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 Ellsworth; Councillors Hann; Hickman, Lane, Puddister, Breen, Galgay, Tilley, Davis and Collins.

The City Manager, Deputy City Manager, Corporate Services & City Clerk, Deputy City Manager, Financial Management, Deputy City Manager, Planning, Development & Engineering, Deputy City Manager, Public Works, Director of Engineering, Chief Municipal Planner, City Solicitor and Manager, Corporate Secretariat, were also in attendance.

# Call to Order and Adoption of the Agenda

# SJMC2013-10-28/480R

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

# **Adoption of Minutes**

# SJMC2013-10-28/481R

It was decided on motion of Councillor Davis; seconded by Councillor Collins: That the minutes of October 21<sup>st</sup>, 2013 be adopted as presented.

# **Notices Published**

a. A Change of Non-Conforming Use Application has been submitted requesting permission to occupy a portion of civic number 29 Howley Avenue Extension to accommodate a barber and hair supply business. The proposed business will occupy a floor area of approximately 171 square feet and will operate Monday to Saturday 10 a.m. to 8:30 p.m. and Sunday 9 a.m. to 6 p.m. Clients are by appointment only with two clients per appointment. The proposed business will have a staff of two employees. (Ward 2)

# SJMC2013-10-28/482R

It was moved by Councillor Galgay; seconded by Councillor Hickman: That the application be approved subject to all applicable City requirements.

The motion being put was unanimously carried.

# **Committee Reports**

# Planning Committee Report dated October 16, 2013

Council considered the following Planning Committee Report dated October 16, 2013:

In Attendance:	Councillor Tom Hann, Chairperson Deputy Mayor Ron Ellsworth			
	Councillor Wally Collins			
	Councillor Bruce Tilley			
	Councillor Danny Breen			
	Councillor Jonathan Galgay			
	Councillor Bernard Davis			
	Robert Smart, City Manager			
	Dave Blackmore, Deputy City Manager, PDE			
	Brendan O'Connell, Director, Engineering			
	Lynnann Winsor, Director, Water & Wastewater			
	Jason Sinyard, Director, Planning and Development			
	Ken O'Brien, Chief Municipal Planner			
	Sean Janes, City Internal Auditor			
	Judy Powell, Metrobus			
	Sandy Abbott, Recording Secretary			

The following matter was considered by the Planning and Housing Committee at its meeting held on October 16, 2013.

# 1. Richmond Cottage, 4-6 McLea Place (formerly 18 Old Topsail Road/ 10 Shaw Street)

The Committee recognized that there is no active application to demolish the building at this time, and this matter will be addressed if and when an application is received.

Furthermore, the Committee agreed that where developers are granted bonuses or increased densities as a measure to ensure the protection and revitalization of a heritage property, the approval be conditional on dealing with the heritage protection aspect of the approval first.

# 2. 1 Bergeron Place Planning File: B.17-B.33(13-00211) Application to Rezone Property Situate at "1 Bergeron Place" (Bergeron Place and Groves Road) – Ward 4

An application has been received from the owner of a parcel of undeveloped, vacant land situated at the corner of Groves Road and Bergeron Place to have this land rezoned from the Rural Residential Infill (RRI) Zone to the Residential Medium Density (R2) Zone for the purpose of developing a building lot for a single-detached house.

As the subject property is capable of being connected to municipal water and sewer services, it would be rational to rezone the subject property as requested. It is, therefore, recommended that this application be considered for approval.

If the Planning and Housing Committee concurs, it is recommended that the application be advertised in accordance with the requirements of Section 5.5 of the Development Regulations and then referred to a Regular Meeting of Council for initial consideration. At a later stage, a public hearing conducted by an independent commissioner appointed by Council will be required.

