

September 02, 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.

Mayor Dennis O'Keefe presided

There were present also Deputy Mayor Ellsworth, Councillors Duff, Colbert, Hickman, Hann, Puddister, Galgay, Hanlon and Collins

Regrets: Councillor Coombs

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

Call to Order and Adoption of the Agenda

SJMC2008-09-02/525R

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

1. Financial Statements of St. John's Sports and Entertainment

Adoption of Minutes

SJMC2008-09-02/526R

It was decided on motion of Councillor Ellsworth; seconded by Councillor Hickman: That the Minutes of the August 25th, 2008 meeting be adopted as presented.

Notices Published

1. **A Discretionary Use Application** has been submitted by Jocelyn Moore for a Home Occupation, Proposed Hair Salon Business, Civic Number 24 Penney Crescent – Residential Medium Density (R2) Zone **(Ward 4)**

One Objection

SJMC2008-09-02/527R

**It was moved by Deputy Mayor Ellsworth; seconded by Councillor Hanlon:
That the application be approved.**

During discussion, Councillor Puddister asked, and Council concurred that staff write the proponent requesting that every effort be made to provide adequate off-street parking.

Following discussion, the motion being put was unanimously carried.

2. An Application has been received from Mr. Wayne Tibbs to rezone vacant land **at Jensen Camp Place from Open Space (O) Zone to the Residential Low Density (R1) Zone to permit a residential subdivision of single-detached houses.** A portion of the area proposed for residential development is presently zoned as Residential Low Density (R1). (Ward 3)

Memorandum dated August 26, 2008 from the Director of Planning

One (1) Letter of objection

SJMC2008-09-02/528R

**It was moved by Deputy Mayor Ellsworth; seconded by Councillor Hanlon:
That the application be approve.**

The motion being put was unanimously carried.

3. An application has been received from Ms. Julie and Mr. Brian Chafe to rezone undeveloped land between **Civic Numbers 90-92 and 110 Howlett's Line, from the Rural Zone to the Rural Residential Infill (RRI) Zone** to permit the development of one (1) residential building lot. (Ward 5)

Memorandum dated August 26, 2008 from the Director of Planning

Email from Noel and Frances Chafe

SJMC2008-09-02/529R

**It was moved by Deputy Mayor Ellsworth; seconded by Councillor Hanlon:
That the application be approved.**

The motion being put was unanimously carried.

Development Committee Report dated August 26th, 2008

Council considered the following Development Committee Report dated August 26th, 2008:

The following matters were considered by the Development Committee at its meeting held on August 26, 2008. The staff reports are attached for Council's information

- 1. Proposed 14 x 20 V-Shaped Billboard Sign for the Chartwell Condominium Development on Tiffany Lane
To be Located on Land Adjacent to Glenbrook Lodge Property
Torbay Road (Ward 1)**

The Department of Building and Property Management have reviewed the above noted application and recommends that Council approve the billboard sign, with the condition that it is located outside the sight triangle. The renderings of the proposed signage are attached for Council's information.

- 2. Proposed Construction of Accessory Building
Mr. Greg Snow
Civic No. 10 Circular Road (Ward 2)**

The Development Committee recommends that Council approve a 3.5 metres Building Line Setback along the Empire Avenue side of the property for the above noted accessory building.

Art Cheeseman, Chairperson

SJMC2008-09-02/530R

Regarding Item #1: It was moved by Deputy Mayor Ellsworth; seconded by Councillor Hickman: That the Committee's recommendation be approved.

Following discussion, the motion to approve the Committee's recommendation was unanimously carried, and further, it was agreed that the applicant be required to remove the billboard following completion of construction.

SJMC2008-09-02/531R

Regarding Item #2: It was decided on motion of Councillor Ellsworth; seconded by Councillor Hickman: That the Committee's recommendation be approved.

