

September 22, 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, Duff, Hickman, Hann, Puddister, Galgay, Coombs, Hanlon and Collins.

Regrets: Mayor Dennis O'Keefe

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 Manager, Corporate Secretariat were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2008-09-22/571R

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

- **Memorandum dated September 15, 2008 from the Associate Commissioner/Director of Engineering re Tender Goulds Soccer Pitch**
- **Memorandum dated September 22, 2008 from the Director of Building and Property Management re Demolition, 51-55 New Gower Street**
- **Memorandum dated September 15, 2008 from the Director of Building and Property Management re Property Assessment, Former Conway Building, New Gower Street**
- **Phone Poll of Para Transit Committee**
- **Memorandum from the Director of Finance and City Treasurer re Application of the Provincial Gasoline Tax to Metrobus**
- **Memorandum dated September 16, 2008 from the Director of Human Resources re Municipalities Newfoundland and Labrador Annual Conference**

Adoption of Minutes

SJMC2008-09-22/572R

**It was decided on motion of Councillor Galgay; seconded by Councillor Hann:
That the Minutes of the September 15, 2008 meeting be adopted as presented.**

**Proposed Amendment – St. John’s Development Regulations – Regulation of Lounges
in the Downtown Business Improvement Area (Ward 2**

Council considered a memorandum dated September 16, 2008 from the Director of Planning regarding the above noted.

SJMC2008-09-22/573R

It was moved by Councillor Galgay; seconded by Councillor Duff: That the following Resolution for St. John’s Development Regulations Amendment Number 441, 2008 be adopted, which will have the effect of reclassifying lounges from a Permitted Use to a Discretionary Use for all parts of the Downtown Business Improvement area except for properties abutting George Street between Queen Street and Water Street where lounges would continue to be classified/processed as Permitted Uses; which will then be referred 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 441, 2008

WHEREAS the City of St. John’s wishes to amend the provisions of the St. John’s Development Regulations regarding the regulation of Taverns in the Downtown Area.

BE IT THEREFORE RESOLVED that the City of St. John’s hereby adopts the following amendment to the St. John’s Development Regulations pursuant to the provisions of the Urban and Rural Planning Act, 2000:

1. Section 7.22 (“Taverns and Eating Establishments”) is repealed and the following substituted:

“7.22 Taverns and Eating Establishments

- (1) No Tavern shall be permitted within 50 metres of the Newfoundland War Memorial;
- (2) No Tavern or Eating Establishment shall be permitted on the property situate between Airport Road and Portugal Cove Road which property was the subject of St. John’s Development Regulations Amendment Number 325, 2004; however

- (3) A Tavern may be allowed as a Discretionary Use
 - i) within 150 metres of a Church;
 - ii) within 150 metres of a School;
 - iii) within 150 metres of Residential Zone; and
 - iv) in the Downtown Business Improvement Area, excepting those properties abutting George Street between Queen Street and Water Street where a Tavern shall be a Permitted Use.”

2. Section 3.1 (“Zoning Plan”) is amended by adding the following:

“MAP K: Downtown Business Improvement Area”

3. Section 2 (“Definitions”) is amended by adding the following:

“Downtown Business Improvement Area means that area of the Downtown generally bounded by Harbour Dive, Temperance Street, Duckworth Street, Livingstone Street, and Springdale Street and shown on MAP K.”

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

IN WITNESS THEREOF the Seal of the City of St. John’s has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk this 22nd day of September 2008.

Mayor

**Director of Corporate Services
 and City Clerk**

<p>I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.</p> <p>_____ MCIP</p>

During discussion reference was made to the submissions of concern included in the agenda concerning the proposed amendment. A brief discussion ensued and members of Council were satisfied that their concerns can be addressed.

The motion being put was unanimously carried.

Topsail Road Water Main Break Update

Council considered as information a memorandum dated September 19, 2008 from the Director of Public Works and Parks regarding the Topsail Road water main break. In this regard Councillor Coombs indicated he would like an explanation relative to the frequent flooding in the area and whether there is adequate infrastructure in place. The matter was referred to staff for follow-up.

Notices Published

1. A Discretionary Use Application has been submitted by Rodrigues Estate Development for a 3 lot subdivision at Civic Numbers 7-11 Oakmount Street. Proposed Civic Number 7 is a standard building lot, with 15.0 metre frontage and 503 square metre lot area. Proposed Civic Numbers 9 and 11 Oakmount Street are reduced housing lots with 15 metre lot frontage and 350 square metre lot area each. **(Ward 4)**

Three (3) letters of objection

SJMC2008-09-22/574R

It was moved by Councillor Hanlon; seconded by Councillor Colbert: That the application be approved.

Discussion ensued during which reference was made to the submissions of objection to the application. Information from the Director of Planning concerning the application was tabled for Council's information.

During discussion it was pointed out that under the St. John's Development Regulations the R1 Zone will allow reduced building lots as a Discretionary Use and Council was satisfied that the development meets the requirements of the regulations.

Following discussion, the motion being put was unanimously carried.

Development Committee Report dated September 16, 2008

Council considered the following Development Committee Report dated September 16, 2008:

RECOMMENDATION OF APPROVAL:

- 1. Proposed Accessory Building
Ms. Sherry Connolly
Civic No. 98 Bennett's Road
Town of Portugal Cove-St. Philips (Broad Cove River Watershed)**

The Development Committee recommends that Council approve the above noted application pursuant to Section 104(4) of the City of St. John's Act.

- 2. Proposed Sculpture "Famous Friends"
GEO Park
Signal Hill Road (Ward 2)**

The Development Committee recommends that Council approve the application for site work and the "Famous Friends" sculpture.

RECOMMENDATION OF REJECTION:

- 3. Proposed Extension of Dwelling
David and Crystal Knight
Civic No. 24-26 King's Hill Road
Town of Portugal Cove-St. Philips**

The Development Committee recommends that Council reject the above noted application pursuant to Section 104(4)(c) of the City of St. John's Act.

