

September 15, 2008

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 Ellsworth presided.

There were present also Councillors Colbert, Hickman, Hann, Puddister, Galgay, Coombs, Hanlon and Collins.

Regrets: Mayor O'Keefe and Councillor Duff

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

Call to Order and Adoption of the Agenda

SJMC2008-09-15/554R

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

- **Memo dated September 15th, 2008 from Director of Building & Property Management re: Property Assessment – Former Conway Building, New Gower Street.**
- **Memo from Associate Commissioner/Director of Engineering re: Tender for Bowring Park Midstream Playground and Splashpark Development**
- **Memo from Councillor Sandy Hickman re: Request for Battery Mural Presentation Ceremony**

Adoption of Minutes

SJMC2008-09-15/555R

It was decided on motion of Councillor Hickman; seconded by Councillor Puddister: That the Minutes of the September 8, 2008 meeting be adopted as presented.

Para Transit System

Acting Mayor Ellsworth referenced the article which appeared in the Sunday edition of the Telegram with respect to the Para Transit System and the interview by Cecil Whitten, Chair of the Para Transit Committee. Mr. Whitten's presence in the Chamber was acknowledged. The Province is currently reviewing the issue and hopefully an update will be available for the upcoming Para Transit Committee meeting this Thursday. Acting Mayor Ellsworth expressed appreciation to Mr. Whitten for his dedication and work to the Committee.

Discussion then turned to the possibility of having accessible Metro buses, and it was agreed that Councillor Hann, the City's representative on the St. John's Transportation Commission, would raise this issue at their next board meeting. Councillor Hann advised that a similar letter was tabled at a previous meeting and staff are in the process of investigating options and possibly reallocating any funds which may be left over from the federal funding that was provided for the new facility.

2009 Vehicle & Equipment Fuel Costs Update

Council considered as information a memorandum dated September 9, 2008 from the Director of Public Works and Parks.

Councillor Hann referenced the challenges that Metrobus has with fuel costs which is somewhat exacerbated by the age of some of the buses, particularly those which have exceeded their normal life span, making them less energy efficient. Despite these challenges, Metrobus has managed to increase its ridership to record levels this year with 30,000 new riders. The growing deficit of fuel costs, however, is a major concern for Metrobus and they have written various levels of government to determine if they can get some form of tax relief. In 2007 alone, \$284,000 was paid in fuel tax, not to mention the other taxes which have negatively affected the Commission's bottom line. The increased cost of fuel has also necessitated a review to determine if there are other areas within the operation which could sustain cost-cutting measures.

Councillor Hickman referencing the above noted memo, questioned if staff have considered ways to mitigate the increased fuel costs, i.e. less idling of vehicles, reduction of travel, etc. He requested that this matter be referred to the next meeting of the Public Works & Environment Standing Committee.

Notices Published

- 1. A Discretionary Use Application** has been submitted by Lori Butler requesting permission to establish and operate an Eating Establishment from **Civic Number 1 Duckworth Street**. The proposed deli style restaurant will occupy a floor area of 60 sq metres on the ground floor of the subject property and will employ a staff of four. Hours of operation will be from 8 am to 7 pm. The site is located in the Parking Exempt Area Map D of the St. John's Development Regulations. (**Ward 2**)

Two (2) submissions of objection

Councillor Colbert referenced the letters of objection and clarified that the application will not include a liquor license. If the owners eventually decide to apply for such, it would have to be done through the Newfoundland Liquor Licensing Board who would advise the City and request feedback. The Board's approval, however, is not binding on the City's approval.

SJMC2008-09-15/556R

It was decided on motion of Councillor Galgay; seconded by Councillor Hickman: That the application be approved.

Development Committee Report dated September 9, 2008

Council considered the following Development Committee Report dated September 9, 2008:

RECOMMENDATION OF APPROVAL:

- 1. Proposed Residential Dwelling on Substandard Lot
Richard Crocker
Civic No. 146 Groves Road (Ward 4)**

The Development Committee recommends that Council approve the above noted application in accordance with Section 8.1.4(d) of the St. John's Development Regulations.