Development Permits List for the period August 22, 2008 to August 28, 2008

Council considered the following Development Permits List for the August 22, 2008 to August 28, 2008

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF August 22, 2008 TO August 28, 2008**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES	Equity Capital Corp.	3-Lot Subdivision	7-11 Oakmount Street	4	Rejected , contrary to Section 10.3.3	08-08-26
COM	Dwayne Davis	Home Office	10 Grieve Street	5	Approved	08-08-26
COM	Smartcentres	Construction of retail unit	98 Aberdeen Avenue	1	Approved	08-08-26
COM	New Victorian Homes	Proposed Office Building	75 Airport Road	1	Approved	08-08-27
RES	Ron Fougere Associates Ltd	Demolition & Reconstruction of Office & Apt. Building	135 Military Road	2	Approved	08-08-27
RES	Wayne Burke	Subdivision of 278 Thorburn Road	278 Thorburn Road	4	Approved	08-08-27
IND	Phoenix Petroleum Limited	Mud Plant for offshore oil and gas industry	Pier 17 – Water St	2	Approved	08-08-27
COM	Mark G Davis	Home Office	65 Pennywell Road	2	Approved	08-08-28

*	Code Classification: RES COM AG - Agriculture	- Residential Institutional - Commercial Industrial	INST IND	- -
**	This list is issued for information purposes only. Applicants have been advised in writing of the Development Officer's decision and of their right to appeal any decision to the St. John's Local Board of Appeal.			

**Gerard Doran
Development Officer
Department of Planning**

Building Permits List

SJMC2008-09-02/532R

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

2008/08/27

Permits List

CLASS: COMMERCIAL

BREEN'S ENTERPRISES LIMITED	44 ELIZABETH AVE	SN EATING ESTABLISHMENT
YUK YUKS	193 KENMOUNT RD	SN PLACE OF AMUSEMENT
CHIMO CONSTRUCTION	37-85 PEPPERRELL RD	NC ACCESSORY BUILDING
J.W. LINDSAY	TORBAY RD, TEMP TRAILER	NC ACCESSORY BUILDING
WENDY'S RESTAURANT	272-276 TORBAY RD	SW RESTAURANT
BELL ALIANT	2 DORSEY'S LANE	NC COMMUNICATIONS USE
ACADEMY CANADA	336 LOGY BAY RD	RN COMMERCIAL SCHOOL
EARLE CONSULTING	193 KENMOUNT RD, FOR YUK YUK'S	TI PLACE OF AMUSEMENT