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

SJMC2008-09-22/575R

**It was decided on motion of Councillor Hann; seconded by Councillor Hanlon:
That the Committee's recommendations be approved.**

Development Permits List for the period September 12 to 18, 2008

Council considered the following Development Permits List for the period September 12 to 18, 2008:

2008/09/17

Permits List

CLASS: COMMERCIAL

CHANG YUN SUN	188 DUCKWORTH ST, SUNFOOD INC	CO RESTAURANT
ALPINE COUNTRY LODGE LTD.	CHURCHILL SQ , ALPINE COUNTRY	RN RETAIL STORE
CORE INSIGHT CHIROPRACTIC	40 ABERDEEN AVE	MS CLINIC
DOWNEAST COMMUNICATIONS	40 ABERDEEN AVE	MS RETAIL STORE
SWISS CHALET	70 ABERDEEN AVE	MS RESTAURANT
MAGICUTS	90 ABERDEEN AVE	MS SERVICE SHOP
ADDITIONELLE	95C ABERDEEN AVE	MS RETAIL STORE
REITMANS (CANADA) LIMITED	95D ABERDEEN AVE	MS RETAIL STORE
IRVING OIL LTD	8 BAY BULLS RD	MS COMMERCIAL GARAGE
PURITY FACTORIES LIMITED	88-96 BLACKMARSH RD	MS BAKERY
NEEDS	100 BROOKFIELD RD	MS CONVENIENCE STORE
MARIE'S MINI MART	44 CROSBIE RD, MARIE'S	MS RETAIL STORE
SMART KIDZ	10 ELIZABETH AVE	MS RETAIL STORE
FIRST CHOICE HAIRCUTTERS	84-86 ELIZABETH AVE	MS SERVICE SHOP
J.W. ALLAN CO LTD	94 ELIZABETH AVE	MS RETAIL STORE
DOWNEY'S ITF TAE KWAN DO	ELIZABETH AVE	MS CLUB
THE CUTTING EDGE HAIR SALON	17-21 ELIZABETH AVE	MS SERVICE SHOP
ROYAL BANK OF CANADA, C/O	65 ELIZABETH AVE	MS BANK
IRVING OIL LTD.	71-77 ELIZABETH AVE	MS SERVICE STATION
IRVING OIL LTD.	71-77 ELIZABETH AVE	MS SERVICE STATION
CROSSTOWN HAIR & TANNING LTD	398 EMPIRE AVE, CROSSTOWN HAIR	MS SERVICE SHOP
VISUAL EFFECTS HAIR SALON	10 FORBES ST	MS SERVICE SHOP
NEEDS CONVENIENCE	174 FRESHWATER RD	MS CONVENIENCE STORE
FIRST CHOICE HAIRCUTTERS	336 FRESHWATER RD	MS SERVICE SHOP
MONEY MART	336 FRESHWATER RD	MS OFFICE
UPTOWN HAIR DESIGN &	169 HAMLYN RD	MS SERVICE SHOP
JUMBO VIDEO	12-20 HIGHLAND DR	MS RETAIL STORE
STATION LOUNGE	7 HUTCHINGS ST, STATION LOUNGE	MS TAVERN
FIRST CHOICE HAIRCUTTERS	55 C KELSEY DR	MS SERVICE SHOP
WICKER EMPORIUM	30 KENMOUNT RD	MS RETAIL STORE
DOOLY'S	58 KENMOUNT RD, DOOLY'S	MS PLACE OF AMUSEMENT
INDIGO BOOKS & MUSIC INC.	70 KENMOUNT RD	MS RETAIL STORE
CLEARWATER POOLS LIMITED	274 KENMOUNT RD	MS RETAIL STORE
SALVATION ARMY NAT.RECYCLING	49-51 KENMOUNT RD	MS RETAIL STORE
VALUE VILLAGE STORES INC.	161 KENMOUNT RD	MS RETAIL STORE
VOGUE OPTICAL	193 KENMOUNT RD	MS SERVICE SHOP
LOOKING GOOD CAR CARE	409 KENMOUNT RD	MS RETAIL STORE
NEEDS CONVENIENCE	330 LEMARCHANT RD	MS CONVENIENCE STORE
NEEDS CONVENIENCE	330 LEMARCHANT RD	MS CONVENIENCE STORE
LAKEVIEW CHIROPRACTIC	1 LOGY BAY RD	MS CLINIC
HI-PERFORMANCE	205 LOGY BAY RD	MS CLUB
NEEDS	430-432 MAIN RD	MS CONVENIENCE STORE
ASHLEY FELTHAM SCHOOL OF DANCE	484-490 MAIN RD	MS COMMERCIAL SCHOOL
TRAVEL QUEST	239 MAJOR'S PATH	MS OFFICE
BRUCE LEE KARATE	MUNDY POND RD	MS COMMERCIAL SCHOOL
YW-YMCA	NEW COVE RD	MS CLUB
ESSENTIAL CHIROPRACTIC	119 NEW COVE RD	MS CLINIC
CANTON RESTAURANT	200-232 NEWFOUNDLAND DR	MS RESTAURANT
PIZZA EXPERTS	446 NEWFOUNDLAND DR	MS EATING ESTABLISHMENT
NEEDS CONVENIENCE	449 NEWFOUNDLAND DR	MS CONVENIENCE STORE
FURR FACTORY DOG SPAW	71 O'LEARY AVE	MS RETAIL STORE
SIGNAL HOBBIES	36 PEARSON ST, SIGNAL HOBBIES	MS RETAIL STORE
SOBEYS CAPITAL LTD.	36 PEARSON ST	MS CONVENIENCE STORE
NORTH ATLANTIC REFINING LTD.	154 PENNYWELL RD	MS SERVICE STATION
DOWNEAST-TAS COMMUNICATIONS	34 PIPPY PL	MS RETAIL STORE
INVESTOR'S SYNDICATE LIMITED	33 PIPPY PL	MS OFFICE
RIVERDALE TENNIS CLUB	4 PORTUGAL COVE RD	MS PLACE OF AMUSEMENT

