

January 21, 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.

His Worship the Mayor presided.

There were present also Deputy Mayor O'Keefe, Councillors Duff, Colbert, Hickman, Hann, Puddister, Galgay, Coombs, Ellsworth and Collins.

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

Call to Order and Adoption of the Agenda

SJMC2008-01-21/31R

**It was decided on motion of Councillor Ellsworth; seconded by Councillor Duff:
That the Agenda be adopted as presented.**

Adoption of Minutes

SJMC2008-01-21/32R

**It was decided on motion of Councillor Ellsworth; seconded by Councillor Duff:
That the Minutes of the January 14th, 2008 meeting be adopted as presented.**

Air Canada

Under business arising, Council considered a memorandum dated January 17, 2008 from the Chief Commissioner and City Solicitor regarding the above noted advising that as requested by the Mayor he has reviewed the provisions of the Department of Transport Act and the Canada Transportation Act to ascertain what the appropriate mechanism would be to have a public enquiry into service quality issues experienced by customers of Air Canada. Under section 7.1 of the Department of Transport Act the Minister of Transport has the authority, with the approval of the Governor in Council, to have an enquiry conducted into any matters he is authorized to deal with under the Canada Transportation Act. Alternatively, the Minister has the power under section 489 of the Canada Transportation Act to direct the Canada

Transportation Agency to “enquire into any matter concerning transportation”, which the Chief Commissioner and City Solicitor noted might be the best approach although Council can put both alternatives to the Minister.

Council agreed with the approach put forward by the Chief Commissioner & City Solicitor, that before proceeding with the public inquiry by the Federal Transport Department, Council ask the general public to forward their detailed experiences and complaints to the City Clerk or directly to the Office of the Mayor, which would be forwarded to the Minister in support of the City’s request. He noted however, that before proceeding, the City’s request would have much more force if specific complaints were obtained which could be forwarded to the Minister in support of the City’s request. Council concurred and asked the general public to forward their detailed experiences and complaints to the City Clerk or directly to the Office of the Mayor.

Rezoning from RA to R1 for Proposed Extra Building Lot, Civic Number 225 Portugal Cove Road (Ward 1), Ms. Barbara Fagan

Under business arising, Council considered a memorandum dated January 18, 2008 from the Director of Planning regarding the above noted.

SJMC2008-01-21/33R

It was moved by Councillor Puddister; seconded by Councillor Coombs: That the proposed rezoning of property at Civic No. 225 Portugal Cove Road, and the six (6) properties from Civic Nos. 213 to 227 Portugal Cove Road, from the Residential-Special (RA) Zone to the Residential Low Density (R1) Zone be referred to a public meeting.

The motion being put was unanimously carried.

Development Committee Report dated January 15, 2008

Council considered the following Development Committee Report dated January 15, 2008:

- 1. Proposed NLC Liquor Store
PHB Group Inc.
Civic No. 123-125 New Gower Street (Ward 2)**

The Development Committee recommends that Council grant approval for the Temporary Occupancy of Civic No. 123-125 New Gower Street for the NLC Retail Outlet subject to the following conditions:

- a. approval by the City's Department of Building and Property Management;
- b. approval by Council and St. John's Sports and Entertainment Ltd. for the installation of Parking Meters along the lay-by in front of the St. John's Convention Centre with the condition that the meters be taken out of service for all scheduled events at the Convention Centre
- c. the City's Transportation Engineer recommends a Temporary Loading Zone along the frontage of 123-125 New Gower Street as an interim measure until such time that weather permits the necessary site work to accommodate the loading doors at the rear of the building to be completed;
- d. delivery to the City of security, estimated by the City in amount of \$65,000.00 for the uncompleted site work prior to the issuance of the permit for Temporary Occupancy; and
- e. the issue of the installation of a retaining wall along the street frontage of New Gower Street has to be addressed to the City's satisfaction prior to final occupancy being granted.

Art Cheeseman, Chairperson
Associate Commissioner/Director of Engineering

SJMC2008-01-21/34R

Regarding Item #1: It was decided on motion of Councillor Hann; seconded by Councillor Duff: That the Committee's recommendation of approval subject to the conditions outlined, be accepted.

