

January 19, 2009

The Regular Meeting of the St. John's Municipal Council was held in the Council Chamber, City Hall, at 5:00 p.m. today.

Mayor Dennis O'Keefe 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

SJMC2009-01-19/31R

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

- a. Memorandum dated January 15, 2009 from the Chief Commissioner and City Solicitor re Clearing of Sidewalks in the Downtown
- b. Memorandum dated January 19, 2009 from Councillor Collins re Goulds Winter Carnival
- c. Cultural Performance Component for Cruise Ship Visitors

Adoption of Minutes

SJMC2009-01-19/32R

It was decided on motion of Councillor Hickman; seconded by Councillor Collins: That the Minutes of the January 12th, 2009 meeting be adopted as presented with the following correction:

Page 5 – minutes should reflect that “Councillor Hann made the following statement not Councilor Duff as the minutes indicate: “there is nothing untoward with Councillors attending the meeting”.

Tim Horton's

His Worship the Mayor acknowledged in the Chamber representatives from Tim Horton's. He advised that Council met with the delegation today prior to this meeting discuss the problems being experienced with traffic from various outlets spilling onto public roadways. He noted that the plan presented to deal with the situation was satisfactory to Council and includes measures such as land acquisitions to increase the drive-thru capacity, changing traffic patterns on parking lots and doubling up lineups at some sites.

His Worship the Mayor commended the corporation and staff on the efficient manner in which they responded to the issue. He also commended and thanked Tim Hortons on their invaluable community involvement.

Councillor Hann commended staff as well as Tim Horton's corporation for their efforts in arriving at a satisfactory resolution noting that Council may have "jumped the gun" on imposing a moratorium on drive thru operations and questioned if Council would be willing to entertain a motion to rescind that decision. His Worship the Mayor noted that the decision was made in the interest of public safety and the intent of the motion was to deal with applications on an individual basis and to ensure the requirements of the traffic division are met.

Councillor Hann then gave the following Notice of Motion

TAKE NOTICE that I will at the next regular meeting of the St. John's Municipal Council move to rescind the Motion of Council to declare a moratorium on drive-thru restaurants.

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.

SJMC2009-01-19/33R

It was then moved by Councillor Coombs; seconded by Councillor Duff: That the motion of Council to declare a moratorium on drive-thru restaurants, be rescinded.

Members of Council pointed out that the decision of Council on January 5, 2009 to place a moratorium on drive thru operations was unanimous, with it being noted that Councillors Colbert and Duff were absent from that meeting.

Members of Council reiterated the Mayor's comments relative to the intent of the motion, and commended the quick action taken by Tim Horton's Corporation in collaboration with staff for their efforts in arriving at a satisfactory resolution to address the problem of traffic from the various outlets spilling onto the roadways. Members of Council again commended and thanked Tim Horton's and recognized their importance as corporate citizens.

The motion to rescind being put was unanimously carried.

Business Arising

Proposed Text Amendment to the St. John's Development Regulations, Minimum Lot Area Requirement for Converted Buildings in the R3 Zone

Council considered a memorandum dated January 15, 2009 from the Director of Planning regarding the above noted.

SJMC2009-01-19/34R

It was moved by Councillor Galgay; seconded by Councillor Duff: That the following Resolution for St. John's Development Regulations Amendment Number 449, 2009, be adopted, 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 449, 2009**

WHEREAS the City of St. John's wishes to have the discretionary authority to vary the minimum Lot Area requirement for a "Converted Building" in the Residential High Density (R3) Zone.

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

Amend Section 10.5.3(3) (a) [RESIDENTIAL HIGH DENSITY (R3) ZONE – Zone Requirements – Converted Building] by deleting the present: “Lot Area (minimum) 560 m²” and replacing it with the following:

“(a) Lot Area (minimum) at the discretion of Council”

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 on behalf of Council this 19th day of **January, 2009.**

Mayor

**Director of Corporate Services/
City Clerk**

I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

MCIP

Provincial Registration

The motion being put was unanimously carried.

**Proposed Text Amendment-St. John’s Development Regulations
Building Height in the Fort Amherst Area (Ward 5)**

Council considered a memorandum dated January 14, 2009 from the Director of Planning regarding the above noted.

SJMC2009-01-19/35R

It was moved by Councillor Galgay; seconded by Councillor Duff : That the following Resolution for St. John’s Development Regulations Amendment Number 450, 2009 be adopted, 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 450, 2009**

WHEREAS the City of St. John's wishes to protect the existing significant private views of residential properties located in the Fort Amherst area which are in the Residential High Density (R3) Zone.

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

Amend Section 10.5.3 (RESIDENTIAL HIGH DENSITY (R3) ZONE – Zone Requirements) by adding the following statement at the beginning:

“Notwithstanding the following, an application to construct or enlarge a building situate in the Fort Amherst residential area (from Civic Number 8 Fort Amherst Road up to and including Civic Number 56 Fort Amherst Road on one side of the road, and Civic Number 55 Fort Amherst Road up to and including Civic Number 59 Fort Amherst Road on the other side of the road) may be subject to height limitations.”