**2. Proposed Demolition and Reconstruction of Single Detached Dwelling
Leonard Howlett & Tina Power
Civic No. 703 Main Road (Ward 5)**

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

- a. payment of the required \$50.00 non-refundable application processing fee;
- b. payment of the outstanding assessments of \$13,421.50 for services;
- c. the proposed new dwelling unit must be connected to municipal water and sewer services;
- d. the required Demolition/Building Permits must be obtained from Access St. John's prior to the commencement of any development on the site; and
- e. the existing dwelling must be removed from the site prior to commencement of construction of the new dwelling, or \$5,000.00 must be deposited in security with the City to ensure that the older dwelling is removed from the site upon occupancy of the new structure.

RECOMMENDATION OF REJECTION:

**3. Proposed Extension to Existing Dwelling
Peter and Tracy Lewis
Civic No. 17 Glenridge Crescent (Ward 4)**

The Development Committee recommends that Council reject the above noted application as it is out of character with the existing dwellings in the neighbourhood.

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

SJMC2008-09-15/557R

It was decided on motion of Councillor Hann; seconded by Councillor Hickman: That recommendation #'s 1 and 3 of the Committee's report be approved.

SJMC2008-09-15/558R

It was decided on motion of Councillor Collins; seconded by Councillor Colbert: That recommendation # 2 of the Committee's report be postponed or one week.

Development Permits List for the period September 5 to 11, 2008

Council considered the following Development Permits List for the period September 5 to 11 2008:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF September 5, 2008 TO September 11, 2008**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM	Patrick Street Holdings	Four (4) Unit Suite SPA at the Monastery	63 Patrick Street	2	Approved	08-09-8
RES	Deanne Field	Residential Dwelling	30 Major's Path	1	Rejected Contrary to Section 10.27	08-09-11
RES	Liam Murphy	Residential Dwelling	876 Main Road	5	Approved	08-09-05
INST	Canadian Cancer Society	Daffodil Place	70 Ropewalk Lane	3	Approved	08-09-10
COM	Newfoundland and Labrador Housing Corporation	Storage Building	Bae Verte Street	3	Approved	08-09-10
COM	Tim Horton's	Temporary Drive Thru and Service Building	553 Torbay Road	1	Approved	08-09-10

<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**

Building Permits List

Acting Mayor Ellsworth referenced the work being done at the Spa at the Monastery on Patrick St., noting that he had a complaint from a resident of the area. The Director of

Planning indicated that he would forward a memo on the particulars of this application to the next meeting of Council.

SJMC2008-09-15/559R

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:

2008/09/10

Permits List

CLASS: COMMERCIAL

DICKS AND COMPANY LIMITED	385 EMPIRE AVE	MS OFFICE
O'KEEFE & PEDDLE	12-20 HIGHLAND DR, SIMPLY FIT	SN RETAIL STORE
A.I.M.E. PHYSIOTHERAPY INC.	204-206 MAIN RD	MS CLINIC
WEI FANG	31 MALTA ST	SN TAKE-OUT FOOD SERVICE
ABC SIDING & WINDOWS INC.	1 MARCONI PL - ABC SIDING	MS RETAIL STORE
DARRELL TUCKER	36 PEARSON ST	MS SERVICE SHOP
SECOND PAGE BOOK STORE	36 PEARSON ST	MS RETAIL STORE
COLOR YOUR WORLD	40 ROPEWALK LANE	MS RETAIL STORE
THE BUSINESS DEPOT LTD.	34 STAVANGER DR- BUSINESS DEPO	MS RETAIL STORE
THE BUSINESS DEPOT LTD.	34 STAVANGER DR - BUSINESS DEP	MS RETAIL STORE
PIPERS DEPARTMENT STORES	681 TOPSAIL RD	MS RETAIL STORE
PIPER'S DEPARTMENT STORES	272-276 TORBAY RD	MS RETAIL STORE
NORTH ATLANTIC REFINING LTD.	280 TORBAY RD	MS RETAIL STORE
COLOR YOUR WORLD	464 TORBAY RD - COLOR YOUR WOR	MS RETAIL STORE
THE NAIL SHOP	145 TORBAY RD-TORBAY RD MALL	MS SERVICE SHOP
JOSADA HAIR STUDIO	TORBAY ROAD-TORBAY RD MALL	MS SERVICE SHOP
CASH CITY	TORBAY ROAD-TORBAY RD MALL	MS RETAIL STORE
FRENCHY'S CLOTHING STORE LTD.	TORBAY ROAD-TORBAY RD MALL	MS RETAIL STORE
FRENCHY'S CLOTHING STORE LTD.	TORBAY ROAD-TORBAY RD MALL	MS RETAIL STORE
PIZZA EXPRESS LIMITED	TORBAY ROAD-TORBAY RD MALL	MS RESTAURANT
PIZZA EXPRESS #2	TORBAY RD, PIZZA EXPRESS	MS RESTAURANT
PETER'S PIZZA	411 TORBAY RD	MS RESTAURANT
PETER'S PIZZA & GOLDEN FOODS	411 TORBAY RD	MS RESTAURANT
NORTH ATLANTIC REFINING LTD.	694 WATER ST	MS SERVICE STATION
ST. BRENDAN'S HOLDINGS	369 DUCKWORTH ST	RN RETAIL STORE
PAUL MADDEN	61 PATRICK ST	SW HOTEL
DOUGLAS STANLEY	318 BAY BULLS RD	RN ACCESSORY BUILDING
BELL ALIANT	FACTORY LANE	RN OFFICE
COLIN LESTER - AGRICULTURAL	187 BROOKFIELD RD, ACCY BLDG	NC AGRICULTURE
HAYWARD INTERIORS	203 KENMOUNT RD-HAYWARD INTER.	RN RETAIL STORE
R.A. TEMPLETON LTD.	343 WATER STREET-BISHOPS COVE	RN RETAIL STORE
COLIN LESTER - AGRICULTURAL	187 BROOKFIELD RD, STORG TANK	NC AGRICULTURE
ISLAND CONSTRUCTION & ENVIR	390 TOPSAIL RD/CANADIAN TIRE	RN SERVICE STATION
CANADIAN TIRE PETROLEUM	390 TOPSAIL RD	RN SERVICE STATION