Development Permits List

Council considered as information the following Development Permits List for the period January 11th, 2008 to January 17th, 2008.

DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF JANUARY 11, 2008 TO JANUARY 17, 2008

ISSUED FOR INFORMATION PURPOSES ONLY

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
Com.	Mr. Reg Costello	Home Office for a Small Engine Repair Business (Office Use Only – No Repair Work to Occur on Site)	Civic No. 22 North Drive, Goulds	Ward 5	Application Approved	2008 01 16
Com.	Perennial Management Limited	Proposed Extension to Piper's Department Store	Fall River Plaza / Civic No. 272-276 Torbay Road	Ward 1	Revised Site Plan Approval	2008 01 17

*	Code Classification: RES COM AG	- Residential Institutional - Commercial Industrial - Agriculture	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.			

Ed Murray
Development Officer
Department of Planning

Building Permits List

SJMC2008-01-21/35R

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

2008/01/16

Permits List

CLASS : COMMERCIAL

CORE INSIGHT CHIROPRACTIC	40 ABERDEEN AVE	MS CLINIC
DOWNEAST COMMUNICATIONS	40 ABERDEEN AVE	MS RETAIL STORE
PIZZA DELIGHT ENTERPRISES INC.	46 ABERDEEN AVE	MS RESTAURANT
SWISS CHALET	70 ABERDEEN AVE	MS RESTAURANT
MAGICUTS	90 ABERDEEN AVE	MS SERVICE SHOP
SMART SET	79B ABERDEEN AVE	MS RETAIL STORE
ADDITIONELLE	95C ABERDEEN AVE	MS RETAIL STORE
ANDY BIRMINGHAM/PAULA UPSHALL	277 BAY BULLS RD	MS CONVENIENCE STORE
BLACKMARSH SUPERETTE	137 BLACKMARSH RD	MS CONVENIENCE STORE
SALTWATER IMAGES INC.	203 BLACKMARSH RD	MS RETAIL STORE
X-STATIC HAIR SALON	271 BLACKMARSH RD	MS SERVICE SHOP
BLACKMARSH MINI MART	711 BLACKMARSH RD	MS CONVENIENCE STORE
PETER'S PIZZA&GOLDEN FOODS LTD	135 CAMPBELL AVE	MS RESTAURANT