CARLSON WAGONLIT TRAVEL	180 PORTUGAL COVE RD	MS OFFICE
VIDEO CONNECTION INC.	279 PORTUGAL COVE RD	MS RETAIL STORE
ST. JOHN'S MUSIC CENTRE	279 PORTUGAL COVE RD	MS COMMERCIAL SCHOOL
TRAVEL CUTS	300 PRINCE PHILIP DR	MS OFFICE
JUMBO VIDEO #46	20 ROPEWALK LANE	MS RETAIL STORE
STAND "N" TAN	20 ROPEWALK LANE	MS SERVICE SHOP
CURVES	117 ROPEWALK LANE	MS CLUB
IRVING OIL LTD	2 STAVANGER DR	MS RETAIL STORE
FUTURE SHOP	20 STAVANGER DR	MS RETAIL STORE
LOBLAWS PROPERTIES LIMITED	55 STAVANGER DR	MS RETAIL STORE
FIRST CHOICE HAIRCUTTERS LTD.	95E STAVANGER DR	MS SERVICE SHOP
NORTH ATLANTIC REFINING LTD.	446 TOPSAIL RD	MS SERVICE STATION
NORTH ATLANTIC REFINING LTD.	446 TOPSAIL RD	MS SERVICE STATION
FIRST CHOICE HAIRCUTTERS LTD.	468 TOPSAIL RD	MS SERVICE SHOP
IRVING OIL CO. LTD.	632 TOPSAIL RD	MS COMMERCIAL GARAGE
SPARTAN	681 TOPSAIL RD	MS RETAIL STORE
BELLA VISTA LIMITED	26-34 TORBAY RD STANLEY'S #1	MS TAVERN
BELLA VISTA LIMITED	26-34 TORBAY RD STANLEY'S #2	MS TAVERN
DOWNEAST COMMUNICATIONS	10 ELIZABETH AVE	MS RETAIL STORE
LEGROWS TRAVEL	10 ELIZABETH AVE	MS OFFICE
TOTALLY TANNED LTD.	120 TORBAY RD	MS SERVICE SHOP
IRVING OIL CO. LTD.	192-194 TORBAY RD	MS SERVICE STATION
CURVES	272-276 TORBAY RD, CURVES	MS CLUB
SYLVAN LEARNING CENTRE	272-276 TORBAY RD	MS COMMERCIAL SCHOOL
FIRST CHOICE HAIRCUTTERS LTD.	TORBAY RD	MS SERVICE SHOP
RAINBOW DAY CARE CENTRE	280 TORBAY RD	MS DAY CARE CENTRE
KENNY ENTERPRISES LTD.	660 TORBAY RD	MS CONVENIENCE STORE
A. HARVEY & CO. LTD.	714 TORBAY RD	MS PETROLEUM USE
CASH N CARRY	504 WATER ST	MS OFFICE
CANADIAN BLOOD SERVICES	7 WICKLOW ST	MS OFFICE
METRO SELF STORAGE	800 KENMOUNT RD	NC ACCESSORY BUILDING
EMILY SOPKOWE	60 HAYWARD AVE	RN BAKERY
MIKE O'DEA	245 TOPSAIL RD	CR MIXED USE
CHARLES RIVER CONSULTANTS	100 SIGNAL HILL RD	CR OFFICE
GYPSY TEA ROOM	WATER STREET-BECKS COVE	CR RESTAURANT
DUNDEAL CANADA (GP) INC.	235 WATER ST, STAIRS	RN BANK
CHIMO CONSTRUCTION MANAGEMENT	46 ROBIN HOOD BAY RD	TI OFFICE
10714 NEWFOUNDLAND LTD.	20 KING EDWARD PL	RN SINGLE DETACHED DWELLING
CROMBIE PROPERTY HOLDINGS LTD	45 ROPEWALK LANE	RN RETAIL STORE

THIS WEEK \$ 737,367.00
TO DATE \$ 33,629,390.00

CLASS: INDUSTRIAL

M-I SWACO PIER17/MAGGOTTY COVE-MUD PLANT NC PETROLEUM USE

THIS WEEK \$ 580,000.00
TO DATE \$ 2,535,000.00

CLASS: GOVERNMENT/INSTITUTIONAL

RCMP "B" DIVISION HEADQUARTERS 100 EAST WHITE HILLS RD RN ADMIN BLDG/GOV/NON-PROFIT
WATER PUMPING/BOOSTING STATION 3 DENSMORE'S LANE, PUMP HOUSE RN ADMIN BLDG/GOV/NON-PROFIT

