

September 14th, 2009

The Regular Meeting of the St. John's Municipal Council was held in the Council Chamber, City Hall, at 4:30 p.m. today.

His Worship the Mayor presided

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

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

Call to Order and Adoption of the Agenda

SJMC2009-09-14/520R

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

- a. Report/Recommendations, Para Transit Review Steering Committee of Sept. 9, 2009 Endorsed by Para Transit Advisory Committee of Sept. 11th, 2009, along with Correspondence from (1) Susan Ralph, Core Program Coordinator, Independent Living Resource Centre; (2) Andrea Crosbie; (3) Tina Whitten; (4) Cecil J. Whitten; (5) Debbie Ryan, (6) Margaret Murphy, (7) William Escott, (8) Darren Martin, President Cerebral Palsy Association of NL Inc., (9) Nancy Lear, (10) John Westcott
- b. Memorandum dated September 14, 2009 from the Director of Economic Development, Tourism and Culture re World Energy Cities Partnership Climate Change Accord
- c. Media Release - Cruise St. John's Preparing to Host Three Cruise Ships this week

Adoption of Minutes

SJMC2009-09-14/521R

It was decided on motion of Councillor Hickman; seconded by Councillor Puddister: That the Minutes of the September 8th, 2009 meeting be adopted as presented.

Para Transit Review Steering Committee Report/Recommendations of September 9th, 2009 endorsed by the Para Transit Advisory Committee of September 11th, 2009

Deputy Mayor Ellsworth presented the following Para Transit Review Steering Committee Report/Recommendations of September 9th, 2009 endorsed by the Para Transit Advisory Committee of September 11th, 2009; along with submissions from the following: (1) Susan Ralph, Core Program Coordinator, Independent Living Resource Centre; (2) Andrea Crosbie; (3) Tina Whitten; (4) Cecil J. Whitten; (5) Debbie Ryan, Margaret Murphy, (6) William Escott, (7) Darren Martin, President Cerebral Palsy Association of NL Inc., Nancy Lear, (8) John Westcott:

Attendees at Para Transit Review Steering Committee Meeting of September 9th:

Deputy Mayor Ron Ellsworth, Chairperson
Cecil Whitten, Chair of Para Transit Advisory Committee
Bill Westcott, Member of Para Transit Advisory Committee & Epilepsy Association Rep.
Katherine Turner, Eastern Health
Brendan Mullaly, Human Resources, Labour & Employment
Lynn Bryant, Transportation & Works
Robert Bishop, Director of Finance & City Treasurer
Karen Chafe, Recording Secretary

Attendees at Para Transit Advisory Committee Meeting of September 11th:

Cecil Whitten, Chairperson and Cerebral Palsy Association Rep.
Deputy Mayor Ron Ellsworth, Chairperson
Nancy Lear, Citizens Representative
Margaret Murphy, CNIB Rep
Kate Morrison, Multiple Sclerosis Rep
Susan Ralph, ILRC & COD Rep
Lori Shea, Canadian Council of the Blind Rep
Robert Bishop, Director of Finance & City Treasurer
Karen Chafe, Recording Secretary

Both Committees reviewed the short term recommendations of the iTrans Report as outlined on pages 28-33, attached. The Committees recommend approval of the short-term recommendations with the following revisions:

- Recommendation # 1 – Funding:
 - The Committee recommends that the funding model proposed be revised to state that the City develop a cost-shared formula with the stakeholders (the City of Mount Pearl and the Provincial Government), for funding the para-transit service.
- Recommendation # 2 - Fares:
 - The Committee recommends that Recommendations 2 (a) (b) and(c) be adopted as short-term recommendations and that 2 (d) be considered under the mid-term recommendations section.
- Recommendation # 3 – Operations:
 - Deputy Mayor Ellsworth advised that Recommendation 3 (a) has already been referred to Council and adopted.
 - With regard to Recommendation 3 (b), it was agreed that this recommendation be considered under Recommendation # 8 below.
- Recommendation # 4 – Operating Policies:
 - The Committee recommends that Recommendation 4 (a) and (b) be approved.
- Recommendation # 5 – Governance:
 - The Committee recommends that Recommendation 5 (a) (b) and (c) be approved.
- Recommendation # 6 – Eligibility:
 - The Committee recommends that this Recommendation be deferred in its entirety for consideration under the Mid-Term recommendations for review in consultation with the proposed coordinator position.
- Recommendation # 7 – Software Acquisition Project:
 - The Committee recommends approval of Recommendation 7 as outlined in the report.
- Recommendation # 8 – Accessible Taxi Demonstration Project:
 - The Committee recommends approval of Recommendation 8 subject to consultation with the Taxi Industry. With regard to Recommendation 3(b) with respect to ambulatory trips by taxi, it was agreed that this also be considered under the purview of Recommendation # 8, in consultation with Eastern Health.