B.P.O. ELKS	CARPASIAN RD	MS COMMUNICATIONS USE
FIRST CHOICE HAIRCUTTERS	84-86 ELIZABETH AVE	MS SERVICE SHOP
THE CUTTING EDGE HAIR SALON	17-21 ELIZABETH AVE	MS SERVICE SHOP
IRVING OIL LTD.	71-77 ELIZABETH AVE	MS SERVICE STATION
FIRST CHOICE HAIRCUTTERS	336 FRESHWATER RD	MS SERVICE SHOP
MONEY MART	336 FRESHWATER RD	MS OFFICE
TRAVEL CUTS LTD.	342 FRESHWATER RD	MS OFFICE
KENNY ENTERPRISES LIMITED	12 GLENEYRE ST	MS CONVENIENCE STORE
SALON 56	15 GOLDSTONE ST	MS SERVICE SHOP
UPTOWN HAIR DESIGN &	169 HAMLYN RD	MS SERVICE SHOP
JUMBO VIDEO	12-20 HIGHLAND DR	MS RETAIL STORE
CANADIAN TIRE REAL ESTATE	50 KELSEY DR	MS COMMERCIAL GARAGE
FIRST CHOICE HAIRCUTTERS	55 C KELSEY DR	MS SERVICE SHOP
ADDITIONELLE	30 KENMOUNT RD	MS RETAIL STORE
KIDDIE KOBBLER	58 KENMOUNT RD	MS RETAIL STORE
24/7 SECURITY SERVICES INC.	58 KENMOUNT RD	MS OFFICE
INDIGO BOOKS & MUSIC INC.	70 KENMOUNT RD	MS RETAIL STORE
SALVATION ARMY NAT.RECYCLING	49-51 KENMOUNT RD	MS RETAIL STORE
VOQUE OPTICAL	51 KENMOUNT RD	MS SERVICE SHOP
VALUE VILLAGE STORES INC.	161 KENMOUNT RD	MS RETAIL STORE
10605 NEWFOUNDLAND LIMITED	193 KENMOUNT RD	MS RETAIL STORE
BUDS FINE FOODS INC.	207 KENMOUNT RD	MS RESTAURANT
BELRON CANADA INCORPORATED	439 KENMOUNT RD	MS COMMERCIAL GARAGE
LOU'S AUTOMOTIVE INC.	468 LOGY BAY RD	MS COMMERCIAL GARAGE
LAKEVIEW CHIROPRACTIC	1 LOGY BAY RD	MS CLINIC
PETERS PIZZA	431-435 MAIN RD	MS TAKE-OUT FOOD SERVICE
TRAVEL QUEST	239 MAJOR'S PATH	MS OFFICE
ABC SIDING & WINDOWS INC.	1 MARCONI PL - ABC SIDING	MS RETAIL STORE
YW-YMCA	NEW COVE RD	MS CLUB
ESSENTIAL CHIROPRACTIC	119 NEW COVE RD	MS CLINIC
CANTON RESTAURANT	200-232 NEWFOUNDLAND DR	MS RESTAURANT
PIZZA EXPRESS #2	446 NEWFOUNDLAND DR	MS RESTAURANT
PIZZA EXPERTS	446 NEWFOUNDLAND DR	MS EATING ESTABLISHMENT
DARRELL TUCKER	36 PEARSON ST	MS SERVICE SHOP
SECOND PAGE BOOK STORE	36 PEARSON ST	MS RETAIL STORE
DOWNEAST-TAS COMMUNICATIONS	34 PIPPY PL	MS RETAIL STORE
SPEEDY GLASS	9 PIPPY PL	MS COMMERCIAL GARAGE
NORTH ATLANTIC REFINING	29-31 PIPPY PL	MS OFFICE
ACTION INVESTMENTS LTD.	279 PORTUGAL COVE RD	MS CLINIC
VIDEO CONNECTION INC.	279 PORTUGAL COVE RD	MS RETAIL STORE
JUMBO VIDEO #46	20 ROPEWALK LANE	MS RETAIL STORE
STAND "N" TAN	20 ROPEWALK LANE	MS SERVICE SHOP
COLOR YOUR WORLD	40 ROPEWALK LANE	MS RETAIL STORE
STASSIS FOOD INC.	38 ROPEWALK LANE	MS RESTAURANT
STASSIS INVESTMENTS INC.	38 ROPEWALK LANE	MS RESTAURANT
GRIFFITHS GUITAR WORKS	117 ROPEWALK LANE	MS RETAIL STORE
CURVES	117 ROPEWALK LANE	MS CLUB
IRVING OIL LTD	2 STAVANGER DR	MS RETAIL STORE
KENT	10 STAVANGER DR	MS RETAIL STORE
PC MEDIC INCORPORATED	16 STAVANGER DR	MS RETAIL STORE
ZELLAR'S	24 STAVANGER DR	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
ARIZONA HEAT INC.	386 STAVANGER DR	MS SERVICE SHOP
MUSIC CITY	15-27 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
SPARTAN	681 TOPSAIL RD	MS RETAIL STORE
PIPERS DEPARTMENT STORES	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
PIPER'S DEPARTMENT STORES	272-276 TORBAY RD	MS RETAIL STORE
SYLVAN LEARNING CENTRE	272-276 TORBAY RD	MS COMMERCIAL SCHOOL
NORTH ATLANTIC REFINING LTD.	280 TORBAY RD	MS RETAIL STORE
FIRST CHOICE HAIRCUTTERS LTD.	TORBAY RD	MS SERVICE SHOP
COLOR YOUR WORLD	464 TORBAY RD - COLOR YOUR WOR	MS RETAIL STORE
JOSADA HAIR STUDIO	TORBAY ROAD-TORBAY RD MALL	MS SERVICE SHOP
PLAY IT AGAIN SPORTS	TORBAY ROAD-TORBAY RD MALL	MS RETAIL STORE
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
PETER'S PIZZA	411 TORBAY RD	MS RESTAURANT
PETER'S PIZZA & GOLDEN FOODS	411 TORBAY RD	MS RESTAURANT
CLARKE ENTERPRISES LIMITED	585 TORBAY RD	MS RESTAURANT
JOY'S HAIR BOUTIQUE INC.	611 TORBAY RD -JOY'S HAIR BOUT	MS SERVICE SHOP
TROPICAL AND MARINE PETS INC.	611 TORBAY RD	MS RETAIL STORE
CASH N CARRY	504 WATER ST	MS OFFICE
NORTH ATLANTIC REFINING LTD.	694 WATER ST	MS SERVICE STATION
REMAX PLUS REALTY	6 ROTARY DR	NC ACCESSORY BUILDING
SONY STORES	AVALON MALL, SONY KIOSK	TI RETAIL STORE
PEOPLE'S JEWELLERS	AVALON MALL, PEOPLES JEWELLERS	CR RETAIL STORE
GEMINI REALITY	280 TORBAY RD	RN OFFICE
SONY OF CANADA LTD.	AVALON MALL	RN RETAIL STORE