THIS WEEK \$ 271,500.00
TO DATE \$ 32,892,023.00

CLASS: INDUSTRIAL

THIS WEEK \$.00
TO DATE \$ 1,955,000.00

CLASS: GOVERNMENT/INSTITUTIONAL

ST MARY'S ANGLICAN CHURCH 80 CRAIGMILLAR AVE RN CHURCH

THIS WEEK \$ 33,900.00
TO DATE \$ 29,630,708.00

CLASS: RESIDENTIAL

GARRY & PHYLLIS FRENCH	68 BEACON HILL CRES	NC ACCESSORY BUILDING
STEPHEN MOORES	429 BLACKHEAD RD	NC PATIO DECK
REGINALD WHITE & BETTY	38 BLACKWOOD PL	NC PATIO DECK
COLIN ROWE	18 BURRY PORT ST	NC ACCESSORY BUILDING
NFLD & LABRADOR HOUSING CORP.	2 CANADA DR	NC ADMIN BLDG/GOV/NON-PROFIT
ELIZABETH HISCOCK	16 CORNWALL CRES	NC FENCE
DANIELLE BOLT	10 CORONATION ST	NC FENCE
DANIELLE BOLT	10 CORONATION ST	NC ACCESSORY BUILDING
RICHARD & ELIZABETH BYRNE	14 DUMBARTON PL	NC ACCESSORY BUILDING
CARDINAL HOMES LIMITED	46 FAULKNER ST - LOT 56	NC SEMI-DETACHED DWELLING
CARDINAL HOMES LIMITED	48 FAULKNER ST - LOT 55	NC SEMI-DETACHED DWELLING
CARDINAL HOME LIMITED	78 FAULKNER ST, LOT 40	NC SEMI-DETACHED DWELLING
CARDINAL HOMES LIMITED	80 FAULKNER ST - LOT 39	NC SEMI-DETACHED DWELLING
CARDINAL HOMES LTD	5 FAULKNER ST, LOT 144	NC SEMI-DETACHED DWELLING
CARDINAL HOMES LTD	7 FAULKNER ST, LOT 143	NC SEMI-DETACHED DWELLING
EDWARD GRIFFITHS	32 FOX AVE	NC ACCESSORY BUILDING
LEE ENNIS	69 GIL EANNES DR	NC ACCESSORY BUILDING
EDWARD SHORT	87 GRENFELL AVE	NC PATIO DECK
STEPHEN JAMES AND	208 HAMILTON AVE	NC PATIO DECK
SHANNAN F. WHITE	8 IRISH LOOP ST	NC FENCE
GIBRALTAR DEVELOPMENT	63 JULIEANN PL - LOT 101	NC SINGLE DETACHED DWELLING
WILLIAM & M. PATRICIA MARCH	53 LARKHALL ST	NC FENCE
DEAN PATRICK PENNEY	68 LESLIE ST	NC PATIO DECK
STEVE KING	55 LESLIE ST	NC SINGLE DETACHED DWELLING
RENEE GATES & MICHAEL POPE	20 LONG BEACH ST	NC ACCESSORY BUILDING
PRO TECH CONSTRUCTION	56 MACBETH DR, LOT 6-43	NC SINGLE DETACHED DWELLING
DARRYL HOOPER	83 MACBETH DR	NC ACCESSORY BUILDING
TERRY WALSH CONSTRUCTION	101 MACBETH DR, LOT 140	NC SINGLE DETACHED DWELLING
DONALD & BETTY KEATS	26 MACLAREN PL	NC ACCESSORY BUILDING
SUSAN HEFFERNAN	MOUNTAINVIEW DRIVE, LOT 30	NC SINGLE DETACHED & SUB.APT
ROGER & RHONDA VALONE	12 MYRICK PL	NC ACCESSORY BUILDING
JASON OATES	41 MYRICK PL	NC ACCESSORY BUILDING
JOHN DOYLE	40 NAVAJO PL	NC ACCESSORY BUILDING
SKYMARK HOMES CONSTRUCTION	46 NAVAJO PL, LOT 247	NC SINGLE DETACHED DWELLING
RICK NOEL	66 NEPTUNE RD	NC ACCESSORY BUILDING
RODNEY JOSEPH WHITE	192 OLD PETTY HARBOUR RD	NC ACCESSORY BUILDING
KATHY & GARY FOWLER	55 PENETANGUISHENE RD	NC ACCESSORY BUILDING
ALEXIS PORTE	77 PENNYWELL RD	NC PATIO DECK
PAUL & DIANE STUCKLESS	6 QUEBEC ST	NC ACCESSORY BUILDING
MERRILL HEALD	52 ROCHE ST	NC PATIO DECK
ERCO HOMES	14 SGT. CRAIG GILLAM AVE LOT 2	NC SINGLE DETACHED DWELLING
ERCO HOMES	38 SGT. CRAIG GILLAM AVE, L 14	NC SINGLE DETACHED DWELLING
JOHN NOSEWORTHY	8 STEAD PL	NC ACCESSORY BUILDING
ANTHONY CHALIFOUR	31 TRINITY ST	NC PATIO DECK
LOUISE KEARLEY	28 VINNICOMBE ST	NC PATIO DECK
PAOLO MASCARIN	16 WHITEFORD PL	NC SINGLE DETACHED DWELLING
54877 NL LIMITED	136 ELIZABETH AVE	CR SINGLE DETACHED DWELLING
MARCO MERRI	34 CIRCULAR RD	EX SEMI-DETACHED DWELLING
NEVILLE SMITH	11 LOMAC RD	EX SINGLE DETACHED DWELLING
MIKE MURPHY	192 MUNDY POND RD	EX SINGLE DETACHED DWELLING
SUSANN BAMBRICK	41 BIRCHWYND ST	RN SINGLE DETACHED DWELLING
CHOICES FOR YOUTH INC.	52-58 BOND ST	RN TOWNHOUSING
LARRY MURPHY/TERRY FOLEY	5 CONNOLLY'S LANE	RN SUBSIDIARY APARTMENT
STACY & DOMINIC D'AGOSTINO	179 GREEN ACRE DR	RN SEMI-DETACHED DWELLING
PAUL HARRINGTON	10 HOWE PL	RN SINGLE DETACHED DWELLING

