

October 5th, 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 Ellsworth; Councillors Duff, Colbert, Hickman, Hann, Puddister, Galgay, Coombs, Hanlon and Collins

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 Planning, and Manager, Corporate Secretariat were also in attendance.

(Councillor Hickman left the meeting during the delegation presentations due to a prior commitment)

Call to Order and Adoption of the Agenda

SJMC2009-10-05/567R

It was decided on motion of Councillor Hanlon; seconded by Councillor Puddister: That the Agenda be adopted as presented with the following additional items:

1. Memorandum dated October 5, 2009 from the Director of Planning re Application for a Home Occupation at Number 25 Brad Gushue Crescent, Proposed Massage Therapy Clinic, Applicant: Paul Stratton
2. Memorandum dated October 2, 2009 from the Director of Planning re Proposed Text Amendment – St. John's Development Regulations, Regulation for Taverns in the Downtown Business Improvement area
3. Memorandum dated October 1st, 2009 from the Associate Commissioner/Director of Corporate Services and City Clerk re Travel by His Worship the Mayor, Councillors Duff and Galgay to Gander, MNL Annual Convention, November 4-7, 2009

Adoption of Minutes

SJMC2009-10-05/568R

It was decided on motion of Councillor Duff; seconded by Councillor Hann: That the Minutes of the September 21st, 2009 meeting be adopted as presented.

Notices Published

1. A Discretionary Use Application has been submitted by Paula Stratton for a proposed **Home Occupation at Civic No. 25 Brad Gushue Crescent**. The proposed business will be a **Massage Therapy Clinic**. The approximate floor area of the business is 24 square metres and is located on the main floor. Proposed hours of operation will be Monday to Friday, 9 a.m. to 5 p.m., except open until 7 p.m. on Wednesdays. There will be three (3) on-site parking spaces provided. The applicant is the sole employee.

One (1) submission of concern

In this regard, Council considered a memorandum dated October 5, 2009 from the Director of Planning.

SJMC2009-10-05//569R

It was moved by Councillor Colbert; seconded by Councillor Collins: That the application be approved subject to the following conditions:

- 1. The applicant should be the sole employee working in the massage therapy clinic;**
- 2. Only one (1) client should be at the message therapy clinic at any one time, no crossover time between clients waiting in a waiting area; and**
- 3. Parking for the massage therapy clinic should be restricted to the drive-way of the residence at number 25 Brad Gushue Crescent. On street parking should not be used to accommodate patients of the massage therapy clinic.**

The motion being put was unanimously carried.

Development Committee Report dated September 30th, 2009

Council considered the following Development Committee Report dated September 30th, 2009:

APPLICATIONS FOR APPROVAL

- 1. Proposed Extension to Single Detached Dwelling
Non-Conforming Use Application
Cory & Paula Rowsell
Civic No. 322 Southern Shore Highway (Ward 5)**

The Development Committee recommends that Council approve the above noted application

- 2. Proposed Demolition and Reconstruction of Single Detached Dwelling
Replacement of Non-Conforming Dwelling
Mr. Paul Dunne
Civic No. 240 Pennywell Road (Ward 2)**

The Development Committee recommends that Council approved the above noted application in accordance with Section 7.12.1(b) of the Development Regulations, subject to the following conditions:

- a. payment of the required \$100.00 non-refundable application processing fee;
- b. the required Demolition/Building Permits must be obtained from Access St. John's prior to the commencement of any development on the site. A house location plan and elevation drawings are to be submitted with the building application; and
- c. compliance with the requirements of the Departments of Planning and Engineering;

- 3. Crown Land Grant Referral
Public Works and Government Services Canada
White Hills (Ward 1)**

The Development Committee recommends that the above noted request for the Crown Land Grant transfer be approved. Should the applicant be successful in obtaining the Crown Land transfer, a formal development application must be submitted to the City for review and approval prior to the commencement of any development on the site.

RECOMMENDATIONS OF REJECTION:

- 4. Proposed Quarry – Mineral Working
Murphy Services Inc.
Trans Canada Highway at Foxtrap Access Road (Ward 5)**

The Development Committee recommends that the above noted application for a quarry be rejected.