THIS WEEK \$ 13,000.00
TO DATE \$ 29,643,708.00

CLASS: RESIDENTIAL

THATAN HIGGINS 3 ALMOND CRES NC ACCESSORY BUILDING
CRYSTON HOMES INC 196 BAY BULLS RD NC SINGLE DETACHED DWELLING

MICHAEL GREENE	52 BAYBERRY PL	NC FENCE
ALFRED MARSHALL	44 BELL'S TURN	NC SINGLE DETACHED & SUB.APT
SKYMARK CONTRACTING	62 BRAD GUSHUE CRES, LOT 5-142	NC SINGLE DETACHED DWELLING
CHAD MADDEN	59 BROWNSDALE ST	NC ACCESSORY BUILDING
STEVEN J NAGLE AND	90 CABOT ST	NC ACCESSORY BUILDING
TERRY WALSH CONSTRUCTION	64 CHEROKEE DR, LOT 29	NC SINGLE DETACHED DWELLING
CHRIS MANOLIS	45 EASTBOURNE CRES	NC ACCESSORY BUILDING
CARDINAL HOMES LIMITED	50 FAULKNER ST - LOT 54	NC SEMI-DETACHED DWELLING
CARDINAL HOMES LIMITED	52 FAULKNER ST - LOT 53	NC SEMI-DETACHED DWELLING
CARDINAL HOMES LIMITED	74 FAULKNER ST - LOT 42	NC SEMI-DETACHED DWELLING
CARDINAL HOMES LIMITED	76 FAULKNER ST - LOT 41	NC SEMI-DETACHED DWELLING
MICHAEL & SHERRY BAIRD	25 FOURTH POND RD	NC FENCE
TINA COSTELLO	24 FOX AVE	NC ACCESSORY BUILDING
PRO-TECH CONSTRUCTION LTD.	67 GAIRLOCK ST, LOT 6-66	NC SINGLE DETACHED DWELLING
AUSTIN'S CONTRACTING INC.	2 GIL EANNES DR, LOT 249	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION & DEV LTD	73 GISBORNE PL, LOT Z3	NC TOWNHOUSING
REARDON CONSTRUCTION & DEV LTD	75 GISBORNE PL, LOT Z4	NC TOWNHOUSING
RICK PRICE	17 GULLIVER PLACE	NC SINGLE DETACHED DWELLING
FWS HOLDINGS INC	51 GUZZWELL DR	NC FENCE
SKYMARK CONTRACTING LIMITED	5 JAMIE KORAB ST, LOT 131	NC SINGLE DETACHED DWELLING
GIBRALTAR DEVELOPMENT	32 JULIEANN PL - LOT 73	NC SINGLE DETACHED DWELLING
RAYMOND JOY JR	27 LANNON ST	NC ACCESSORY BUILDING
PHIL TUCKER	130-132 MAIN RD	NC PATIO DECK
JAMES & JO-ANN ABBOTT	242-250 MAIN RD	NC SINGLE DETACHED DWELLING
LILLIAN HARDING	676 MAIN RD	NC ACCESSORY BUILDING
STEVE EDWARDS	64 MONKSTOWN RD	NC PATIO DECK
BILL RYAN	262 MUNDY POND RD	NC ACCESSORY BUILDING
JORDAN CHRISTOPHER	10 MYRICK PL	NC ACCESSORY BUILDING
BALNAFAD COMPANY LIMITED	32 MYRICK PL, LOT 119	NC SINGLE DETACHED DWELLING
ADAM DOYLE	42 MYRICK PL	NC ACCESSORY BUILDING
GEORGE & JUDY BARRETT	280 NEWFOUNDLAND DR	NC ACCESSORY BUILDING
MAITLAND SAMSON	558 NEWFOUNDLAND DR	NC ACCESSORY BUILDING
TERRY WALSH CONSTRUCTION	54 OTTER DR, LOT 72	NC SINGLE DETACHED DWELLING
JOE RAYMOND	247 PETTY HARBOUR RD	NC SINGLE DETACHED DWELLING
PATRICIA E. MURPHY	32 PRINCE OF WALES ST	NC PATIO DECK
SONJA BERGGREN	67 QUEEN'S RD	NC FENCE
CARDINAL HOMES LTD	7 ROTARY DR, LOT 20	NC SINGLE DETACHED DWELLING
ROGER & LISA TULK	1 SILVERTON ST	NC ACCESSORY BUILDING
VINCENT & CAROL O'BRIEN	435 SOUTHSIDE RD	NC SINGLE DETACHED DWELLING
CEANNE S. EVANS	34 SUDBURY ST	NC FENCE
DEREK MOORES	13 TREBBLE PL	NC ACCESSORY BUILDING
GARY & ERNESTINE EMBERLEY	227 TOPSAIL RD	NC ACCESSORY BUILDING
PATRICIA RIDGLEY	55 WISHINGWELL RD	NC SINGLE DETACHED DWELLING
JOHN & PHYLLIS BELBEN	25 NEWHOOK PL	CR SUBSIDIARY APARTMENT
LLEWELLYN LEE	30 CROCKER'S RD	EX ACCESSORY BUILDING
WILLIAM FUDGE	19 DRAKE CRES	EX SINGLE DETACHED DWELLING
CARL HARVEY GEORGE &	6 LARKHALL ST	EX SINGLE DETACHED DWELLING
KIMBERLEY DAWN MULLINS	10 LOGY BAY RD	EX PATIO DECK
MICHAEL & SHARON BENSE	12 TONBRIDGE PL	EX SINGLE DETACHED DWELLING
TRISTRAM R. CLARKE	26 WILLIAM ST	EX SEMI-DETACHED DWELLING
GARY CUMMINGS	18 ALBANY ST	RN PATIO DECK
KEVIN BUTT	5 BLATCH AVE	RN SINGLE DETACHED DWELLING
BRIAN & ANN AUSTIN	27 BUGLER PL	RN SINGLE DETACHED DWELLING
REARDON CONSTRUCTION & DEV LTD	26 GISBORNE PL, UNIT D3	RN TOWNHOUSING
REARDON CONSTRUCTION & DEV LTD	114 GISBORNE PL	RN SINGLE DETACHED DWELLING
JDL ENTERPRISES	61 HOPEDALE CRES	RN SINGLE DETACHED DWELLING
P. O'DEA	217 LEMARCHANT RD	RN SINGLE DETACHED DWELLING
P O'DEA	217 LEMARCHANT RD	RN PATIO DECK
ANDREW MCDONALD	9 LESLIE ST	RN SEMI-DETACHED DWELLING
CERITH WONG	51 MONKSTOWN RD	RN BOARDING HOUSE(4 OR LESS)
BERNARD HEALY	89 PENNYWELL RD	RN SEMI-DETACHED DWELLING
F KRIS AUBREY-BASSLER AND	17 PINE BUD PL	RN SINGLE DETACHED DWELLING
SHARON CAVE	17 PLANK RD	RN SINGLE DETACHED DWELLING
PHB GROUP INC.	43 SMITHVILLE CRES	RN SINGLE DETACHED DWELLING

BRIAN & JULIE CHAFE
STEVEN DUNCAN
DENNIS VAUGHAN

HOWLETT'S LINE
118 MILITARY RD
15 WHITEWAY ST

SW VACANT LAND
SW VACANT LAND
SW SINGLE DETACHED DWELLING

THIS WEEK \$ 4,023,490.00
TO DATE \$110,045,417.00

CLASS: DEMOLITION

THIS WEEK \$.00
TO DATE \$ 1,054,800.00

THIS WEEK'S TOTAL: \$ 5,353,857.00

TOTAL YEAR TO DATE: \$176,908,315.00

REPAIR PERMITS ISSUED: 2008/09/11 TO 2008/09/17 \$ 100,400.00
2007/12/13 TO 2008/09/17 \$ 2,881,533.00 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