# 3. 150 Stavanger Drive Planning File: B.17-S.30 (13-00168) Proposed Rezoning to Accommodate an Apartment Building Applicant: Northern Property REIT – Ward 1

Northern Property REIT has submitted an application to rezone vacant, undeveloped property at 150 Stavanger Drive from the Commercial Regional (CR) Zone to the Apartment Medium Density (A2) Zone. This is to allow development of a 4-storey, 71-unit apartment building. The requested rezoning will requie a Land Use Assessment Report (LUAR) and an amendment to the St. John's Municipal Plan.

An overall objective of the Municipal Plan is to encourage compact urban form by accommodating development with higher densities where appropriate, and making better use of municipal infrastructure. This development proposal would be consistent with the Municipal Plan.

It is recommended that after Council's confirmation and approval of the attached draft Terms of Reference and subsequent receipt of a satisfactory Land Use Assessment Report, I the application be advertised in accordance with the requirements of Section 5.5 of the Development Regulations and subsequently referred to a Regular Meeting of Council for initial consideration. At a later stage, a public hearing chaired by an independent commissioner will be required.

# 4. 17-19-21 Cashin Avenue Planning File: B.17-C.12 / 13-00073 Proposed Rezoning from the Residential Medium Density (R2) Zone to Commercial Mixed (CM) Zone for a Medical Clinic Applicant: 54025 NL and Lab Ltd. – Ward 3

An application has been submitted to rezone the property located on 17-19-21 Cashin Avenue to accommodate the construction of a new medical clinic. A zoning amendment is required for this application.

One objective of the Municipal Plan is to achieve compact urban form. Another objective is to maintain neighbourhood character. Staff feel that given the infill nature of the site, this development proposal would make efficient use of land for commercial use. The applicant has sufficiently illustrated how the proposed development should be deemed appropriate for the area. Therefore, this rezoning application warrants consideration for approval.

Staff will refer this application to the public consultation process. Because there are several houses adjacent to the subject property, it would be appropriate to have this application discussed at a public meeting chaired by a member of Council. A Municipal Plan amendment would not be required.

# 5. 67 Hennessey's Line Planning File: B.17-H.10 / 13-00126 Proposed Rezoning from O to RRI Applicant: Eric and Terry Chafe – Ward 5

Eric and Terry Chafe have submitted an application to rezone the property situated on 67 Hennessey's Line in the Goulds to extend the Rural Residential Infill (RRI) Zone. The proposed rezoning would extend the Rural Residential Infill (RRI) Zone from the northern portion of the property to the southern portion of the property. A Municipal Plan amendment would be required for this application.

City staff can interpret the zone lines so that most of the subject property is in the RRI Zone, with the back portion remaining in the AG Zone. This is done in accordance with Section 3.4 of the St. John's Development Regulations "Boundaries of the Zones".

# 6. 288 Back Line Planning File: B-17-B.49 / 13-00349 Proposed Rezoning from R1 and OR to R2 – Ward 5

The property owner has submitted an application to rezone the property situated on 288 Back Line in the Goulds with the intention of developing a single-family dwelling. The proposed rezoning is from the Open Space (O) Zone and Agricultural (AG) Zone to the Rural Residential Infill (RRI) Zone and Agricultural (AG) Zone. A Municipal Plan amendment will be required for this application.

This rezoning application warrants further review. The rezoning will require an amendment to the Municipal Plan. This rezoning will not require a Land Use Assessment Report (LUAR).

Because there are several single detached dwellings neighbouring the subject property, staff recommend that the application be referred to a public meeting chaired by a member of Council. At a later date, a public hearing by an independent commissioner will be required.

Jason Sinyard, P.Eng., MBA Director, Planning and Development

# SJMC2013-10-28/483R

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

Following discussion, the motion being put was unanimously carried.