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

SJMC2009-10-05/570R

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

The motion being put was unanimously carried.

Water Ban

Deputy Mayor Ellsworth presented a memorandum dated October 5, 2009 from the Associate Commissioner and Director of Engineering recommending that Council lift the water ban.

SJMC2009-10-05/571R

It was then moved by Deputy Mayor Ellsworth; seconded by Councillor Duff: That the recommendation of the Associate Commissioner and Director of Engineering that Council lift the water ban, be approved.

During discussion it was noted that the level at Bay Bulls Big Pond has now risen approximately two feet and it is at the level when the ban was implemented on July 9th of this year. It should be noted that the City's Water Conservation Order is still in effect and will remain so on a year-round basis.

Following discussion, the motion being put was unanimously carried.

Development Permits List

Council considered as information the following Development Permit List for the period September :

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF September 25, 2009 TO October 1, 2009**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES	Colin Moss	Subdivide for additional Building Lot	305 Airport Heights Drive	4	Approved	09-09-25
COM	Hennebury Engineering	Stage 2 – Metro Self Storage	20 White Rose Dr.	1	Approved	09-09-25
COM	Hennebury Engineering	Capital Motors Extension to Building/Site Plan	479 Kenmount Road	3	Approved	09-09-30
RES	Walter Williams	Building Lot	Hillview Drive West/Whelan's Lane	5	Rejected - Premature Development Contrary to Section 5.1.3 (3)	09-09-30

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

**Gerard Doran
Development Officer
Department of Planning**

Regarding Item #4 of the list, Councillor Collins alluded to rejection of an application by Mr. Walter Williams for a building lot on Hillview Drive West/Whelan's Lane, which was rejected by the Development Officer, as premature development, contrary to Section 5.2.3. Councillor Collins asked for deferral. However, as pointed out by the Director of Planning, the Development Permits List is for the information of Council only, and the application has been rejected at the staff level. He advised that the applicant has the option of appealing the decision to the St. John's Local Board of Appeal.

Building Permits List

SJMC2009-10-05/572R

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

2009/09/30

Permits List

CLASS: COMMERCIAL

THE CRAZY HORSE INC.	83 DUCKWORTH ST	OC TAVERN
ROYAL CANADIAN LEGION	57 BLACKMARSH RD	MS CLUB
GOULDS CHILDREN'S CENTRE INC.	31 DOYLE'S RD	MS DAY CARE CENTRE
J & J INVESTMENTS INC	140 FRESHWATER RD	MS RESTAURANT
T.D.L. GROUP LTD.	78 HARVEY RD	MS EATING ESTABLISHMENT
SALVATION ARMY NAT.RECYCLING	49-51 KENMOUNT RD	SN RETAIL STORE
CHRISTINE'S PLACE	210 LEMARCHANT RD	MS TAVERN
KIELEY INVESTMENTS LIMITED	484-490 MAIN RD	MS RETAIL STORE
CANADA BREAD	57 OLD PENNYWELL RD	MS RETAIL STORE
CATHERINE HOWELL	79 OLD PETTY HARBOUR RD	SN CONVENIENCE STORE
HARVEY'S TRAVEL	180 PORTUGAL COVE RD	MS OFFICE
NORTH AMERICAN PROPERTY GROUP	30 ROPEWALK LANE	MS RETAIL STORE
STASSIS INVESTMENT INC.	38 ROPEWALK LANE	MS EATING ESTABLISHMENT
STASSIS INVESTMENT INC.	38 ROPEWALK LANE	MS EATING ESTABLISHMENT
RIOCAN HOLDINGS INC.	390 TOPSAIL RD	MS RETAIL STORE
KARITSIOTIS ENTERPRISES LTD.	662 TOPSAIL RD	MS EATING ESTABLISHMENT
KAREN AND KENNETH GRAHAM	286 TORBAY RD	MS RETAIL STORE
O. LOINGSIGH DRUGS LTD.	TORBAY ROAD, TORBAY RD MALL	MS RETAIL STORE
VICTOR ZIDAROV	320 WATER ST, BISTRO SOFIA	CR EATING ESTABLISHMENT
GARY & ROSALYN BENNETT	333A FRESHWATER RD	NC PATIO DECK
COUNTRY DREAMS	200 WATER ST	CR RETAIL STORE
DOMESTIC MOVING & STORAGE	109-111 BLACKMARSH RD	CR WAREHOUSE
BELL ALIANT	SUDBURY ST, 52B CABINET	NC COMMUNICATIONS USE
OLSEN EUROPE	AVALON MALL, OLSEN EUROPE	TI RETAIL STORE
VILLAGE SHOPPING CENTER INC.	430 TOPSAIL RD, SPORTCHEK	RN RETAIL STORE