SJMC2008-09-22/577R

It was moved by Councillor Coombs; seconded by Councillor Hanlon: That the following Payrolls and Accounts for the weeks ending September 18, 2008 be adopted as presented:

**Weekly Payment Vouchers
For The
Week Ending September 18, 2008**

PAYROLL

Public Works	\$ 295,017.21
Bi-Weekly Amalgamation	\$ 487,704.98

Bi-Weekly Management	\$ 574,048.22
Bi-Weekly Administration	\$ 591,539.11

ACCOUNTS PAYABLE

Cheque No. 137184 - 137512	\$2,661,272.69
Total:	\$4,609,582.21

Councillor Hann asked that staff provide an explanation of the charges for the “Devotion The Wedding Show Booth Rental”.

The motion being put was unanimously carried.

Tenders

- a. Tender – Purchase of a Sanitation Truck
- b. Tender - Supply of Four (4) Truck Snowplow Blades
- c. Tender – Major’s Path Reconstruction and Elizabeth Avenue Widening
- d. Tender – Demolition, 51-55 New Gower Street

SJMC2008-09-22/578R

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

- a. Saunders Equipment Ltd. in the amount of \$143,716.00 (taxes extra)
- b. Western Hydraulics in the amount of \$45,000.00 (taxes extra)
- c. Pyramid Construction in the amount of \$1,622,640.45
- d. Urban Contracting in the amount of \$\$55,000.00

Tender - Property Assessment Conway Building

SJMC2008-09-22/579R

It was decided on motion of Councillor Collins; seconded by Councillor Hann: That the recommendation of the Director of Building and Property Management be approved and the tender awarded to J & T Construction Ltd. in the amount of \$454,000.00 which includes HST

Tender – Goulds Soccer Pitch

SJMC2008-09-22/580R

It was moved by Councillor Collins; seconded by Councillor Hann: That the tender be awarded to Cabot Ready Mix Limited in the amount of \$725,318.75.

Acting Mayor Ellsworth referenced last week's decision of Council to not award the tenders for the Doolings Line Street Upgrading and Goulds Soccer Pitch with a view to retendering in late Winter 2008 or Spring 2009 due to significant overage of actual tender prices as compared to the pre-tender estimates. However, regarding the Goulds Soccer Pitch it was felt that the prices received were competitive and therefore would not yield better contract prices at a later date. It was noted that Doolings Line Upgrading will be retendered early spring of 2009.

The motion being put was unanimously carried.

16 Major's Path – 1313 Holdings Limited

Council considered a memorandum dated September 16, 2008 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2008-09-22/581R

It was moved by Councillor Puddister; seconded by Councillor Hickman: That the recommendation of the Chief Commissioner and City Solicitor that land expropriated by the City at 16 Major's Path for street upgrading be acquired at a cost of \$1,440.00 plus legal fees, be approved.

The motion being put was unanimously carried.

63 Major's Path – Hazel Clarke

Council considered a memorandum dated September 17, 2008 from the Manager Real Estate Services regarding the above noted.

SJMC2008-09-22/582R

It was moved by Councillor Puddister; seconded by Councillor Hann: That the recommendation of the Manager of Real Estate Services that land at 63 Major's Path required by the City for street widening, be acquired for \$130,000.00 including all costs such as relocation costs, etc. subject to the City leasing back the property to the occupant for six months to provide time to obtain a replacement dwelling, be approved.

Councillor Puddister noted that he discussed with the Manager of Real Estate Services the fact that the resident living next door will lose some land as a result of the transaction and he is prepared to meet and discuss the situation.

Following discussion, the motion being put was unanimously carried.

East Coast Trail Hike

Council considered a memorandum dated September 16, 2008 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2008-09-22/583R

It was moved by Councillor Hickman; seconded by Councillor Colbert: That the recommendation of the Chief Commissioner and City Solicitor that the City sponsor a team of 14 in the fundraising hike for the East Coast Trail Association to take place on October 18, 2008 at a cost of \$560.00, be approved

The motion being put was unanimously carried.

2008 Household Hazardous Waste Program

Council considered as information a memorandum dated September 16, 2008 from the Director of Public Works and Parks regarding the 2008 Household Hazardous Waste Program. Councillor Puddister commended the program noting a big improvement in long wait times at these events.

Robin Hood Bay (RHB) Cover Material

Council considered a memorandum dated September 19, 2008 from the Director of Public Works and Parks regarding the above noted.

SJMC2008-09-22/584R

It was decided on motion of Councillor Collins; seconded by Councillor Galgay; That the recommendation of the Director of Public Works and Parks that Council approve the combining of the 2008 and 2009 cover material requirements for Robin Hood Bay into the current tender call, be approved.

Municipalities Newfoundland and Labrador Annual Conference

Council considered a memorandum dated September 16, 2008 from the Director of Human Resources regarding the above noted.

SJMC2008-09-22/585R

It was decided on motion of Councillor Colbert ; seconded by Councillor Hann: That travel by Heather McDonald, Safety Officer, to Corner Brook, October 8-11, 2008 to attend the Municipalities Newfoundland and Labrador Annual Conference be approved at an approximate cost of \$1,000 to \$1,300, funding to be allocated from the Council Travel Budget.

(Councillor Duff assumed the Chair while Acting Mayor Ellsworth presented the following two committee reports)

Finance and Administration Standing Committee Report dated September 9, 2008

Council considered the following Finance and Administration Standing Committee Report dated September 9, 2008:

In Attendance: Deputy Mayor Ron Ellsworth, Chairperson
Councillor Tom Hann
Councillor Frank Galgay
Councillor Art Puddister
Mr. Ron Penney, Chief Commissioner & City Solicitor
Mr. Neil Martin, Associate Commissioner/Director of Corporate Services & City Clerk
Mr. Bob Bishop, Director of Finance & City Treasurer
Mr. Kevin Breen, Director of Human Resources
Ms. Elizabeth Lawrence, Director of Economic Development, Tourism & Culture
Ms. Jill Brewer, Director of Recreation
Mr. Jim Ford, Acting Director of Building & Property Management
Ms. Kelly Butler, Recording Secretary

Also in attendance were Mr. Craig Ennis and Mr. Derek Sullivan from the St. John's Board of Trade.