THIS WEEK \$ 334,500.00
TO DATE \$ 1,265,250.00

CLASS: GOVERNMENT/INSTITUTIONAL

FED GOVT (SIR HUMPH. GILBERT) 175-177 DUCKWORTH ST, CRA OFFI RN ADMIN BLDG/GOV/NON-PROFIT

THIS WEEK \$ 200,000.00
TO DATE \$ 203,000.00

CLASS: RESIDENTIAL

SANDRA MARTIN	22 COOK ST	NC FENCE
GIBRALTAR DEVELOPMENT	40 JULIEANN PL, LOT 77	NC SINGLE DETACHED DWELLING
EXMOUTH MANOR	78 THORBURN RD	CR CONDOMINIUM
DOWNHOME CONSTRUCTION LTD	53 BRAD GUSHUE CRES, LOT 62	RN SINGLE DETACHED DWELLING
BARRY ANTLE	12 CORNWALL AVE	RN SINGLE DETACHED DWELLING
MALCOLM JEWER	41 HOPEDALE CRES	RN SINGLE DETACHED DWELLING
4338553 CANADA INC.G CORP.	3 KELLY ST	RN TOWNHOUSING
PERRY A.S. GRANDY &	326 STAVANGER DR	RN SINGLE DETACHED DWELLING

THIS WEEK \$ 256,714.00
TO DATE \$ 2,047,264.00

CLASS: DEMOLITION

NFLD & LABRADOR HOUSING CORP.	67-77 CHALKER PL	DM TOWNHOUSING
DENIS MURPHY	AVALON MALL NO. 1 - SIRENS	DM RETAIL STORE

THIS WEEK \$ 84,500.00
TO DATE \$ 119,500.00

THIS WEEK'S TOTAL: \$ 875,714.00

TOTAL YEAR TO DATE: \$ 3,635,014.00

REPAIR PERMITS ISSUED:	2008/01/10 TO 2008/01/16 \$	9,000.00
	2007/12/13 TO 2008/01/16 \$	37,800.00 YTD

LEGEND

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

Payrolls and Accounts

SJMC2008-01-21/36R

It was decided on motion of Councillor Hann; seconded by Councillor Coombs: That the following Payrolls and Accounts for the week ending January 17th, 2008 be approved as presented:

**Weekly Payment Vouchers
For The
Week Ending January 17, 2008**

PAYROLL

Public Works	\$ 421,106.99
Bi-Weekly Casual	\$ 8,190.53

ACCOUNTS PAYABLE

Cheque No. 126840-127072	\$2,531,945.93
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Total:	\$2,961,243.45
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Tenders

- a. Tender – Waste Management Division, Office Space Tender

SJMC2008-01-21/37R

It was decided on motion of Councillor Hann; seconded by Councillor Coombs: That the recommendations of the Chief

Commissioner and City Solicitor be approved and the tender awarded as follows:

- a. **Re/Max at a cost of \$86,250.00 plus HST**

Newfoundland Power Easement, Robin Hood Bay

Council considered a memorandum dated January 17, 2008 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2008-01-21/38R

It was decided on motion of Councillor Puddister; seconded by Councillor Coombs: That staff be authorized to enter into a lease of the easement rights, respecting Newfoundland Power Easement, Robin Hood Bay, for a long term with a condition that an easement be granted in perpetuity, once and if the title to the landfill is fully vested in the City; and further, that staff be authorized to work toward having the land of the landfill transferred from the Province to the City.