### Weekly Permits List

Council considered the following Development Permits List for the period October 4, 2013 to October 24, 2013:

### DEVELOPMENT PERMITS LIST DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING FOR THE PERIOD OF October 4, 2013 TO October 24, 2013

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES		Home Occupation- Electrical Company	19 Silverton Street	5	Approved	October 9, 2013
COM	City of Mount Pearl	Stormwater Detention for Middle Parking Lot	621 Kenmount Road		Approved	October 10, 2013
СОМ	Exp Services for Tim Horton's	Drive Thru Alterations & Site Work	275 Kenmount Road	4	Approved	13-10-11
COM	DSF Granite	Commercial Building	40 Eastland Drive	1	Approved	13-10-17
СОМ	Food For Thought	Retail of Food	84 Gower Street	2	Approved	13-10-17

СОМ	Pinnacle Engineering Ltd.	Clearing of Brush	Southlands- Glencrest	5	Approved	13-10-18
RES	Fairview Investment	Subdivision- Forty- four(44) Residential Lots	Southlands Area 3 & 4- Stage 5 – Street 4-1 (Cherrybark Cres)	5	Approved	13-10-18
RES		Building Lot	171 Doyles Road	5	Approved	13-10-18
RES	Fairview Investment	Building Lot	42B Bell's Turn	4	Approved	13-10-23
F	Code Classification: RES- Residential COM- Commercial AG - Agriculture	INST IND	- Institutional - Industrial		Gerard Dora Developmer Department	nt Officer

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

# **Building Permits List – October 28<sup>th</sup>, 2013**

# SJMC2013-10-28/484R

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It was decided on motion of Councillor Tilley; seconded by Councillor Puddister: That the recommendation of the Deputy City Manager, Planning, Development & Engineering with respect to the following building permits, be approved:

# Building Permits List Council's October 28, 2013 Regular Meeting

2013/10/17 To 2013/10/23 Permits Issued:

#### CLASS: COMMERCIAL

149 AIRPORT RD		OFFICE
57 BLACKMARSH RD		PLACE OF ASSEMBLY
44 CROSBIE RD	MS	CONVENIENCE STORE
10 ELIZABETH AVE	MS	RETAIL STORE
84-86 ELIZABETH AVE	MS	SERVICE SHOP
391-395 EMPIRE AVE	MS	RETAIL STORE

57 BONAVENTURE AVE 209 BLACKMARSH RD

RN APARTMENT BUILDING NC PARKING LOT

CLASS: INDUSTRIAL

CLASS: GOVERNMENT/INSTITUTIONAL

THIS WEEK \$ .00

324 FRECKER DR MS CONVENIENCE STORE 9 HALLETT CRES MS RETAIL STORE MS EATING ESTABLISHMENT 10 HEBRON WAY 12-20 HIGHLAND DR MS RETAIL STORE 58 KENMOUNT RD MS OFFICE 120 KENMOUNT RD MS CAR SALES LOT 274 KENMOUNT RD MS RETAIL STORE MS RETAIL STORE 81 KENMOUNT RD 351-361 KENMOUNT RD SN RETAIL STORE 409 KENMOUNT RD MS COMMERCIAL GARAGE 461 KENMOUNT RD MS CAR SALES LOT 479 KENMOUNT RD MS CAR SALES LOT 90 LOGY BAY RD MS CLUB MS CONVENIENCE STORE 326 LOGY BAY RD 484 MAIN RD MS CLUB 219 MAJOR'S PATH MS RETAIL STORE 10 MESSENGER DR MS RETAIL STORE 110 MUNDY POND RD MS CHURCH MS CLINIC 119 NEW COVE RD 446 NEWFOUNDLAND DR MS RESTAURANT 60 O'LEARY AVE MS RETAIL STORE 52 PIPPY PL MS RETAIL STORE 180 PORTUGAL COVE RD MS RETAIL STORE 279 PORTUGAL COVE RD-ENVY HAIR MS SERVICE SHOP 279 PORTUGAL COVE RD MS CLINIC 35 RIDGE RD MS CLUB SERVICE SHOP 20 ROPEWALK LANE MS 45 ROPEWALK LANE MS RETAIL STORE 386 STAVANGER DR MS OFFICE MS RETAIL STORE 410 STAVANGER DR 410 STAVANGER DR MS RETAIL STORE 3 STAVANGER DR MS RESTAURANT MS RESTAURANT 415 STAVANGER DR 86 THORBURN RD MS SERVICE STATION MS CONVENIENCE STORE 88 THORBURN RD THORBURN RD MS RETAIL STORE 446 TOPSAIL RD MS SERVICE STATION 10 ELIZABETH AVE MS RETAIL STORE 192-194 TORBAY RD MS RESTAURANT 280 TORBAY RD TAKE-OUT FOOD SERVICE MS MS CLUB 320 TORBAY RD MS COMMUNICATIONS USE TORBAY ROAD-TORBAY RD MALL 500 TOPSAIL RD RN RETAIL STORE 60 HAYWARD AVE RN BAKERY RN OFFICE 274 KENMOUNT RD 99 QUEEN'S RD, UNITED CHURCH RN CHURCH 
100
NEW GOWER
ST-7
& 8
FLOORS
RN
OFFICE