1. Delegation – St. John's Transportation Commission

The Committee met with representatives from the St. John's Transportation Commission (Ms. Judy Powell, General Manager and Mr. Jason Hussey, Manager of Financial Operations) to review the Commission's financial statements as of December 31, 2007. (A copy of the financial statements are on file with the City Clerk's Department.)

Councillor Hann explained that the Transportation Commission's audited financial statements were presented to its Board of Directors at its last meeting and it was suggested that they be brought to Council as well. He noted that operationally the organization is doing very well and basically coming in on budget. However, due to a requirement to

change from cash based accounting to accrual based accounting, the Transportation Commission is showing a paper deficit for 2007. Councillor Hann noted that the cost of fuel has risen dramatically since the 2008 budget was initially completed. Fuel costs for 2008 were budgeted using \$1.05 per litre with the actual cost having risen to \$1.42 per litre at its highest point this year. In an effort to offset the additional fuel costs, the Transportation Commission instituted a fare increase in July, re-arranged a couple of routes to save money, and undertook an extensive marketing campaign which has seen ridership increase to record levels.

Ms. Powell also referenced the recent change in accounting practices and rising fuel costs, noting that the Transportation Commission has taken steps to address the deficit, and it is hoped to be on budget by year end. As of July 31st, the Commission is running a \$200,000 deficit, but the cost cutting measures are having an effect with the deficit having decreased significantly from earlier in the year.

The Committee agreed that the audited financial statements for the St. John's Transportation Commission be referred to Council for its information.

2. Land Acquisition Account

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

The Committee recommends that the revenues generated from Rentals from Land, Administration Fees (for real estate and legal transactions), and Easement Fees now be deposited in the Land Acquisition Account.

3. Interim Financial Statements Six Months Ending June 30, 2008

The Committee considered as information a memorandum dated September 4, 2008, from the Director of Finance & City Treasurer regarding the above noted matter.

The Director of Finance noted that the positive variances in revenue are mainly attributed to increased revenues from the Utility Tax and increased charges to the Federal Government on payments-in-lieu-of-taxes. The negative variances in expenditures can be attributed to major factors such as:

- (a) the unbudgeted cost for the recent municipal by-election;
- (b) higher than budgeted payout of severance and sick leave due to a higher than expected rate of retirement in 2008;
- (c) over-expenditure in the snowclearing budget;
- (d) increased fuel costs (furnace oil and diesel); and
- (e) over-expenditure in the Grants and Subsidies budget

The projections to year-end still show a small surplus, however, this may be better determined in the third-quarter statements as of September 30, 2008.

A brief discussion ensued regarding the over-expenditure in Grants and Subsidies, with it being suggested that a detailed listing of the overages in the Grants and Subsidies budget be provided for the Committee's information. The Director of Finance agreed to prepare a report for the Committee's consideration. Deputy Mayor Ellsworth also requested a breakdown on the number of employee positions that were budgeted for 2008 and the number of positions that were not filled. The Director of Finance agreed to also prepare a report in this regard.

Regarding the Grants-in-Lieu-of Taxes issue, Councillor Puddister advised that he had previously suggested making a presentation to Municipalities Newfoundland and Labrador regarding passing resolutions to ask the Provincial Government to consider an exemption for municipalities on payroll taxes and a rebate of the provincial portion of the HST. The Chief Commissioner and City Solicitor noted that he will be attending a meeting of Chief Administrative Officers of the Urban Municipalities Committee to discuss this issue and get a sense of how the other municipalities feel about it. He noted that he would prepare a report on the results of the meeting for Council's regular meeting on Monday.

4. Invoice for Reception for the Opening of Fountain Pond at Bowring Park

The Committee considered a memorandum dated August 26, 2008, from Mayor O'Keefe requesting that consideration be given to approving 50/50 cost-sharing for payment of the above noted invoice.

The Committee recommends that the City approve 50/50 cost-sharing, with the Bowring Park Foundation, for payment of the invoice for the reception for the opening of the Fountain Pond at Bowring Park, in the amount of \$902.69.

5. CD# R2008-02-11/10 – Funding for Sidewalk Snowclearing Proposal

The Committee considered the above noted matter and agreed that the matter be referred to the Department of Public Works and Parks for consideration during the 2009 budget consultations.

6. Public Input on the Budget

Deputy Mayor Ellsworth advised that he is in favour of having public consultation on the City's budget and has discussed the matter with the Director of Finance. He suggested that one or two public sessions should be adequate for this year. The first meeting would be a public information session to explain the budget process, how the money is spent, what service levels are and how they impact the budget. The second meeting would be used to solicit input on the budget from the general public.

The Committee agreed that public consultations be held on the budget and that the matter be referred to the Director of Finance to determine the scheduling of these consultations.

7. Requests for Financial Support for Meetings, Conventions and Sporting Events

The Committee considered a memorandum dated September 4, 2008, from the Director of Corporate Services regarding the above noted matter.

The Committee recommends that the following grants be awarded as per Policy 04-09-02: Financial Support for Meetings, Conventions and Sporting Events:

- a. Canadian Risks & Hazards Network Symposium \$500
- b. 4th Biannual Nursing Research Day Conference \$500
- c. Cdn. Council on Rehabilitation and Work Conference \$750
- d. Atlantic Baseball Tournament – AAA Mosquito All-Stars \$500
- e. Assoc. of Engineering Technicians & Technologists NL \$0

8. Vera Perlin Charity Golf Tournament

The Committee considered correspondence from Joe Squires, Vera Perlin Society Golf Committee, requesting that the City sponsor a team in the organization’s annual golf tournament.

The Committee recommends this request be denied as the City only approves participation in and/or sponsorship of golf tournaments for those agencies directly related to the City’s mandate.