It is further recommended that the Para Transit Review Steering Committee remain in place to oversee the implementation process.

Deputy Mayor Ellsworth
Chairperson
Para Transit Review Steering Committee

SJMC2009-09-14/522R

It was moved by Deputy Mayor Ellsworth; seconded by Councillor Hann: That the Committee's recommendations be adopted as presented.

Discussion ensued during which Councillor Coombs proposed a friendly amendment to the motion to defer any recommendations requiring additional funding, to allow the new Council an opportunity to deal with this new funding request. The proposed amendment to the motion failed due to lack of a seconder.

With the consent of the majority of Council, Councillor Coombs then made the following motion:

SJMC2009-09-14/523R

It was moved by Councillor Coombs; seconded by Councillor Colbert: That Recommendations #5 (b) – Create an Accessible Transit Coordinator Position; and #7 – Software Acquisition Project, be deferred for one week pending information on costing over the next four years.

Discussion continued during which Councillor Coombs asked the total cost of implementing the Committee's recommendations over the next four years, noting his objection to including additional funding in next year's budget until the new Council has had an opportunity to review the budget. Deputy Mayor Ellsworth advised that the total costs will not be known until funding from the other funding partners is secured. He noted that the Chair of the Committee and the users have asked that the recommendations as presented move forward at this time to ensure that the funding application to the Province can be submitted in time to meet their October budgeting process deadline. The Deputy Mayor noted Council's financial commitment to the Para Transit System and its most recent decision to extend the Para Transit contract, the province's commitment along with Mount Pearl's ridership contribution.

Following discussion, the motion to defer being put there voted for it Councillor Coombs. The motion was lost.

SJMC2009-090-14/524R

It was then moved by Deputy Mayor Ellsworth; seconded by Councillor Duff: That the Committee's recommendations be adopted as presented.

During discussion, Councillor Coombs though indicating his support of the report, reiterated his concern on the cost to the taxpayers and felt that the matter should be deferred pending review of the associated costs.

The motion being put was carried with Councillor Coombs dissenting.

Correspondence re World Energy Cities Partnership and Climate Change Accord

Under business arising, Council considered a memorandum dated August 7, 2009 from the Director of Economic Development, Tourism and Culture regarding the above, along with the a copy of the Climate Change Accord, proposed for WECP cities to be signed at the Annual General Meeting set for October 5-8, 2009 Calgary, Alberta. The Director of Economic Development also provided a document outlining the five elements defined in the accord. In addition, Council considered a memorandum dated September 14, 2009 from the Director of Economic Development, Tourism and Culture regarding the issue.

SJMC2009-09-14/525R

It was moved by Councillor Collins; seconded by Councillor Puddister: That St. John's as a member of World Energy Cities Partnership be a signatory to the Calgary Climate Change Accord.

Councillor Duff noted that she had previously expressed concern to Council with respect to the moving of the base lines on that Accord from 1990 to 2005. She expressed concern and objected to the fact that the City is signing on to the accord without having the opportunity to discuss the matter with people who are more informed, noting that in the absence of any real information she has no choice but to accept the information contained in the memorandum from the Director of Economic Development, Tourism and Culture and proceed with the motion.

The motion being put was carried with Councillor Duff dissenting.

Heritage Advisory Committee Report, September 8th, 2009

Council considered the following Heritage Advisory Committee Report dated September 8th, 2009

Attendees: Councillor Shannie Duff, Chairperson
Debbie O’Rielly, Heritage Foundation of NL
Neil Hardy, Downtown Development Commission
Glen Power, Downtown Development Commission
Ken O’Brien, Manager of Planning & Information
Peter Mercer, Heritage Officer
Helen Miller, Archivist
Margaret Donovan, Tourism Industry Coordinator
Karen Chafe, Recording Secretary

1. **20 King Edward Place (Designated Building) Proposed Double Garage**

The Committee considered background information with regard to the application for a double entry garage situated on the north elevation of 20 King Edward Place. This building is originally known as the Old General Hospital and is a heritage designated building. The Committee had originally approved an application for a single garage entry at this location.

The Committee recommends approval of the double entry garage subject to the retention of the original detailing as outlined on the first submission received by the Committee, attached. This detailing includes the curved staircase and veranda railing which is extended above the garage entryway, as well as the original design of the garage doors which show horizontal windows along the top.