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 on behalf of Council this 19th day of **January, 2009**.

Mayor

**Director of Corporate Services/
City Clerk**

Provincial Registration

I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

MCIP

The motion being put was unanimously carried.

Notice of Motion (Councillor Coombs) - St. John’s Sign By-Law

SJMC2009-01-19/36R

Pursuant to Notice of Motion, it was moved by Councillor Coombs; seconded by Councillor Galgay: That the following Sign (Amendment No. 1, 2009) By-Law, be adopted:

BY-LAW NO.

SIGN (AMENDMENT NO. 1 – 2009) BY-LAW

PASSED BY COUNCIL ON JANUARY 19, 2009

Pursuant to the powers vested in it under the City of St. John’s Act, RSNL 1990 c.C-17, as amended and all other powers enabling it, the City of St. John’s enacts the following By-Law relating to signage.

BY-LAW

1. This By-Law may be cited as the “St. John’s Sign (Amendment No. 1 – 2009) By-Law.
2. Section 4(f) of the St. John’s Sign By-Law is repealed and the following substituted:
 - “4(f) non-illuminated real estate signs advertising a property for sale or rent provided
 - (i) the sign does not exceed 1 metre²; and
 - (ii) the sign is in place for a period of time less than 12 consecutive months.

IN WITNESS WHEREOF the Seal of the City of St. John’s has been hereunto affixed and this By-Law has been signed by the Mayor and City Clerk this 19th day of January, 2009.

MAYOR

CITY CLERK

The motion being put was unanimously carried.

Election Finance By-Law

SJMC2009-01-19/37R

Pursuant to Notice of Motion, it was moved by Councillor Coombs; seconded by Councillor Galgay: That the following Election Finance (Amendment No. 1-2009) By-Law be adopted:

BY-LAW NO.

ELECTION FINANCE (AMENDMENT NO. 1 – 2009) BY-LAW

PASSED BY COUNCIL ON JANUARY 19, 2009

Pursuant to the powers vested in it under the Municipal Elections Act RSNL 1990 c. M-20.2, as amended and all other powers enabling it the City of St. John’s enacts the following By-Law relating to municipal election finances.

BY-LAW

1. This By-Law may be cited as the “St. John’s Election Finance (Amendment No. 1 – 2009) By-Law.
2. Section 6 of the St. John’s Election Finance By-Law is repealed and the following substituted:
 - “6. *All candidates in an election, including those not elected, shall not more than 90 days after the election, file with the returning officer a statement under oath or affirmation that the total amount of the expenditures made by him or her did not exceed the limits set out in section 3 of this By-Law.*”

IN WITNESS WHEREOF the Seal of the City of St. John’s has been hereunto affixed and this By-Law has been signed by the Mayor and City Clerk this 19th day of January, 2009.

MAYOR

CITY CLERK

The motion being put was unanimously carried.

Ward Boundaries By-Law

SJMC2009-01-19/38R

Pursuant to Notice of Motion, it was moved by Councillor Coombs; seconded by Councillor Galgay: That the following Ward Boundaries (Amendment No. 1- 2009) By-Law be adopted:

BY-LAW NO.

WARD BOUNDARIES (AMENDMENT NO. 1 – 2009) BY-LAW

PASSED BY COUNCIL ON JANUARY 19, 2009

Pursuant to the powers vested in it under the Municipal Elections Act RSNL 1990 c. M-20.2, as amended and the City of St. John’s Act RSNL 1990 c. C-17, as amended and all other powers enabling it the City of St. John’s enacts the following By-Law.

BY-LAW

1. This By-Law may be cited as the “Ward Boundaries (Amendment No. 1 – 2009) By-Law.
2. Section 3 of the Ward Boundaries By-Law is repealed and the following substituted:
 - “3. *The total number of councillors to be elected in a general election is nine (9). Only one councillor shall be elected in each ward and four (4) councillors shall be elected at large.*”

IN WITNESS WHEREOF the Seal of the City of St. John’s has been hereunto affixed and this By-Law has been signed by the Mayor and City Clerk this 19th day of January, 2009.

MAYOR

CITY CLERK

The motion being put was unanimously carried.

Repeal of No. of Councillors By-Law

SJMC2009-01-19/39R

Pursuant to Notice of Motion, it was moved by Councillor Coombs; seconded by Councillor Galgay: That the No. of Councillors By-Law, which is superseded by the provisions of the City of St. John's Act and therefore redundant, be repealed.

The motion being put was unanimously carried.

Parking Enforcement – Private Parking Lots

Under business arising, Council considered a memorandum dated January 15, 2009 from the Associate Commissioner and Director of Engineering providing information requested by Councillor Colbert pertaining to the City's provision of parking enforcement services on private parking lots.