ALLAN WARREN	41 LIVERPOOL AVE	RN SINGLE DETACHED DWELLING
MICHAEL O'DEA	58 LIVINGSTONE ST	RN PATIO DECK
FWS HOLDINGS INC	14 MACKENZIE ST	RN SINGLE DETACHED DWELLING
MARK SOPKOWE	33 MAXSE ST	RN TOWNHOUSING
LESLIE & MARTHA LEWIS	83 MAYOR AVE	RN SINGLE DETACHED DWELLING
JORDAN FLYNN	94 MERRYMEETING RD	RN TOWNHOUSING
LEWIS S. CRANFORD	501 NEWFOUNDLAND DR	RN SINGLE DETACHED & SUB.APT
PHILIP DANIEL	50 PENNYWELL RD	RN SEMI-DETACHED DWELLING
MARGARET M. GILLIES	3 RENOUF PL	RN PATIO DECK
ROCKWOOD HOMES	13 STONEBRIDGE PL, LOT 3.39	RN SINGLE DETACHED DWELLING
TREVOUR COLLINS & IVY COLLINS	619 TOPSAIL RD	RN SINGLE DETACHED DWELLING
CLARENCE & JOAN HOOPER	17 TUPPER ST	RN SINGLE DETACHED DWELLING
NOEL BROWNE	3 WHITEFORD PL	RN SINGLE DETACHED & SUB.APT
FLORENCE NORTHCOTT	59 CANADA DR	SW SINGLE DETACHED DWELLING
ROBERT & SARAH HICKEY	34 DRUKEN CRES	SW SINGLE DETACHED DWELLING
KEITH WARD	437-439 MAIN RD	SW SINGLE DETACHED DWELLING
DAVANNA'S JEWELLERY	AVALON MALL, DAVANNA'S	SN RETAIL STORE

THIS WEEK \$ 4,612,405.00
TO DATE \$106,021,927.00

CLASS: DEMOLITION

GLEN POWER	23 HOLLOWAY ST	DM SINGLE DETACHED DWELLING
MICHELLE & JARRETT MORGAN	69 JORDAN PL	DM SINGLE DETACHED DWELLING

THIS WEEK \$ 8,900.00
TO DATE \$ 1,054,800.00

THIS WEEK'S TOTAL: \$ 4,926,705.00

TOTAL YEAR TO DATE: \$171,554,458.00

REPAIR PERMITS ISSUED: 2008/09/04 TO 2008/09/10 \$ 59,500.00
2007/12/13 TO 2008/09/10 \$ 2,781,133.00 YTD

LEGEND

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

Payrolls and Accounts

SJMC2008-09-15/560R

**It was decided on motion of Councillor Hann; seconded by Councillor Colbert:
That the following Payrolls and Accounts for the weeks ending September 11,
2008 be adopted as presented:**

**Weekly Payment Vouchers
For The
Week Ending September 11, 2008**

PAYROLL

Public Works	\$ 295,016.09
Bi-Weekly Casual	\$ 52,401.73

ACCOUNTS PAYABLE

Cheque No. 236830 – 137183	\$3,244,090.40
Total:	\$3,591,508.22

Tenders

- a. Tender – Street ‘A’, Access Road off Kenmount Road
- b. Tender – Street ‘D’, Access Road off Kenmount Road
- c. Proposal Call for Transit Bus Conversion (SJRFD)
- d. Bowring Park Midstream Playground and Splashpark Development
- e. Property Assessment of Former Conway Building, New Gower St.

SJMC2008-09-15/561R

It was decided on motion of Councillor Coombs; seconded by Councillor Hanlon: That the recommendations of the Associate Commissioner and Director of Engineering and the Acting Director of Finance be approved and the tenders awarded as follows:

- a. Pyramid Construction Ltd. in the amount of \$830,460.17
- b. Fairview Investments Ltd. in the amount of \$731,952.00
- c. Emergency Repairs Ltd. in the amount of \$64,009.62 (taxes not included)
- d. H&B Construction Ltd. in the amount of \$818,820.60.

Tender re: Property Assessment of Former Conway Building, New Gower St.

SJMC2008-09-15/562R

It was decided on motion of Councillor Collins; seconded by Councillor Puddister: That the above noted tender be deferred until the remaining tenders for other works have been called to determine if there would be any cost savings or over-runs on these tenders.