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THIS WEEK \$ 263,280.00

CLASS: INDUSTRIAL

THIS WEEK \$.00

CLASS: GOVERNMENT/INSTITUTIONAL

THIS WEEK \$.00

CLASS: RESIDENTIAL

JOHN COX	62 BRAD GUSHUE CRES	NC ACCESSORY BUILDING
RAY GUSHUE	81 BRAD GUSHUE CRES	NC FENCE
JOHN B. & MARY LESTER	177 BROOKFIELD RD	NC ACCESSORY BUILDING
WAYDE GUINCHARD	28 CARIBOU PL	NC ACCESSORY BUILDING
BELL ALIANT	CASTLE BRIDGE DR, JWI CABINET	NC COMMUNICATIONS USE
JOHN PROWSE CONSTRUCTION	44 CASTLE BRIDGE DR, LOT 16	NC SINGLE DETACHED DWELLING
NEIL & KIMBERLEY OLLERHEAD	60 CHEROKEE DR	NC ACCESSORY BUILDING
MIKE CAREW	31 FIRDALE DR	NC ACCESSORY BUILDING
JOSEPH JANSON	85 GOLF AVE	NC PATIO DECK
VAUGHAN HAYMAN	197 GREEN ACRE DR	NC ACCESSORY BUILDING
FREDERICK MERCER	117 HOWLETT'S LINE	NC ACCESSORY BUILDING
REARDON CONSTRUCTION & DEV.LTD	26 JENNMAR CRESCENT - LOT 132	NC SINGLE DETACHED DWELLING
REARDON CONST	1 JENNMAR CRES - LOT 72	NC SINGLE DETACHED DWELLING
REARDON CONST	3 JENNMAR CRES - LOT 73	NC SINGLE DETACHED DWELLING
REARDON CONST	5 JENNMAR CRES - LOT 74	NC SINGLE DETACHED DWELLING
REARDON CONST	12 JENNMAR CRES - LOT 139	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION	34 JENNMAR CRES, LOT 128	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION	32 JENNMAR CRES, LOT 129	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION	30 JENNMAR CRES, LOT 130	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION	10 JENNMAR CRES - LOT 140	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION	14 JENNMAR CRES -LOT 138	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION	28 JENNMAR CRES - LOT 131	NC SINGLE DETACHED DWELLING
LANE & DAPHNE JOHNSTON	57 MACBETH DR	NC PATIO DECK
LANE & DAPHNE JOHNSTON	57 MACBETH DR	NC ACCESSORY BUILDING
GERRY MERCER	635-641 MAIN RD	NC SINGLE DETACHED DWELLING
FRANK J. BEST	62 NAVAJO PL	NC ACCESSORY BUILDING
DANNY DUMARESQUE	213 PORTUGAL COVE RD	NC SINGLE DETACHED DWELLING
COLIN MOSS	AIRPORT HEIGHTS DR	NC SINGLE DETACHED DWELLING
SUSAN PEREIRA	97 QUIDI VIDDI RD	NC PATIO DECK
SHANE REDDY	12 ROBERTS RD	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION & DEV LTD	3 SERPENTINE ST- LOT 46	NC ACCESSORY BUILDING
VINCENT & MICHELLE DELANEY	2 SHANNON PL	NC FENCE
AIDEN DALEY	10 TOBY MCDONALD ST	NC FENCE
GREG NOAH	136 WATERFORD BRIDGE RD, SHED	NC ACCESSORY BUILDING
GREEN INVESTMENTS	40 HIGHLAND DR	CR SUBSIDIARY APARTMENT
CHARLES GREEN	22 BURGEO ST	EX SINGLE DETACHED DWELLING
NATHAN FOSS	19 BOND ST	RN SEMI-DETACHED DWELLING
WILSON AND EILEEN AVERY	223 EMPIRE AVE	RN SINGLE DETACHED & SUB.APT
SAUD KHAN	80 FAULKNER ST	RN SINGLE DETACHED DWELLING
CATHERINE KEOUGH	34 HAYWARD AVE	RN SEMI-DETACHED DWELLING
RAJAN MATHAW	67 HOPEDALE CRES	RN SINGLE DETACHED DWELLING
JAMES E.L. & LORETTA ABBOTT	71 KING'S RD	RN TOWNHOUSING
BOYD POPE & DONNA JAMES	78 MAYOR AVE	RN SINGLE DETACHED DWELLING
JACALYN COOK	102 PLEASANT ST	RN SINGLE DETACHED & SUB.APT
NEW VICTORIAN HOMES	9 SGT. CRAIG GILLAM AVE	RN SINGLE DETACHED DWELLING

