noted the project involves free lease of land, is a desperately needed facility and will be used for the purpose it is intended.

Following discussion, Council unanimously agreed to award the tender to J & T Construction in the amount of \$447,000.00, approving the \$97,000.00 cost overrun, which will be funded out of the 2010 Capital Works Budget.

Notice of Motion

Councillor Colbert gave the following Notice of Motion:

TAKE NOTICE that I will at the next regular meeting of Council move to enact an amendment to the St. John's Mobile Sign By-Law so as to incorporate provisions related to changeable message signage.

DATED at St. John's this 26th day of October, 2009.

Councillor Colbert gave the following Notice of Motion

TAKE NOTICE that I will at the next regular meeting of Council move to enact an amendment to the St. John's Sign By-Law so as to exempt signs at recreational facilities owned or operated by the City of St. John's from the provisions of the By-Law except as to issues of construction, maintenance and safety so as to incorporate provisions related to changeable message signage.

DATED at St. John's this 26th day of October, 2009.

Lot 5 Carriage Lane/Parkhill Street – Leonard White

Council considered a memorandum dated October 22, 2009 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2009-10-26/612R

It was moved by Councillor Collins; seconded by Councillor Hann: That the recommendation of the Chief Commissioner and City Solicitor that approval be given to allow Mr. Leonard White to acquire a parcel of City land at 5 Carriage Lane in exchange for an equal sized parcel subject to Mr. White providing all necessary surveys, be accepted.

The motion being put was unanimously carried.

Sewer Line Easement Lease

Council considered a memorandum dated October 19, 2009 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2009-10-26/613R

It was moved by Councillor Collins; seconded by Councillor Hickman: That the Manager of Real Estate Services be authorized to sign the Application for Consent and Assignment of Lease, on behalf of the City, with respect to the Balnafad Sewer Line Easement Lease, the rent to be \$1.00 per year.

The motion being put was unanimously carried.

Request for Approval to Borrow

Council considered a memorandum dated October 21, 2009 from the Director of Finance and City Treasurer regarding the above noted.

SJMC2009-10-26/614R

It was decided on motion of Councillor Colbert; seconded by Councillor Hann: That the following Resolution be adopted:

WHEREAS the City of St. John's Municipal Council is empowered under the provisions of the City of St. John's (Loan) Act, 1978, as amended, to borrow money on the credit of the City by the issue and sale of bonds of the City subject to the approval of the Minister of Municipal Affairs;

AND WHEREAS the Council deems it advisable to issue and sell bonds in an amount of Twenty-Seven Million Dollars (\$27,000,000) under the said Act for the purpose of repayment of loans of the City used as interim financing for the construction of the Riverhead Waste Water Treatment Plant and the 2008-2010 Multi-Year Capital Works Program and to seek the approval of the Minister of Municipal Affairs to issue and sell bonds in the said amount for the said purpose;

BE IT THEREFORE RESOLVED that the required approval of the Minister of Municipal Affairs, be sought to issue and sell bonds in the amount of Twenty-Seven Million Dollars (\$27,000,000) the proceeds of such sale to be applied towards the repayment of those loans of the City.

Public Meeting, Tuesday, November 10th, 2009, Downtown Parking Study

Council considered a memorandum dated October 21, 2009 from the Associate Commissioner and Director of Engineering advising that the Public Meeting on the Downtown Parking Study will be held on Tuesday, November 10, 2009.

Councillor O’Leary

Councillor O’Leary advised that she is now Council’s representative on the St. John’s Clear and Beautiful Board.

Councillor O’Leary extended congratulations to the St. John’s National Womens’ Film and Video Festival on another very successful event.

She tabled an email from Ms. Noreen Golfman in which she noted that the time has come for proper exhibition space dedicated to film in downtown St. John’s. She asked that the matter be referred to the Arts Advisory Committee for consideration.

Councillor O’Leary tabled the following correspondence regarding Pesticide Use and asked that it be referred to the Public Works, Environment and Protection Committee for consideration:

1. Letter dated October 12, 2009 from Paul Bowdring
2. Correspondence from Mayor Randy Simms, City of Mount Pearl
3. Email from Emma Housser

Councillor Hickman

Councillor Hickman announced that the Robin Hood Bay residential drop-off facility opens tomorrow, October 27, 2009, and will be open from 8 a.m to 4 p.m., Tuesday to Saturday.

Councillor Hann

Councillor Hann referred to Council’s recommendations with respect to the budget process and was advised that the matter is included in the agenda of the Finance and Administration Standing Committee meeting which is scheduled to be held October 28, 2009.

Councillor Galgay

Councillor Galgay advised that he has received enquiries on the status of the Monument located in Victoria Park dedicated in memory of Moses Monroe. He noted they would like to see the fountain reinstated to its original status. He matter was

referred to the Parks and Recreation Committee for investigation. Acting Mayor Duff asked that the City's plan for Bannerman and Victoria Parks be brought forward to a future meeting of the committee.

Councilor Collins

Councillor Collins advised that he is looking into the possibility of relocating the tot lot on Almond Crescent, which is currently located in the area of the mail boxes.

Councillor Collins advised that the upgrading of Dooling's Line is near completion and steps will be taken to cut down on excessive speeding.

Letter dated October 25, 2009 from Arthur H, Hamlyn and Lorraine Hamlyn, 180 Waterford Bridge Road Re Proposed Rezoning to accommodate Residential Development Waterford Bridge Road

The above noted letter was tabled and referred to staff for consideration.

Adjournment

There being no further business, the meeting adjourned at 5:30 p.m.

MAYOR

CITY CLERK