25 Major's Path

Council considered a memorandum dated September 11, 2008 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2008-09-15/563R

It was decided on motion of Councillor Colbert; seconded by Councillor Collins: That the recommendation of the Chief Commissioner and City Solicitor to expropriate land at 25 Major's Path which is required by the City for street widening, be approved.

63 Major's Path

Council considered a memorandum dated September 11, 2008 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2008-09-15/564R

It was decided on motion of Councillor Colbert; seconded by Councillor Collins: That the recommendation of the Chief Commissioner and City Solicitor to expropriate land at 63 Major's Path which is required by the City for street widening, be approved.

Elizabeth Avenue Street Construction

Council considered a memorandum dated September 11, 2008 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2008-09-15/565R

It was decided on motion of Councillor Colbert; seconded by Councillor Puddister: That the recommendation of the Chief Commissioner and City Solicitor to expropriate land required by the City from Fort William Properties Ltd. for the upgrading and widening of a section of Elizabeth Avenue, be approved.

Kenmount Road –Barbara Ann Williams

Council considered a memorandum dated September 11, 2008 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2008-09-15/566R

It was decided on motion of Councillor Colbert; seconded by Councillor Puddister: That the recommendation of the Chief Commissioner and City Solicitor to expropriate two parcels of land and two water and sewer line easements required by the City from Barbara Williams at Kenmount Road, for the construction of a road off Kenmount Road, be approved.

Proposed Rezoning of Property to the Apartment Low Density (A1) Zone Civic Number 2 Cumberland Crescent, Mr. Michael Edwards

Council considered a memorandum dated September 10, 2008 from the Director of Planning regarding the above noted. Councillor Hanlon reported on the public meeting held in this regard wherein she had the opportunity to meet the proponent, Mr. Michael Edwards. There was no representation from the general public at the meeting, nor were there any written submissions received.

SJMC2008-09-15/567R

It was decided on motion of Councillor Hanlon; seconded by Councillor Hickman: That staff be directed to proceed with the proposed rezoning of the property at Civic Number 2 Cumberland Crescent from the Commercial Local (CL) Zone to the Apartment Low Density (A1) Zone; and further, that the following Resolution for St. John's Development Regulations Amendment Number 445, 2008 be adopted, which will then be sent to the Department of Municipal Affairs for Provincial registration in accordance with the requirements of the Urban and Rural Planning Act.

RESOLUTION

**ST. JOHN'S DEVELOPMENT REGULATIONS AMENDMENT NUMBER 445,
2008**

WHEREAS the City of St. John's wishes to allow the development of an apartment building at Civic Number 2 Cumberland Crescent.

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 Urban and Rural Planning Act, 2000.

Rezone land at Civic Number 2 Cumberland Crescent (property at the intersection of Cumberland Crescent and Mount Scio Road) from the Commercial Local (CL) Zone to the Apartment Low Density (A1) Zone as shown on Map Z-1A attached.

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

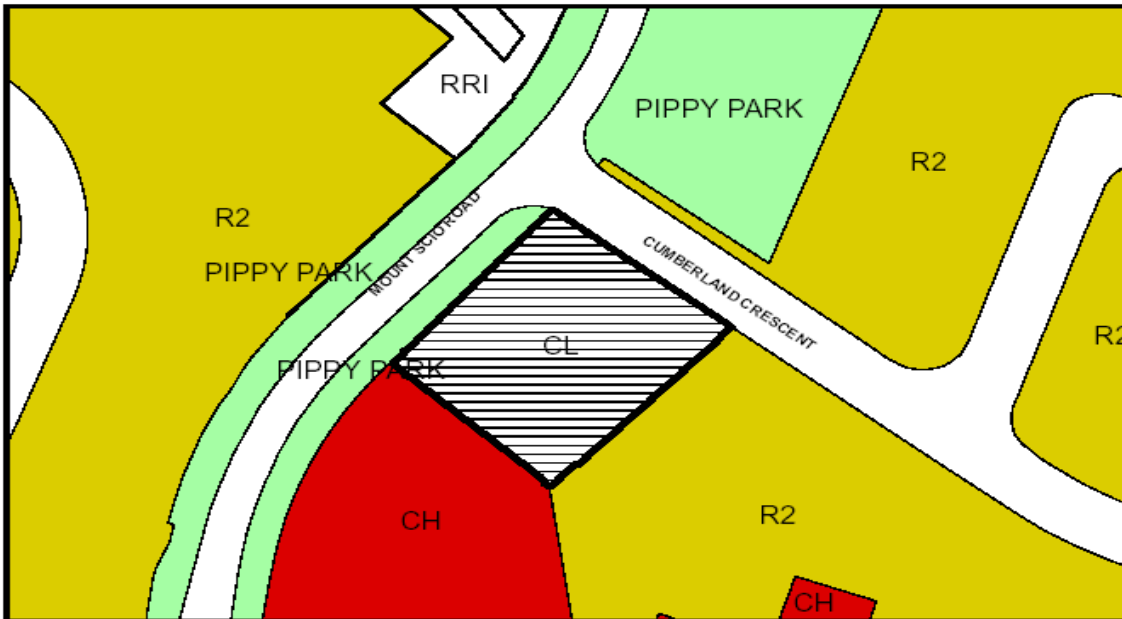
IN WITNESS THEREOF the Seal of the City of St. John's has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this 15th day of September, 2008.