9. 4th Annual Business Awards Luncheon – Canadian Council on Rehabilitation and Work

The Committee considered a letter dated July 12, 2008, from Michelle Clarke, requesting use of the Foran Room and catering for the above noted event.

The Committee recommends that the City approve the use of the Foran Room and catering for the 4th Annual Business Awards Luncheon for the Canadian Council on Rehabilitation and Work.

The Director of Corporate Services advised that the Foran Room has been booked for another event on October 22nd, and suggested that the Recording Secretary contact the organization to determine another suitable date for the luncheon.

10. Request for Funding for Snowbusters Program 2008-2009

The Committee considered a letter dated July 18, 2008, from Rosemary Lester, Seniors Resource Centre regarding the above noted matter.

The Committee recommends that the request for \$11,000 in funding for the Snowbusters Program for 2008-2009 be pre-approved for the 2009 budget.

11. Request for Financial Support for the Protected Areas Association’s 19th Annual Benefit and Silent Auction

The Committee considered a letter dated August 1, 2008, from Ruth French, Protected Areas Association regarding the above noted matter.

The Committee recommends that the City contribute \$600 towards the Protected Areas Association Annual Benefit and Silent Auction.

12. Lantern Festival

The Committee considered a letter dated August 5, 2008, from Kathleen Parewick, Friends of Victoria Park requesting financial support for the Lantern Festival.

The Committee recommends that the request be denied, and that the organization be advised to make application in 2009 under the newly established Festival Funding Program.

13. Request for Waiver of Rental Fees for the Buckmasters Circle Community Centre

The Committee considered correspondence from Bonnie James, Buckmasters Circle Community Centre regarding the above noted matter.

The Committee recommends that the City waive the fees for the rental of the Buckmasters Circle Community Centre for the 15th anniversary celebrations.

14. Students for Sustainability Campus Tour

The Committee considered correspondence from Keith Dunne, Canadian Federation of Students, requesting sponsorship for the upcoming Students for Sustainability Campus Tour.

The Committee recommends that the request for sponsorship be denied as it does not meet the criteria for funding.

15. 2008 Super Walk Corporate Challenge

The Committee considered a letter from Patricia Morrissey, Parkinson Society of Newfoundland and Labrador requesting a financial contribution for the 2008 Super Walk Corporate Challenge

The Committee recommends that the request for a financial contribution be denied as it does not meet the criteria for funding.

16. Travel Funding to Attend Soccer Championship

The Committee considered a request from Joanne Hickman for travel funding for the Girls Under-18 St. John's Capitals Soccer Team to travel to the BMO National Club Soccer Championship in Vaughan, Ontario. The Director of Finance advised that the Department of Recreation's budget for team travel has been expended for this year, however, there is funding available in the Community Grants budget that could be used to fund the team's travel.

The Committee recommends that the City approve \$400 in travel funding for the Girls Under-18 St. John's Capitals Soccer Team, to be allocated from the Department of Recreation's Community Grants budget.

17. TSFC National Conference

The Committee considered correspondence from Janet Rumsey requesting conference funding for the TSFC National Conference taking place in St. John's from October 2-4, 2008.

The Committee recommends that a grant of \$750 be approved for the TSFC Conference as per Policy 04-09-02: Financial Support for Meetings, Conventions and Sporting Events.

Deputy Mayor Ron Ellsworth
Chairperson

SJMC2008-09-22/586R

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

Discussion ensued during which Councillor Duff suggested that Rogers Cable be approached relative to covering the public consultations on the budget following Council meetings. Deputy Mayor Ellsworth noted that the option can be pursued when the Director of Finance and City Treasurer determines the scheduling of these consultations.

Following discussion, the motion being put was unanimously carried.

Para Transit Advisory Committee Report dated September 18, 2008

Council considered the following Para Transit Committee Report dated September 18, 2008 along with a detailed chronology on its request for enhanced Provincial Government Funding for the Transit System.

Attendees: Cecil Whitten, Cerebral Palsy Association (Chairman)
Councillor Ron Ellsworth, Council Representative
Bill Westcott, Epilepsy NL
Lori Shea, CCB
Kate Morrison, MS Society
Margaret Murphy, CNIB
Vera Parsons, ILRC
Nancy Lear
Danny Allured, Wheelway Transportation
Una Tucker, Dept. of Health & Community Services
Robert Bishop, Director of Finance & City Treasurer
Karen Chafe, Recording Secretary

Request for Enhanced Provincial Government Funding for the Para Transit System

During the November 5th, 2007 Special Meeting of Council, the following recommendation from the October 30th, 2007 Para Transit Committee meeting was considered:

That a letter, under the Mayor's signature be forwarded to the Honourable Ross Wiseman, Minister of Health and Community Services, advising that if the Province's inadequate subsidy for the Para Transit System is not satisfactorily addressed during the next Provincial budget, that a sixty day notice following the budget announcement be given by the City to withdraw the Para Transit Service provided to the Province with respect to institutional and hospital transfers.

Council adopted the above noted report as presented, subject to staff being given the opportunity to meet with Provincial Government officials to discuss the issue of Provincial Government Funding for the Para Transit System, prior to a letter being written by the Mayor to Minister Wiseman, as recommended by the Committee.

As per Council's direction noted above, Deputy Mayor Ellsworth, Chairperson Whitten and the Director of Finance & City Treasurer have endeavoured to meet with Provincial Government representatives, including the Premier's office, to discuss the inequities of funding for the Para Transit System. Despite the efforts made by the Committee and Council, to date, there is still no movement by the Provincial Government to provide additional financial concessions for the Para Transit System. Given this lack of action, as detailed in the attached chronology, and the over-capacity crisis experienced by the Para Transit System, the Committee feels it has no option but to recommend the following:

The Committee on motion of Nancy Lear; seconded by Kate Morrison: recommends that Council rescind its original motion as noted above, and that Council impose immediate termination of institution to institution transfers by the Para Transit System.