2. **39 Queen’s Road (Designated Building) Proposed Ground Level Deck**

The Committee considered an application to install a fenced, ground level patio deck, not visible from Queen’s Road. The deck will be 16’ x 14’ in dimension and will be situated along the building’s west elevation, adjacent to the rear parking lot.

The Committee recommends approval of the application subject to the wooden materials being painted or stained in a color to complement the building.

3. **Committee Appointment of Glen Power**

The Committee has been advised by Neil Hardy, representing the Downtown Development Commission, that he will be out of the Province for approximately one year, and that the Downtown Development Commission has agreed to appoint Glen Power as his replacement in the interim of Mr. Hardy’s return to the Committee.

The Committee recommends approval of the appointment of Glen Power as replacement for Neil Hardy, representing the Downtown Development Commission.

Councillor Shannie Duff,
Chairperson

SJMC2009/09/14/526R

It was moved by Councillor Duff; seconded by Councillor Hickman: That the Committee’s recommendations be approved.

The motion being put was unanimously carried.

Development Permits List

Council considered as information the following Development Permit List for the period September 4th, 2009 to September 10th, 2009:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF September 4, 2009 To September 10, 2009**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES	Balnafad Co Ltd	Building Lot	20 Myrick Place	5	Approved	09-09-04
RES	Tripple D Holdings	Building Lot	Lions Road City View Terrace Subdivision	4	Rejected Insufficient Lot Frontage	09-09-09
IND	Elizabeth Seigal-AMEC	Installation of Road Weather Information System Tower	Blackhead Road	5	Approved	09-09-09

<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

SJMC2009-09-14/527R

It was decided on motion of Councillor Colbert; 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:

2009/09/09

Permits List

CLASS: COMMERCIAL

CABOT DEVELOPMENT CORP.LTD.	46A ABERDEEN AVE	MS CLINIC
M. SCOTT & CATHERINE DOWNEY	25 BAKER ST	MS CLUB
HOLIDAY LANES 1996 LTD.	27 ELIZABETH AVE	MS PLACE OF AMUSEMENT
HI-PERFORMANCE	205 LOGY BAY RD	MS CLUB
ST. KEVIN'S PARISH HALL	434-438 MAIN RD	MS OFFICE
P.F. COLLINS CUSTOM BROKERS	57 OLD PENNYWELL RD	MS CLUB
DORSET INVESTMENTS LIMITED	40 O'LEARY AVE	MS CLUB
DOLLARAMA	29 O'LEARY AVE	MS RETAIL STORE
SPARTAN FITNESS EQUIPMENT	71 O'LEARY AVE	MS RETAIL STORE
RIVERDALE TENNIS CLUB	4 PORTUGAL COVE RD	MS CLUB
COLUMBUS HALL COMPANY LTD	ST. CLARE AVE	MS CLUB
TOPSAIL ROAD PIZZERIA LOUNGE	660 TOPSAIL RD	MS TAVERN
AVIS	1 CLIFT'S - BAIRD'S COVE	SN OFFICE
NORTH ATLANTIC REFINING LTD.	694 WATER ST	SW SERVICE STATION
55945 NEWFOUNDLAND AND	49-55 ELIZABETH AVE	RN OFFICE
		THIS WEEK \$ 311,000.00

CLASS: INDUSTRIAL

THIS WEEK \$.00

CLASS: GOVERNMENT/INSTITUTIONAL

EASTERN SCHOOL DISTRICT	124 WATERFORD BRIDGE RD	EX SCHOOL
ST.MATTHEW'S SCHOOL	119 COWAN AVE	RN SCHOOL
		THIS WEEK \$ 180,000.00