THIS WEEK \$ 445,500.00
 TO DATE \$ 32,094,523.00

CLASS: INDUSTRIAL

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

CLASS: GOVERNMENT/INSTITUTIONAL

THIS WEEK \$.00
 TO DATE \$ 29,596,808.00

CLASS: RESIDENTIAL

ALLYSON STUCKLESS	37 ALLANDALE RD	NC FENCE
BILL & PENNY ALLDERDICE	34 BATTERY RD	NC ACCESSORY BUILDING
SKYMARK CONTRACTING LIMITED	3 SPRUCE GROVE AVE, LOT 120	NC SINGLE DETACHED DWELLING
ERIC & CYNTHIA CARTER	29 BRAD GUSHUE CRES	NC SWIMMING POOL
RODNEY & VALERIE JENKINS	198 DOYLE'S RD	NC ACCESSORY BUILDING
CATHY LANG	50 EDISON PL	NC ACCESSORY BUILDING
NEW VICTORIAN HOMES	38 FAULKNER ST, LOT 60	NC SEMI-DETACHED DWELLING
NEW VICTORIAN HOMES	40 FAULKNER ST, LOT 59	NC SEMI-DETACHED DWELLING
NEW VICTORIAN HOMES	42 FAULKNER ST, LOT 58	NC SEMI-DETACHED DWELLING
NEW VICTORIAN HOMES	44 FAULKNER ST, LOT 57	NC SEMI-DETACHED DWELLING
DEAN NICOLLE	19 GAIRLOCK ST	NC ACCESSORY BUILDING
EDWIN & ROBYN NOSEWORTHY	18 GERARD PL	NC ACCESSORY BUILDING
JUNE POLLETT	24 GERARD PL	NC FENCE
ROXANNE LARCEY	12 GILBERT ST	NC PATIO DECK
TOM MARNELL	69 GREAT EASTERN AVE, LOT 259	NC SINGLE DETACHED DWELLING
MICHELLE POWER	71 GREAT EASTERN AVE - LOT 258	NC SINGLE DETACHED & SUB.APT
WILLIAM KIRKPATRICK	19 HANNAFORD PL	NC ACCESSORY BUILDING
PATRICK CALLANAN	51 HAYWARD AVE	NC PATIO DECK
LEE-ANNE MCDONALD	117 HOWLETT'S LINE, LOT 3	NC SINGLE DETACHED DWELLING
G.M. CONTRACTING	111 HUSSEY DR	NC PATIO DECK
TRABON CONSTRUCTION	3 JAMIE KORAB ST, LOT 5-132	NC SINGLE DETACHED DWELLING
BALNAFAD CO. LTD.	2 LONG BEACH ST, LOT 70	NC SINGLE DETACHED DWELLING
KEVIN BILES & MARIE CAREW	48 MACBETH DR	NC ACCESSORY BUILDING
PRO TECH CONSTRUCTION	57 MACBETH DR, LOT 6-7	NC SINGLE DETACHED DWELLING
PRO-TECH CONSTRUCTION	59 MACBETH DR, LOT 6-6	NC SINGLE DETACHED DWELLING
FRANCES GUILLEMETTE	MAIN ROAD, PARCEL D	NC FENCE
FRANCES GUILLEMETTE	PCL."F" MAIN RD	NC FENCE
JOHN THOMAS & BRENDA ANNE LEE	MAIN RD (NEXT TO 82)	NC SINGLE DETACHED DWELLING
RAY DINN	774-776 MAIN RD	NC FENCE
PERRY COLLINS	29 MARCONI PL	NC ACCESSORY BUILDING
ANNA MYERS	50 MONKSTOWN RD	NC ACCESSORY BUILDING