177
KENMOUNT
RD-FORMER
CABOT
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SAL

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<td SW CAR SALES LOT RN OFFICE 351-353 WATER ST HUSKEY ENERGY THIS WEEK \$ 8,682,500.00

#### CLASS: RESIDENTIAL

37 BEACON HILL CRES
6 BIRMINGHAM ST
44 CAPE PINE ST 53 GREAT EASTERN AVE
5 GUERNSEY PL, LOT 31, UNIT 1
7 GUERNSEY PL, LOT 30, UNIT 1
5 GUERNSEY PL. LOT 31. UNIT 2
5 GUERNSEY PL, LOT 31, UNIT 2 5 GUERNSEY PL, LOT 31, UNIT 3
5 GUERNSEY PL, LOT 31, UNIT 4
7 GUERNSEY, LOT 30, UNIT 2
7 GUERNSEY PL, LOT 30, UNIT 3
7 GUERNSEY PL, LOT 30, UNIT 4
1 GUERNSEY PL, LOT 33, UNIT 1 1 GUERNSEY PL, LOT 33, UNIT 2
1 GUERNSEY PL, LOT 33, UNIT 3
1 GUERNSEY PL, LOT 33, UNIT 4
3 GUERNSEY PL, LOT 32, UNIT 1
3 GUERNSEY PL. LOT 32 UNIT 2
3 GUERNSEY PL, LOT 32, UNIT 3
3 GUERNSEY PL, LOT 32, UNIT 4
30 HOWLEY AVE EXTEN
30B HOWLEY AVE EXTEN
30C HOWLEY AVE EXTEN
30D HOWLEY AVE EXTEN
30E HOWLEY AVE EXTEN
19 JAMES LANE
37 JENNMAR CRES
81 LADYSMITH DR
3 LOTUS ST
209 MUNDY POND RD
18 PARSONAGE DR
15 RIVERSIDE DR E
82 ROTARY DR, LOT 94
43 RUMBOLDT PL
496 SOUTHSIDE RD
114 TOPSAIL RD
2 WESTVIEW AVE, LOT 1, UNIT 1
4 WETSVIEW AVE, LOT 2, UNIT 1 6 WESTVIEW AVE, LOT 3, UNIT 1
6 WESTVIEW AVE, LOT 3, UNIT 1
8 WESTVIEW AVE LOT 4, UNIT 1
2 WESTVIEW AVE, LOT 1, UNIT 2
2 WESTVIEW AVE, LOT 1, UNIT 3
2 WESTVIEW AVE, LOT 1, UNIT 4
4 WESTVIEW AVE, LOT 2, UNIT 2
4 WESTVIEW AVE, LOT 2, UNIT 3
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6 WESTVIEW AVE, LOT 3, UNIT 3
6 WESTVIEW AVE. LOT 3, UNIT 4
8 WESTVIEW AVE, LOT 4, UNIT 2
8 WESTVIEW AVE, LOT 4, UNIT 3
8 WESTVIEW AVE, LOT 4, UNIT 4
19 SILVERTON ST
21 SYMONDS AVE
77 CARPASIAN RD
4 OUTER BATTERY RD
31 KERRY ST
13 LONDON RD
60 SORREL DR
80 WINSLOW ST
27 ALBANY PL