3 Bell's Turn

Council considered a memorandum dated January 15, 2008 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2008-01-21/39R

It was decided on motion of Councillor Ellsworth; seconded by Councillor Puddister: That land at 3 Bell's Turn be sold to Maureen Dymond, at a price to be based on \$2.00 per square foot (\$3,690.00) plus an administrative fee of \$500.00 plus HST.

Snow Clearing Report

Council considered as information the Snow Clearing Reports for the period January 1st to December 31st, 2007 and for 2008 to date. The Report for the full 2007 fiscal year shows a positive variance of \$1,499.00 after including significant expense in December. The Report for 2008 shows to date a negative variance (actual in excess of budget) of over \$273,000.00, almost entirely in personnel costs, particularly overtime.

Letter dated January 11th, 2008 from Agnes Walsh, Poet Laureate re her travel as the City's Poet Laureate

Council considered as information the above noted letter from Agnes Walsh concerning her travel as the City's Poet Laureate. Councillor Duff suggested that

perhaps Ms. Walsh would be interested in meeting with Council when she returns from her travels.

Request for Art Procurement Reception

Council considered a memorandum dated January 17, 2008 from Councillor Duff regarding the above noted.

SJMC2008-01-21/40R

It was decided on motion of Deputy Mayor O'Keefe; seconded by Councillor Hickman: That the City hold a reception in honour of the opening of this year's Arts Procurement Program Exhibit, to be held February 7th, 2008 in the Great Hall.

Deputy Mayor O'Keefe

Deputy Mayor O'Keefe tabled a proposal to have high volume connector streets included in the City's sidewalk snowclearing policy and asked that it be referred to the Public Works Environment and Protection Standing Committee for consideration. He proposed that the funding be allocated from the snow clearing reserve fund. Deputy Mayor O'Keefe advised that his proposal is in response to the public concern on the issue of sidewalk clearing. His Worship the Mayor questioned the funding of such proposal and maintained that opening up sidewalks would only create additional unsafe, icy sidewalks. Other members of Council expressed concern with respect to the impact on the City's budget with Councillor Ellsworth indicating he would prefer to see the previous pilot project put back on the table.

Councillor Duff

Councillor Duff tabled the Grand Concourse Authority Benefits Study.

SJMC2008-01-21/41R

It was moved by Councillor Duff; seconded by Councillor Ellsworth: That the Grand Concourse Authority Benefits Study be distributed to the Departments of Recreation, Public Works and Parks, Economic Development, Tourism and Culture and Planning to review the recommendations and prepare comments and recommendations for the relevant Standing Committees of Council on how the study's recommendations can be incorporated into the City's programs and activities, with a view to maintaining and maximizing the benefits to the citizens of St. John's provided by the Grand Concourse Trail System.

The motion being put was unanimously carried.

Councillor Hann

Councillor Hann acknowledged the presence of Margie Jeans who will be retiring, January 31st, after twenty-two years of service. Members of Council congratulated Margie and thanked her for her many years of service to the City.

Councillor Collins

Councillor Collins reminded the general public that a public meeting will be held on January 24, 2008 to discuss an application by Welcome Homes Ltd. to rezone the property situated at Civic Number 2 1/2 Syme's Bridge from the Residential Medium Density (R2) Zone to the Apartment Low Density (A1) Zone to permit the construction of a three (3) unit apartment building.

Councillor Collins congratulated the Mayor on his recent appointment as Chair and CEO of the Public Utilities Board.

Adjournment

There being no further business, the meeting adjourned at 5:00 p.m.

MAYOR

CITY CLERK