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



CITY OF ST. JOHN'S

**LAND USE ZONING AND
SUBDIVISION REGULATIONS 1994
AMENDMENT No. 445, 2008
[MAP Z-1A]**

SCALE= 1:1000

2008 09 10
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING



AREA PROPOSED TO BE REZONED FROM
COMMERCIAL LOCAL (CL) LAND USE ZONE TO
APARTMENT LOW DENSITY (A1) LAND USE ZONE

2 CUMBERLAND CRESCENT

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

MAYOR

DIRECTOR CORP. SERVICES/CITY CLERK

COUNCIL ADOPTION

M.C.I.P. signature and seal

Banner Request from Newfoundland and Labrador Massage Therapists Association, October 13-17, 2008

Council unanimously approved the above noted banner request.

Letter to Councillor Gerry Colbert from Laura and Andrew Graham re 11 Howe Place Water Main Repairs

Council considered the above noted letter and agreed that it be referred to the Public Works & Environment Standing Committee for review and response.

Letter dated September 4, 2008 from Minister of Finance and President of Treasury Board, Thomas W. Marshall, QC in response to a letter from His Worship the Mayor regarding mandatory exit times for licensed premises

Council considered the above noted letter. It is noted that the City will hold a public meeting on Wednesday, September 17, 2008 to provide an opportunity for interested members of the public to provide their comments to the City on the issue of hours of operation for bars/lounges. Council questioned if there will be any representation from the Royal Newfoundland Constabulary. The Chief Commissioner has confirmed that there would be RNC representation.

CBC Report on St. John's Harbour

Councillor Puddister tabled a verbatim transcript from a CBC Radio report wherein the interviewer Melanie Nagy discusses the lack of regulations to control the spilling of untreated sewage into Canadian harbours. The City of St. John's is specifically referenced, however, the interview omits important information about the City's ongoing harbour clean-up program and the significant federal/provincial/municipal funding that has been contributed to resolve the problem.

SJMC2008-09-15/568R

It was decided on motion of Councillor Puddister; seconded by Councillor Hann: That a letter be written to the CBC and cc'd to the David Suzuki Foundation requesting that a second report be done to correct the omissions and misperceptions that the City of St. John's is doing nothing about the harbour clean-up problem.

Request for Battery Mural Presentation Ceremony

Councillor Hickman tabled a memo dated Sept. 15th, 2008 wherein he requests Council's approval to fund a small reception to present the unveiling of the Battery mural.

SJMC2008-09-15/569R

It was decided on motion of Councillor Hickman; seconded by Councillor Colbert: That a small reception be approved to present the unveiling of the Battery mural and to thank the Battery residents for their tremendous support during its design and execution. The presentation will be held on September 25th at 11:00 a.m. Council further requested that the residents of the Battery be notified of the reception via flyer.

Municipalities Newfoundland and Labrador

Councillor Colbert referenced the fax memo from Municipalities Newfoundland and Labrador wherein all municipalities are requested to submit their ballot regarding the Board's decision to move all future conventions to St. John's.