The Committee very much regrets any inconvenience this will cause to person's affected by this decision but that without increased provincial funding and given the futility of numerous negotiations over many years, we feel that we have no choice but to terminate institutional transfers as a way to alleviate some of the stress on the Para-Transit system.

Cecil Whitten
Chairperson

Deputy Mayor Ellsworth acknowledged the presence in the chamber of representatives of the Para Transit Committee. He then noted the Committee's recommendation that Council rescind its original motion dated October 30th, 2007. He gave Notice of Motion to rescind the motion - "That a letter under the Mayor's signature be forwarded to the Honourable

Ross Wiseman, Minister of Health and Community Services, advising that if the Province's inadequate subsidy for the Para Transit System is not satisfactorily addressed during the next Provincial budget, that a sixty day notice following the budget announcement be given by the City to withdraw the Para Transit Service provided to the Province with respect to institutional and hospital transfers."

In accordance with Rule 52 of Council's Rules of Procedure, and with the unanimous consent of Council the one week wait period required to debate the motion was waived

SJMC2008-09-22/587R

It was then moved by Councillor Ellsworth; seconded by Councillor Colbert: That the Committee's recommendation of October 30th, 2007 that a letter under the Mayor's signature be forwarded to the Honourable Ross Wiseman, Minister of Health and Community Services, advising that if the Province's inadequate subsidy for the Para Transit System is not satisfactorily addressed during the next Provincial budget, that a sixty day notice following the budget announcement be given by the City to withdraw the Para Transit Service provided to the Province with respect to institutional and hospital transfers, be rescinded.

The motion being put was unanimously carried.

SJMC2008-09-22/588R

It was then moved by Councillor Ellsworth; seconded by Councillor Hann: That the Committee's recommendation as outlined above in the Committee's report of September 18, 2008 be revised to extend the deadline of termination for institution to institution transfers to October 14th, 2008 instead of immediate termination.

Discussion ensued during which some members of Council, though sharing the Committee's concerns and supporting the motion, expressed concern about the ultimatum aspect of the resolution, noting that discussions are ongoing with Minister Shawn Skinner and the Premier's office.

Deputy Mayor Ellsworth noted that he is hopeful a resolution can be reached with the Province before the October 14, 2008 deadline , however, he noted the service will still be available but funding will have to be worked out with the Province.

He also noted that a study of the Para Transit System is proposed by the Committee and Terms of Reference are being prepared.

Following discussion, the motion being put was unanimously carried.

Application of the Provincial Gasoline Tax to metrobus

Council considered as information a memorandum from the Director of Finance and City Treasurer regarding the above noted.

Councillor Collins

Councillor Collins advised that Cox's Lane manhole work should be completed this week.

Councillor Collins thanked members of Council for their support in awarding the Goulds Soccer Field Tender.

Councillor Hanlon

Councillor Hanlon commended the "Take Back the Night" Event and congratulated and thanked the co-ordinator and organizers from Newfoundland and Labrador Crisis Centre..

Councillor Hanlon advised that Recovering Addictions Fellowship Team will be unveiling their first Billboard on September 25, 2008 at 316 Freshwater Road and noted they would like Council as well as the Community to show their support by attending the event.

Councillor Hanlon asked the Public Works Committee to look at extending the hours of operation at the Robin Hood Bay Landfill on Saturdays.

Councillor Coombs

Councillor Coombs advised of a meeting to be held for homeowners living on Alderberry Lane on Tuesday, September 30, 2008, 7 p.m. at St. Theresa's Parish Hall, 120 Mundy Pond Road to discuss the ongoing issue of teenage rowdiness in the area.

Councillor Coombs advised that he received calls regarding the Fermeuse Park playground which has now been put on hold and a report from the Department of Recreation is pending relative to alternatives to moving the park.

Councillor Duff noted that she has requested the staff of the Department of Public Works and Parks through the Parks and Recreation Committee, to provide a briefing paper on the policies with regard to the placement and design of tot lots in subdivisions and the whole issue will be discussed by the Parks and Recreation Committee.

Councillor Galgay

Councillor Galgay reminded the general public of a meeting to be held on September 23, 2008 at 7 pm in the Foran/Greene Room to present the George Street Redevelopment Study and encouraged members of the general public to participate in the meeting.

Councillor Galgay advised that he received a call from Mr. Connolly of Quidi Vidi Road suggesting that the City consider placing sidewalk signs reminding residents of the designated street cleaning days, as is done for snow removal. The matter was referred to the Public Works, Environment and Protection Committee for consideration.

Councillor Art Puddister

Councillor Puddister noted that the equipment for Larner Street/ Clovelly Subdivision tot lot has been installed but the site has not been completed and cautioned parents of

the area of a potentially hazardous situation. He asked that staff advise when the work will be completed.

Councillor Puddister advised that it is anticipated that the work on clearing the Open Space on back of Larner Street will be finalized within the new few weeks.

Councillor Puddister encouraged members of Council and the general public to visit The Queen Elizabeth 2 cruise ship which will be arriving in Foxtrap, Conception Bay this week, which will be the final voyage of its career.

Councillor Hann

Councillor Hann alluded to the study undertaken by the Transportation Commission of the route system in the city and referred to an email from a user of the bus system commending the prompt service the system provides and indicating she plans to use the system on a permanent basis.

Councillor Hickman

Councillor Hickman noted that the combined cruise ship visits and conventions activity in the City have greatly impacted the overall downtown economy.

Councillor Hickman updated Council on the Employees of the Works, MUN negotiations and noted that for the time being a strike has been averted and that a vote will take place on Thursday.

Councillor Duff

Councillor Duff asked that when the flag for the Prince of Wales Prize for Municipal Heritage Leadership is taken down that the Themed Exhibits Committee consider having it displayed at City Hall.

Councillor Duff noted that the Prince of Wales Prize for Municipal Heritage Leadership, won by the City last year, has been awarded this year to Aurora,

Ontario. She asked that His Worship the Mayor write a letter of congratulations to the town on behalf of Council.

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Adjournment

There being no further business, the meeting adjourned at 6:15 p.m.

MAYOR

CITY CLERK