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SUBSIDIARY APARTMENT

SINGLE DETACHED DWELLING

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NC CONDOMINIUM NC CONDOMINIUM NC CONDOMINIUM NC CONDOMINIUM NC CONDOMINIUM HOME OFFICE

PATIO DECK

SINGLE DETACHED DWELLING

SINGLE DETACHED DWELLING ACCESSORY BUILDING

ACCESSORY BUILDING

NC ACCESSORY BUILDING NC ACCESSORY BUILDING NC ACCESSORY BUILDING NC ACCESSORY BUILDING

ACCESSORY BUILDING

ACCESSORY BUILDING

ACCESSORY BUILDING

# 2013-10-28

THIS WEEK \$ 5,141,700.00

### CLASS: DEMOLITION

DM SINGLE DETACHED DWELLING

THIS WEEK \$ 1,000.00

THIS WEEK''S TOTAL: \$ 15,030,200.00

REPAIR PERMITS ISSUED: 2013/10/17 TO 2013/10/23 \$ 119,000.00

LEGEND

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

YEAR TO DATE COMPARISONS					
October 28, 2013					
TYPE 2012 2013 % VARIANCE (+/-)					
Commercial	\$187,000,800.00	\$88,100,000.00	<b>% VARIANCE (+/-)</b> -53		
Industrial	\$5,000,000.00	\$131,000.00	-97		
Government/Institutional	\$16,100,900.00	\$79,300,300.00	393		
Residential	\$154,300,700.00	\$144,800,300.00	- 6		
Repairs	\$4,600,900.00	\$4,200,900.00	-9		
Housing Units (1 & 2 Family Dwellings)	508	398	-22		
TOTAL	\$367,003,300.00	\$316,532,500.00	-14		

Respectfully Submitted,

71 GUY ST

Jason Sinyard, P. Eng., MBA Director of Planning & Development

# Payrolls and Accounts

## SJMC2013-10-28/485R

It was decided on motion of Councillor Tilley; seconded by Councillor Puddister: That the following Payrolls and Accounts for the week October 24<sup>th</sup>, 2013 be approved:

Weekly Payment Vouchers For The Week Ending Oct 24, 2013

Payroll

Total:	\$ 10,292,766.70	
Accounts Payable	\$ 7,835,904.77	
Bi-Weekly Fire Department	\$ 575,269.84	
Bi-Weekly Management	\$ 699,347.55	
Bi-Weekly Administration	\$ 785,186.81	
Public Works	\$ 397,057.73	

**Tenders** 

a. Tender – Water and Sewer Supplies

b. Tender – Hydrant Parts

# SJMC2013-10-28/485R

It was decided on motion of Councillor Tilley; seconded by Councillor Puddister: That the recommendations of the Deputy City Manager Corporate Services and City Clerk be approved and the tenders awarded as follows:

- a. Emco Corporation for sections 1,3,4,5,6,9 and 10. Crane Supply for sections 7 and 8 and Wolseley for sections 2, 11 and 12 as outlined in memo dated October 22, 2013 (Taxes not included).
- b. Emco Corporation (taxes not included).

# **Notice of Motion**

Councillor Tilley gave the following Notice of Motion:

**<u>TAKE NOTICE</u>** that I will at a future regular meeting of the St. John's Municipal Council move to enact an amendment to the St. John's Noise By-Law so as to address the use of heat pumps, air conditioners, generators, exhaust fans, etc.

DATED at St. John's, NL this 28<sup>th</sup>, day of October, 2013.

# **Councillor Hickman**

Councillor Hickman advised residents that Council has pledged its support and corporation with MUN to look at options to make Westerland Road safer for pedestrians. He noted that it is understood that all costs for the improvements will be borne by MUN. He advised that a meeting has been arranged with staff and MUN Facilities Division to discuss the issue. As well the matter will be discussed at the next meeting of the Police and Traffic Committee.