MICHAEL PEDDLE	8 MUSGRAVE ST	NC FENCE
BALNAFAD COMPANY LIMITED	35 MYRICK PL, LOT 116	NC SINGLE DETACHED DWELLING
BALNAFAD COMPANY LIMITED	36 MYRICK PL, LOT 115	NC SINGLE DETACHED DWELLING
BALNAFAD COMPANY LIMITED	37 MYRICK PL, LOT 114	NC SINGLE DETACHED DWELLING
NEW VICTORIAN HOMES	15 OAKLEY PL - LOT 281	NC SINGLE DETACHED DWELLING
JAMIE ADAMS	61 OTTER DR	NC ACCESSORY BUILDING
KEN BARRON	55 PALM DR	NC FENCE
KEN BARRON	55 PALM DR	NC ACCESSORY BUILDING
BRIAN CONNORS	34 PEARCE AVE	NC ACCESSORY BUILDING
DERRICK HISCOCK	13 PERLIN ST	NC ACCESSORY BUILDING
DEREK CLARK	81 PERLIN ST	NC PATIO DECK
AUDREY & SHAWN LEE	235 PETTY HARBOUR RD	NC SINGLE DETACHED DWELLING
MARVIN BARNES	46 RIGOLET CRES	NC ACCESSORY BUILDING
PAUL KING	17 SHANNON PL	NC FENCE
WAYNE BURKE	278 THORBURN RD	NC SINGLE DETACHED DWELLING
ANTHONY CHALIFOUR	31 TRINITY ST	NC FENCE
GARY W. & PAULA M. VOKEY	18 VIRGINIA RD	NC ACCESSORY BUILDING
GERALD MAHONEY	45 BIRMINGHAM ST	CO SUBSIDIARY APARTMENT
ERIC & CYNTHIA CARTER	29 BRAD GUSHUE CRES	CO HOME OCCUPATION
JEAN STACEY	3 PARLIAMENT ST, RDC PUBLISH	CO HOME OFFICE
DERMOT & JOAN CONWAY	779 EMPIRE AVE	EX PATIO DECK
G.M. CONTRACTING	111 HUSSEY DR	EX MOBILE HOME
NORTHERN PROPERTIES	5 WADLAND CRES	EX APARTMENT BUILDING
KEVIN BUTT	5 BLATCH AVE	RN SINGLE DETACHED DWELLING
FRANK LEDREW	82 CABOT ST	RN TOWNHOUSING
GREG HIGGINS	310 HAMILTON AVE	RN SINGLE DETACHED DWELLING
RICHARD RIVKIN	54 MONKSTOWN RD	RN SEMI-DETACHED DWELLING
MARCO SERVICES	156 PORTUGAL COVE RD	RN CONDOMINIUM
JAMES & LORETTA ABBOTT	157 QUEEN'S RD	RN TOWNHOUSING
LLOYD GRANDY	1 RUSS HOWARD ST	RN SINGLE DETACHED DWELLING
KELLY-RYAN/SEAN CLANCY	312 STAVANGER DR	RN SINGLE DETACHED DWELLING
RODERICK & ROSE MARIE KELLY	3 WALSH'S SQ	RN SINGLE DETACHED DWELLING
GENTARA COMPANY LIMITED	354 WATER ST	RN OFFICE
ALLAN FARRELL & JOANNA BARNARD	6 FALKLAND ST	SW SINGLE DETACHED DWELLING
OWEN JONES	4 KENT PL	SW SINGLE DETACHED DWELLING
ROBERT AND ELIZABETH CLARKE	3 ST. MICHAEL'S AVE	SW SINGLE DETACHED DWELLING

THIS WEEK \$ 3,968,854.00
TO DATE \$ 97,066,222.00

CLASS: DEMOLITION

CHOICES FOR YOUTH INC.	56-58 BOND ST	DM SEMI-DETACHED DWELLING
JAMIE ABBOTT	242-250 MAIN RD	DM SINGLE DETACHED DWELLING

THIS WEEK \$ 12,500.00
TO DATE \$ 978,500.00

THIS WEEK'S TOTAL: \$ 4,426,854.00

TOTAL YEAR TO DATE: \$161,691,053.00

REPAIR PERMITS ISSUED: 2008/08/21 TO 2008/08/27 \$ 87,150.00
2007/12/13 TO 2008/08/27 \$ 2,563,333.00 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
SW SITE WORK
MS MOBILE SIGN

DV DEVELOPMENT FILE
DM DEMOLITION

Payrolls and Accounts

SJMC2008-09-02/533R

It was decided on motion of Councillor Duff; seconded by Councillor Hann: That the following Payrolls and Accounts for the week ending August 28, 2008 be adopted as presented:

**Weekly Payment Vouchers
For The
Week Ending August 28, 2008**

PAYROLL

Public Works	\$ 292,508.61
Bi-Weekly Casual	\$ 126,087.91

ACCOUNTS PAYABLE

Cheque No. 136292 – 136538	\$1,158,654.26
Total:	\$1,577,250.78

Tenders

- a. Tender – Robin Hood Bay Landfill Re-Engineering Contract 12B – Materials Recovery Building, Process Equipment Supply and Installation
- b. Tender – Supply of Two (2) Tandem Dump Truck Sanders
- c. Tender – 2008 City Hall Roof Replacement
- d. Tender – City of St. John’s Energy Retrofit – Phase 3 – Lighting Retrofit – Various Buildings (#11-07-290)
- e. Tender - Awarding of Contract for the Implementation of Citizen Service Request Software
- f. Tender – Evaluation of the City’s Website