SJMC2008-09-15/570R

It was decided on motion of Councillor Colbert; seconded by Councillor Coombs: That the City of St. John's Municipal Council support the decision of Municipalities Newfoundland and Labrador to move all future conventions of MNL to St. John's.

Councillor Sandy Hickman

Councillor Hickman tabled the Edmonton Cycling plan and requested that it be forwarded as information to the Transportation Engineer, Robin King.

Targa Newfoundland is underway and will proceed until Sept. 19th at which time it finishes at 4:00 p.m. in front of the Keg Restaurant. The cruiseship Aurora will also be in Port at the same time.

Election signage is proliferating throughout the City and Councillor Hickman requested that candidates exercise caution when posting signs so as not to impede pedestrians or traffic.

Councillor Tom Hann

Councillor Hann referenced the recent incident whereby an elderly lady was accosted in an attempted car-jacking. He also referenced the symposium that had been held this past year regarding crime in the City and questioned the status of its outcome. Councillor Coombs anticipated that within the next few weeks there will be further information on the conference which was hosted. He will keep Council apprized.

Councillor Art Puddister

Councillor Puddister congratulated staff of the Dept. of Public Works & Parks and Engineering for the tremendous job they did in organizing the Household Hazardous Waste Day which was held this past weekend at the Confederation Building parking lot.

Councillor Frank Galgay

Councillor Galgay congratulated Ann Squires Mews and Exit Realty on the Rock for the tremendous success of the fundraiser at the Delta Hotel for Daffodil Place. Approximately \$100,000 was raised for this facility.

Councillor Keith Coombs

Councillor Coombs requested a status report from the Dept. of Public Works & Parks on the Topsail Road water main break in the vicinity of Lester St.

Councillor Coombs tabled an e-mail from Renee Fitzgerald of 13 Alderberry Lane regarding the ongoing problem of skateboarders in the area who trespass on people's lawns, obstruct access to people's properties, etc. The situation is becoming extreme enough that eventually someone will get hurt. Councillor Coombs requested that the e-mail be forwarded to the Chief Commissioner/City Solicitor and that he contact the RNC to determine what can be done to increase patrols in the area.

Councillor Coombs referenced the Dragon Boat race event which took place in the Town of Paradise in aid of breast cancer. He congratulated the Town of Paradise for hosting the event as well as the organizers who did a tremendous job.

Councillor Debbie Hanlon

Councillor Hanlon reminded Council about the open house which will be held on Sept. 16th from 2:00 – 4:00 p.m. for Sexual Violence Awareness Week. The open house is located at 360 Topsail Road, Suite 101.

Councillor Hanlon referenced the launch of the children's book "Emma's Treasures".

Councillor Hanlon expressed concern about the extent of increased rental costs that are occurring in the City and questioned if the City has any power to impose rental control. Acting Mayor Ellsworth indicated that this issue could be referred to Councillor Duff who is involved with the Affordable Housing Action Committee.

Acting Mayor Ron Ellsworth

The traffic lights at the intersection of Airport Heights and Portugal Cove Road have been checked by staff to determine if appropriate flow of traffic is being accommodated. The matter has been resolved by staff.

Residents of Meeker Place are having trouble with unruly tenants at 12-13 Meeker Place having parties, causing disturbances on the street, and at one point placing a couch on the street where parties could hang out and continue disturbing the neighbourhood. Acting Mayor Ellsworth encouraged residents to contact both the RNC and the City's 311 line each time an incident occurs. The more reports registered, the better able are staff to resolve the issue.

Acting Mayor Ellsworth requested that staff look at the state of the roads at the intersection of Elizabeth Avenue in the vicinity of the fire hydrant in front of the old liquor store. The pavement has been cut up. Also, the intersection to Pleasantville and the Boulevard has been scraped and he requested the status of when this will be completed.

Acting Mayor Ellsworth raised the possibility of giving all members of Council an opportunity to chair the Council meetings while the Mayor is unavailable. Council, however, unanimously agreed that this is the duty of the Deputy Mayor. The Chief Commissioner also advised that it is the Deputy Mayor's legal requirement to preside over Council meetings in the absence of the Mayor.

Adjournment

There being no further business, the meeting adjourned at 5:50 p.m.

MAYOR

CITY CLERK