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PAMELA MEDHAUG	15 SHANNON PL	RN SINGLE DETACHED & SUB.APT
TODD PUDDICOMBE	373 SOUTHSIDE RD	RN SEMI-DETACHED DWELLING
GEOFF GREENING	25 STENLAKE CRES	RN SINGLE DETACHED DWELLING
JUDU WILLIAMS	37-39 WILLIAM ST	RN SEMI-DETACHED DWELLING
BRENDAN MURRAY	38 BURGEO ST	SW SINGLE DETACHED & SUB.APT
PETER DWYER	107 NEW PENNYWELL RD	SW SINGLE DETACHED DWELLING

THIS WEEK \$ 2,675,685.00

CLASS: DEMOLITION

PAUL DUNNE	240 PENNYWELL RD	DM SINGLE DETACHED DWELLING
MOSS HOLDINGS LIMITED	3 MULLALY ST	DM WAREHOUSE

THIS WEEK \$ 62,000.00

THIS WEEK'S TOTAL: \$ 3,000,965.00

REPAIR PERMITS ISSUED: 2009/09/24 TO 2009/09/30 \$ 104,315.00

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

SJMC2009-10-05/573R

It was decided on motion of Councillor Hann; seconded by Councillor Colbert: That the following Payrolls and Accounts for the week ending October 1st, 2009, be approved:

**Weekly Payment Vouchers
For The
Week Ending October 1, 2009**

PAYROLL

Public Works	\$ 300,834.18
Bi-Weekly Amalgamation	\$ 465,647.19
Bi-Weekly Management	\$ 602,214.68
Bi-Weekly Administration	\$ 665,655.16



ACCOUNTS PAYABLE

Cheque No. 152876 – 153204	\$5,788,924.58
Total:	\$5,788,924.58

The motion being put was unanimously carried.

Tenders

- a. Tender – Purchase of Three (3) New Single Axle Dual Stream Sanitation Loaders
- b. Tender – Maintenance of Three Generators, City Hall, City Depot & Central Fire Station

SJMC2009-10-05/574R

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

- a. **Shu-Pak Equipment in the amount of \$179,000.00 ea. (taxes not included)**
- b. **Toromont Cat in the amount of \$23,407.39 (HST not included)**

651 Main Road, Goulds, Larry LeDrew

Council considered a memorandum dated October 2nd, 2009 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2009-10-05/575R

It was moved by Councillor Coombs; seconded by Councillor Duff: That the Mayor and City Clerk be authorized to execute Notice of Abandonment with respect to 651 Main Road, Goulds where the City expropriated a water line easement by Notice of Expropriation and due to reengineering of the water line, the easement is no longer required.