SJMC2008-09-02/534R

It was decided on motion of Councillor Duff; seconded by Councillor Hann: That the recommendations of the Associate Commissioner and Director of Engineering; the Director of Finance and City Treasurer, the Director of Building and Property Management and the Associate Commissioner/Director of Corporate Services and City Clerk be approved and the tenders awarded as follows:

- a. **Industries Machinex Inc. in the amount of \$4,932,541.00**
- b. **Western Star Trucks in the amount of \$348,598.00 (taxes not**

- included)**
- c. Atlantic Roofing Ltd. in the amount of \$217,826.71 which includes HST**
- d. Jenco Ltd. in the amount of \$217,917.43 which includes HST**
- e. Active Network in the amount of \$120,000.00**
- f. Sagacity Consulting in the amount of \$13,480.00 exclusive of HST**

Consultant’s Report on “Needs Assessment and Feasibility Analysis for a Mid-Sized Performing Arts Venue”

Councillor Hickman tabled the Consultant’s Report on “Needs Assessment and Feasibility Analysis for a Mid-Sized Performing Arts Venue”.

The objectives of the study are two-fold – (1) to define existing and anticipated future requirements for theatre venue space by both the arts and community users and audiences, and (2) to define requirements for additional venue capacity including size, type, operational and financial considerations.

The study concluded that a mid-sized venue could be sustainable depending on government’s willingness to subsidize it and play a significant role in growing the performing arts and helping to solidify the City of St. John’s brand as a creative city. A new venue would clearly have an impact on existing venues such as the LSPU Hall, Majestic, Masonic and Holy Heart Theatre. A number of respondents expressed the priority that existing venues need to be looked at comprehensively in terms of their requirements for long-term viability.

Councillor Galgay mentioned the study’s reference to the potential for Holy Heart Theatre to be adapted into the mid-sized venue, and the school as a community cultural centre, and pointed out that Holy Heart was part of the Eastern School Board restructuring with the possibility of that structure being torn down and a new school built somewhere else. He suggested that maybe the province could determine if anything could be done to retain part of the building to meet the arts needs of the future.

Following discussion, Council agreed that the study be referred to the Arts Advisory Committee for consideration.

Major's Path – Douglas Collins

Council considered a memorandum dated August 28, 2008 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2008-09-02/535R

It was decided on motion of Councillor Duff; seconded by Councillor Colbert: That the recommendation of the Chief Commissioner and City Solicitor that land at 54 Major's Path required by the City for street upgrading be acquired for \$2,655.00 plus \$2,160.00 for trees removed from it, plus legal fees for the closing of the transaction, be approved.

44 Major's Path – Marguerite and Brian Martin

Council considered a memorandum dated August 28, 2008 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2008-09-02/536R

It was decided on motion of Councillor Duff; seconded by Councillor Colbert: That the recommendation of the Chief Commissioner and City Solicitor that land required by the City at 44 Major's Path for street upgrading, be acquired at a cost of \$3,790.00 for the land plus \$940.00 for trees being removed from it, plus legal fees for the closing of the transaction, be approved.

11 Major's Path – Chesley Peach

Council considered a memorandum dated August 28, 2008 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2008-09-02/537R

It was decided on motion of Councillor Duff; seconded by Councillor Colbert: That the recommendation of the Chief Commissioner and City Solicitor that land required by the City at 11 Major's Path be purchased from Mr. Chesley Peach who owns a leasehold interest in this land, be acquired for \$8,615.00 plus legal fees for the closing of the transaction, be approved.

Windsor Lake Watershed Area

Council considered a memorandum dated August 29, 2008 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2008-09-02/538R

It was decided on motion of Councillor Colbert; seconded by Councillor Hann: That the recommendation of the Chief Commissioner and City Solicitor that land at Thorburn Road (approx ½ acre) be acquired by the City at a cost of \$500.00, be approved.

Medical Consulting Services

Council considered a memorandum dated August 28, 2008 from the Director of Human Resources regarding the above noted.