CLASS: RESIDENTIAL

JAMES FLYNN	3 BALLY HALY PL	NC ACCESSORY BUILDING
GARY CUNNINGHAM	303 BAY BULLS RD	NC ACCESSORY BUILDING
ANGUS ERICKSON MCLEOD COOK & MATTHEW YOU DEN AND	60 BAYBERRY PL	NC FENCE
NFLD & LABRADOR HOUSING CORP	49 BELL'S TURN	NC ACCESSORY BUILDING
NFLD. & LAB. HOUSING CORP.	303 BLACKMARSH RD	NC FENCE
NFLD. & LAB. HOUSING CORP.	61 BROPHY PL	NC FENCE
NFLD. & LAB. HOUSING CORP.	89 BROPHY PL	NC FENCE
WENDY O'KEEFE	26 CARIBOU PL	NC PATIO DECK
STEVEN & HEIDI RYAN	30 CARIBOU PL	NC FENCE
AUSTIN W. CHILDS AND	55 CHEROKEE DR	NC ACCESSORY BUILDING
NFLD. & LABRADOR HOUSING CORP.	57 CODROY PL	NC FENCE
DELLA STAMP	69 DELLA DR	NC FENCE
WAYNE SMITH	16 DRUKEN CRES	NC ACCESSORY BUILDING
ROGER KNEE	27 DUMBARTON PL	NC ACCESSORY BUILDING
CHRISTOPHER/ROSE BRAGG	8 ELDERBERRY PL	NC FENCE
JAMES & ANICA STOWE	53 GOLD MEDAL DR, LOT 165	NC SINGLE DETACHED DWELLING
EDWARD & PATRICIA LUNDRIGAN	20 GUZZWELL DR	NC PATIO DECK
BARRY PETERS AND MELISSA PATEY	101 HALL'S RD	NC ACCESSORY BUILDING
SHANE VERGE	17 JAMIE KORAB ST	NC FENCE
LUANNE J. LANGDON	6 LANCASTER ST	NC FENCE
CHRIS & DENISE FLYNN	6 MACBETH DRIVE	NC ACCESSORY BUILDING
GORDON & FRANCES BOLAND	99 MACBETH DR	NC ACCESSORY BUILDING
NFLD & LABRADOR HOUSING CORP	77 MCKAY ST	NC FENCE
NICOLE SAUNDERS	482 NEWFOUNDLAND DR	NC ACCESSORY BUILDING
FREDERICK & ROSEMARY SULLIVAN	6 OLD BAY BULLS RD	NC ACCESSORY BUILDING
CHRISTOPHER CALVIN KENNY	54 OTTER DR	NC ACCESSORY BUILDING
NFLD & LABRADOR HOUSING CORP.	146 ST. CLARE AVE	NC FENCE

STEPHEN COADY	26 ST. LAURENT ST	NC ACCESSORY BUILDING
SHERWIN LAMBERT	23 WISHINGWELL RD	NC ACCESSORY BUILDING
ANGELICA DOLLIMONT	13 ODERIN PL	CR HOME OFFICE
MARTIN EDWARD MULLIGAN	1 MCNEILY ST	EX SEMI-DETACHED DWELLING
ROBERT SINNOTT	81 OLD BAY BULLS RD	EX SINGLE DETACHED & SUB.APT
VALERIE GULLIVER	12 APPLIEDORE PL	RN SINGLE DETACHED & SUB.APT
NEW VICTORIAN HOMES	5 SPRUCE GROVE AVE	RN SINGLE DETACHED DWELLING
SUSAN N RIDEOUT	42 COCHRANE ST	RN TOWNHOUSING
GILLIAN FISHER	64 GOWER ST	RN SINGLE DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP.	11 HOYLES AVE	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	13 HOYLES AVE	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	17 HOYLES AVE	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	19 HOYLES AVE	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	21 HOYLES AVE	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	23 HOYLES AVE	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	25 HOYLES AVE	RN TOWNHOUSING
MARK WILSON & TASHA REID	14 JAMIE KORAB ST	RN SINGLE DETACHED DWELLING
DARREN FREAKE	181 LEMARCHANT RD	RN SEMI-DETACHED DWELLING
HELEN WOODROW/ALEXANDER TODD	18 LESLIE ST	RN SINGLE DETACHED DWELLING
ROGER PERRY	12 NIGHTINGALE RD	RN SINGLE DETACHED & SUB.APT
TRUE NORTH HOMES	23 PETITE FORTE DR	RN SINGLE DETACHED DWELLING
MORRIS REID	32 QUEEN'S RD	RN SEMI-DETACHED DWELLING
ANDREW COLFORD	135 QUEEN'S RD	RN TOWNHOUSING
NFLD & LABRADOR HOUSING CORP.	146 ST. CLARE AVE	RN SINGLE DETACHED DWELLING
ERIC MCGRATH	619 SOUTHSIDE RD	RN SINGLE DETACHED DWELLING
ANTHONY POWER	22 SPRINGDALE ST	RN SEMI-DETACHED DWELLING
WAYNE ROCHE	734 WATER ST	RN SINGLE DETACHED & SUB.APT
BRIANNE HEAD	36 ALMOND CRES	SW SINGLE DETACHED DWELLING
SHAWNA LEE	128 EDISON PL	SW SEMI-DETACHED DWELLING
ARCH & BARBARA ROSE	15 LUCYROSE LANE	SW SINGLE DETACHED & SUB.APT
DAVID & LISA THOMPSON	91 RENNIE'S MILL RD	SW SINGLE DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP.	15 HOYLES AVE	SN TOWNHOUSING