# **Deputy Mayor Ellsworth**

Deputy Mayor Ellsworth reminded residents that the City of St. John's will hold a Public Meeting to discuss proposed amendments to the St. John's Municipal Plan and the St. John's Development Regulations. If enacted, the amendments would have the dual effect of maintaining the principal use of the Atlantic Place Parking Garage (1 Clift's/Baird's Cove) property as a parking facility offering a minimum of 670 parking spaces to the public for rent and allowing development of a three storey hotel or a residential development atop the existing eight storey building.

# **Councillor Lane**

Councillor Lane made note of the fact that the Downtown St. John's was named recipient of a 2013 Downtown Merit Award by the International Downtown Association for the Downtown St. John's Open Space Revitalization Program.

# **Councillor Puddister**

Councillor Puddister advised that the next meeting of the Police and Traffic Committee meeting will be held on November 6<sup>th</sup>, 2013 and advised residents to contact the City Clerk's office to submit any issues of concern.

# **Councillor Breen**

Councillor Breen advised that Budget Consultation Meetings will be held on October 29 and November 2, 2013:

Session 1: Wednesday, Oct. 30, 7 to 9 p.m. in the E.B. Foran Room, City Hall.

Session 2: Saturday, Nov. 2, 9 to 11 a.m. at the Capital Hotel, 208 Kenmount Road.

# **Councillor Galgay**

Councillor Galgay noted that he receives calls on a regular basis concerning abuse of the City's parking permit system, specifically in the down town area. He suggested merging the proposed electronic ticketing project, with a more enhanced permit system which includes a chip or bar code feature which will provide direct information as it relates to vehicle owner etc., to traffic enforcement officers. The matter was referred to the Police and Traffic Committee for consideration.

Councillor Galgay advised that will be taking part in the Dodge for the Cure Event on November 2, 2013 and will be making a personal donation of \$400 towards the cause. He challenged the Mayor to join himself and Councillor Davis in engaging the general public in a game of Dodge Ball. Councillor Gaglay noted that the donation will honour past City employees who have lost their battle with cancer and recognize and support existing employees and retirees who are battling the disease.

# **Councillor Tilley**

Councillor Tilley reminded residents that a public meeting has been scheduled for November 5, 2013 to discuss the proposed rezoning of land at 640-646 Empire Avenue.

# **Councillor Davis**

Councillor Davis advised of complaints of rat infestation in the area of Airport Heights. The matter was referred to the Department of Public Works for followup.

Councillor Davis advised that safety concerns have been raised by residents with respect to the Kenmount Road/Polina Road intersection. He asked that the matter he referred to the Police and Traffic Committee to see if anything can be done to improve the traffic flow at that intersection.

Councillor Davis tabled information regarding FCM's Housing Campaign which he asked be referred to the Deputy City Manager, Community Services to see how the City can get involved and support the campaign.

Councillor Davis asked that the His Worship the Mayor, on behalf of Council, write a letter of congratulations to retired Chief Justice T. Alex Hickman on receiving an honorary Doctor of Laws degree.

# **Councillor Collins**

Councillor Collins asked that staff look at the feasibility of changing the traffic light at the bottom of Old Petty Harbour Road to either a flashing red or a flashing yellow light only, to accommodate the temporary road detour on Bay Bulls Road.

# **His Worship the Mayor**

His Worship the Mayor in speaking to the Affordable Housing issue advised that Big City Mayor's Caucus has identified affordable housing across Canada as its number one focus replacing infrastructure which was a prime focus until last spring when Big City Mayors Caucus achieved a 10 year infrastructure program with Federal participation. The Mayor noted that he has indicated to the Deputy City Manager, Planning, Development & Engineering that we as a City should play a major role hand in hand with the FCM and the Big City Mayors Caucus and focus entirely on affordable housing in an effort to not only stop any reduction in federal funding towards affordable housing but to increase funding and as well increase the initiative.

# **Adjournment**

There being no further business the meeting adjourned at 5:40 pm.

MAYOR

**CITY CLERK**