SJMC2008-09-02/539R

It was decided on motion of Councillor Ellsworth; seconded by Councillor Colbert: That the recommendation of the Director of Human Resources that, based on the City's internal analysis of the bids received, that Atlantic Offshore Medical Services be maintained as the City's medical consultant for a further five (5) year period effective September 2, 2008 at an approximate annual cost of \$152,073.76, be approved.

Councillor Collins

Councillor Collins advised that residents of Kilbride will be petitioning Council to consider the construction of a gymnasium for the area.

Councillor Collins also advised that he intends to bring forward the matter of garbage pickup on private lanes to the next meeting of the Public Works Standing Committee for consideration.

Councillor Hanlon

Councillor Hanlon tabled a letter from Valerie Finney, Commanding Officer, HMCS Avalon, asking that the City consider granting HMCS Avalon Sea Cadet Summer Training Centre the Freedom of the City in recognition of 25 years of service, training Canada's youth to become active citizens in their communities of tomorrow.

Councillor Galgay

Councillor Galgay advised that a proposal to convert 55-57 Mayor Avenue into an office building has been withdrawn.

Councillor Puddister

Councillor Puddister encouraged all to attend the September 7, 2008 Humane Services Building Open House, located on Higgins Line.

Councillor Hickman

Councillor Hickman advised that the Recreation Master Plan is near completion and will be presented to Council in the near future.

Councillor Colbert

Councillor Colbert noted that there has been some indication that the City of St. John's and himself as the City's representative lobbied in favour of the decision of Municipalities Newfoundland and Labrador's to hold its annual convention in St. John's from now on. Councillor Colbert along with other members of Council indicated they have been strong advocates over the years to have the meetings rotate among other municipalities across the Province, however, the decision was in response to the membership concerns relative to lack of accommodations and space.

Councillor Duff

Councillor Duff acknowledged the recent passing of Dr. Leslie Harris and asked that the Mayor forward a letter of condolence to his wife on behalf of Council.

Deputy Mayor Ellsworth

Deputy Mayor Ellsworth tabled the Audited St. John's Sports and Entertainment Ltd Financial Statements for the year ending May 31, 2008. Council was pleased that SJSEL has operated within its operating grant with just over a \$170,000.00 surplus. The board of SJSEL believes that the organization has been "right sized" over the past year and that a strong senior management team is in place. The operating budget for the fiscal year 2009 will be presented in October 2008. It is also anticipated that the audited results for the 7 months ending December 31, 2008 will be ready in March 2009.

It was noted by some members of Council that a future hockey team would depend on the financial conditions.

Councillor Hann asked that the Deputy Mayor provide the overall expense reduction numbers.

Members of Council applauded the performance of the Board of Directors, thanked the volunteers and city staff for their efforts in working with Council towards ensuring that the Mile One Centre as well and the Convention centre facilities move in the right direction.

Following discussion, the Audited St. John Sports and Entertainment Ltd Financial Statements for the year ending May 31, 2008 were unanimously adopted by Council.

Mayor O'Keefe

At the request of the Mayor the Associate Commissioner/Director of Engineering updated Council on the cost of Liquid Asphalt. He noted that in May of 2007, the cost of liquid asphalt was approximately \$500 per ton. In the City's Streets Rehabilitation Tender for 2008, the prices received were based on liquid asphalt being supplied to the various contractors at a cost of \$635.00 per ton. In July of 2008, the City was again notified that the cost of liquid asphalt has risen to \$745.00 a ton. On August 30th, 2008 the price increased to \$1,050.00 a ton, and more recently, the City was advised that as of September 3rd, 2008, the cost has increased to \$1,145.00 a ton. This increased cost is being reflected in the prices which the City is receiving for construction projects that involve the placement of asphalt..

Adjournment

There being no further business, the meeting adjourned at 5:35 p.m.

MAYOR

CITY CLERK