THIS WEEK \$ 1,532,820.00

CLASS: DEMOLITION

THIS WEEK \$.00

THIS WEEK'S TOTAL: \$ 2,023,820.00

REPAIR PERMITS ISSUED: 2009/09/03 TO 2009/09/09 \$ 64,412.00

LEGEND

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

Payrolls and Accounts

SJMC2009-09-14/528R

It was decided on motion of Councillor Colbert; seconded by Councillor Hann: That the following Payrolls and Accounts for the weeks ending September 10th, 2009, be approved:

**Weekly Payment Vouchers
For The
Week Ending September 10, 2009**

PAYROLL

Public Works	\$ 310,956.46
Bi-Weekly Casual	\$ 104,064.03

ACCOUNTS PAYABLE

Cheque No. 151932 – 152196	\$3,509,134.10
Total:	\$3,924,154.59

63 Major's Path

Council considered a memorandum dated September 9, 2009 from the Chief Commissioner and City Solicitor re the above noted.

SJMC2009-09-14/529R

It was moved by Councillor Puddister; seconded by Councillor Hickman: That the recommendation of Chief Commissioner and City Solicitor that authority be given to sell half of land located at 63 Major's Path to Frederick Hearn and half to Reardon Construction at a rate of \$2.00 per square foot (approximately \$5,500.00) each, plus usual administration fees and HST, be approved.

The motion being put was unanimously carried.

61 Major's Path

Council considered a memorandum dated September 9, 2009 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2009-09-14/530R

It was moved by Councillor Puddister; seconded by Councillor Galgay: That the recommendation of the Chief Commissioner and City Solicitor that approval be granted to compensate Mr. Fred Hearn \$4,000.00 plus legal fees for land at 61 Major's Path, expropriated by the City for street upgrading, be approved.

The motion being put was unanimously carried.

East White Hills Road – 50242 Newfoundland and Labrador Inc.

Council considered a memorandum dated September 9, 2009 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2009-09-14/531R

It was moved by Councillor Duff; seconded by Councillor Hanlon: That the recommendation of the Chief Commissioner and City Solicitor that land created by the realignment of East White Hills, be sold for \$25,658.00 (\$77,750/acre) to 50242 Newfoundland and Labrador Inc., be approved.

The motion being put was unanimously carried.

Wall Mounted Billboard Sign, 49-55 Elizabeth Avenue

Council considered a memorandum dated September 9th, 2009 from the Director of Building and Property Management regarding the above noted.

SJMC2009-09-14/532R

It was moved by Councillor Hanlon; seconded by Councillor Hickman: That the recommendation of the Director of Building and Property Management to approve an application for the installation of a wall mounted, illuminated, tri-view billboard sign at 49-55 Elizabeth Avenue be accepted, since the billboard has been approved by the Traffic Division, and is in compliance with the draft regulations regarding electronic, tri-view and projection signs.

The motion being put was unanimously carried.

**Application to Rezone Property to the Residential Mixed Use (RM) Zone, 261 Empire Avenue (Ward 4), Proposed Office Building
Applicant: Facey Financial Planning and Consulting Inc.**

Council considered a memorandum dated September 11th, 2009 from the Director of Planning regarding the above noted.

SJMC2009-09-14/533R

It was moved by Councillor Hanlon; seconded by Councillor Duff: That the application from Facey Financial Planning and Consulting Inc. to have a residential property situated at 261 Empire Avenue rezoned to the Residential Mixed Use (RM) Zone to permit the building to be converted to a business office, be referred to a public hearing to be chaired by a member of Council.

The motion being put was unanimously carried.

Media Release - Cruise St. John's Preparing to Host Three Cruise Ships this week

His Worship the Mayor presented a media release advising that the port city of St. John's will host three large cruise ships this week, the Celebrity Constellation, the Aurora and the Crown Princess.

Councillor Hanlon

Councillor Hanlon referred a recent petition submitted to Council concerning noise, Wexford Street. The owner had been found to be in compliance with all applicable regulations of the City of St. John's and no further action was required. She advised that the owner was not aware of the petition and asked why he had not been contacted by City staff. The Chief Commissioner and City Solicitor noted that staff proceeded on the basis that the owner was in compliance with the regulations and there was no requirement to proceed further.

Deputy Mayor Ellsworth

The Deputy Mayor Ellsworth asked that staff provide information on the cost implications to have the Goulds serviced by the St. John's Regional Fire Department on a full time basis.

Water Ban

The Associate Commissioner and Director of Engineering advised that without very heavy rainfall, it is not likely the water ban will be lifted this fall, noting despite recent rain the reservoirs are still extremely low and "we have to err on the side of caution."

Adjournment

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

MAYOR

CITY CLERK