The motion being put was unanimously carried.

Travel by His Worship the Mayor

Council considered a memorandum dated October 1st, 2009 from the Associate Commissioner/Director of Corporate Services and City Clerk regarding travel by His Worship the Mayor to Calgary October 6 to 10, 2009 to attend the World Energy Cities Partnerships Board of Directors Meetings. This travel was

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approved by Council on June 29, 2009, however, His Worship the Mayor advised that he will not be attending the meetings and his ticket can be used another time. His Worship the Mayor advised that the Director of Economic Development, Tourism and Culture will be attending the meetings on the City's behalf and carry out the necessary work in terms of the protocol plan.

Dublin Road/Higgins Line Area, Emergency Sanitary Sewer Repairs

Council considered a memorandum dated September 30, 2009 from the Director of Public Works and Parks regarding the above noted.

SJMC2009-10-05/576R

It was moved by Councillor Hanlon; seconded by Councillor Colbert: That the recommendation of the Director of Public Works and Parks that Council agree to extend the current Sewer Improvements Contract with Pyramid Construction, who is agreeable to complete the \$200,000 in additional work at the same tendered unit prices, in order to expedite the completion of the Dublin Road/Higgins Line Area Emergency Sanitary Sewer Repairs, be approved.

The motion being put was unanimously carried.

Banner Request – Co-Op Week, October 11 to 17, 2009

Council unanimously approved the above noted banner request.

Proposed Text Amendment – St. John's Development Regulations, Regulation for Taverns in the Downtown Business Improvement area

Council considered a memorandum dated October 5th, 2009 from the Director of Planning regarding the above noted.

SJMC2009-10-05/577R

It was moved by Councillor Duff; seconded by Councillor Coombs: That the staff be directed to draft an amendment to section 7.22 of the Development Regulations to re-instate the former provision classifying taverns as a Discretionary Use in the Downtown B.I.A. except along George Street between Queen Street and Water Street, where taverns would be classified as a Permitted Use, which will be advertised for public review and comment and referred to the a future meeting of Council for consideration of adoption.

The motion being put was unanimously carried.

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October 2009 Economic Update

Council considered as information the October 2009 Economic Update

Travel by His Worship the Mayor, Councillors Duff and Galgay to Gander, MNL Annual Convention, November 4-7, 2009

Council considered a memorandum dated October 1st, 2009 from the Associate Commissioner/Director of Corporate Services and City Clerk regarding the above noted.

SJMC2009-10-05/578R

It was moved by Deputy Mayor Ellsworth; seconded by Councillor Hann: That travel by His Worship the Mayor, Councillors Duff and Galgay to Gander, to attend the MNL Annual Convention, be approved.

It was noted that Councillor Colbert will also be attending but his registration will be covered by MNL.

The motion being put was unanimously carried.

Deputy Mayor Ellsworth

Deputy Mayor Ellsworth asked the status of his request with respect to the cost implications of the St. John's Regional Fire Services providing full time service to the Goulds. The Chief Commissioner and City Solicitor advised that the information will be brought forward for Council's consideration.

Deputy Mayor Ellsworth asked members of Council to continue to work with the Para Transit Committee towards the development of a plan of transportation for people with disabilities.

His Worship the Mayor

His Worship the Mayor announced that the Riverhead treatment plant facility was commissioned to the City on Friday, October 2, 2009, now owned and operated by the City. The sewage being treated now comes from Waldegrave Street west and includes Cowan Heights, the western end of St. John's, Mount Pearl and Paradise. Sewage from Waldegrave Street east is expected to be added to the system early next year.

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Councillor Galgay

Councillor Galgay tabled a letter from Mr. John Davis of 71 Calver Avenue on behalf of residents of Calver Avenue requesting that sidewalks be considered in the upcoming 2010 budget. The matter was referred to the Associate Commissioner /Director of Engineering for follow-up.

Council

Both the re-elected and outgoing members of Council exchanged best wishes and expressed their appreciation to all council and staff for their help and support during their terms of office.

Adjournment

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

MAYOR

CITY CLERK

ST. JOHN'S