(Deputy Mayor Ellsworth abstained from discussion on this issue due a conflict of interest)

Discussion ensued during which Councillor Colbert requested that the Police and Traffic Committee provide answers to the following questions : (1) Does the City have the legal right under the Highway Traffic Act to ticket private parking lots and (2) should the City consider offering the service on a complaint basis only?

Councillor Colbert was advised by staff that the City's legal authority to do enforcement on private lots comes from Section 143 of the Highway Traffic Act. It was also noted that of the 45 lots that the City does enforce, 29 of them are on a complaint basis only. Councillor Colbert asked that the Chief Commissioner and City Solicitor elaborate on Section 143 of the Highway Traffic Act.

During discussion Councillor Hanlon presented information on parking services provided by other municipalities.

Development Committee

Council considered a memorandum dated January 14, 2009 from the Chief Commissioner and City Solicitor in response to questions asked by Councillor Coombs with respect to the Development Committee. He pointed out that some members of Council who attend do participate in the discussions but assured Council that, while the views of Councillors on particular issues are taken into account, the decisions and advice which the Committee provides to Council are made by staff based on their interpretation of the Development Regulations and Council policy.

Some members of Council took exception to Councillor Coombs' position that members of Council could influence the Committee. They noted the Committee is a forum to become informed, allowing open and free dialogue and granting an opportunity to become informed on specific applications which are ultimately referred to Council for final decision. His Worship the Mayor noted that the Committee is structured in a manner to be oblivious to any kind of political influence and if that is not the case the situation should be brought to his attention.

Notices Published

1. A Discretionary Use Application has been submitted by Mr. Alfred Hynes to operate a Coffee Shop at **Civic Number 123-125 Quidi Vidi Road**. The applicant advises that the coffee shop would have an interior floor space of approximately 60 square metres, with interior seating for approximately 25 persons. The hours of operation would be from 7 a.m. to 9 p.m., seven days a week. Light meals are to be served. (**Ward 2**)

The application site is zoned Residential High Density (R3) under the St. John's Development Regulations. In this zone, under the category of "Converted Building", Council may allow a restaurant at its discretion. At the present time, a Converted Building requires a minimum lot area of 560 square metres. The property at Civic Number 123-125 Quidi Vidi Road has a lot area of approximately 400 square metres. Council is considering making a text amendment to the Development Regulations to allow Council to determine the minimum lot area requirement for Converted Buildings in the R3 Zone on an application by application basis

Memorandum dated January 15, 2009 from the Director of Planning Letter dated November 6, 2008 from Mr. Alfred Hynes, applicant, along with petition of support

**Five (5) submissions of support
Two (2) submissions of concern**

SJMC2009-01-19/40R

It was moved by Councillor Galgay; seconded by Councillor Duff:

That the application be approved subject to the following conditions:

1. Council adopt the proposed text amendment to the St. John's Development Regulations to remove the present requirement for a minimum lot area of 560 square metres for Converted Buildings in the R3 Zone and this amendment receiving Provincial registration from the Department of Municipal Affairs as per the requirements of the Urban and Rural Planning Act;
2. The application be required to meet all applicable requirements of the St. John's Development Regulations and all applicable requirements of the Department of Engineering, the Department of Building and Property Management and the Department of Planning;
3. Any proposed exterior changes to the building on the property should be reviewed/approved by the City's Heritage Officer as the property is located in Heritage Area 3;
4. As per the requirements of the St. John's Development Regulations respecting the definition for "Converted Building", the proposed use of the building for a coffee shop must not increase the ground floor area of the building by more than 5% of the lot coverage, and
5. Any change of use would be subject to further application being made for the City's consideration.

Following discussion, the motion being put was unanimously carried.

Tourism Standing Committee Report dated January 13th, 2009

Council considered the following Tourism Standing Committee Report dated January 13th, 2009:

Attendees: Councillor Sandy Hickman, Chairperson
Councillor Tom Hann
Councillor Shannie Duff
Councillor Gerry Colbert
Councillor Debbie Hanlon
Ron Penney, Chief Commissioner/City Solicitor
Elizabeth Lawrence, Director of Economic Development, Tourism & Culture
Michael Dwyer, Director of Regional Fire Services and Fire Chief

Kevin Gushue, Manager of Tourism Development
Bernadette Walsh, Special Projects Coordinator
Margaret Donovan, Tourism Industry Coordinator
Todd Lehr, Tourism Program Analyst
Deborah Cook, Tourism Development Coordinator
Katie Guiney, Tourism Student
Karen Chafe, Recording Secretary

Report:

1. **Celebrating Bartlett 2009**

The Committee met with Mr. Dean Williams, Event Manager for *Celebrating Bartlett 2009*. Mr. Williams provided the Committee with a promotional video on the history of Captain Bob Bartlett, renown Arctic Explorer who was born and raised in Newfoundland. A power point presentation was also conducted outlining the details of the events surrounding the visit which will be taking place this coming summer. A copy of the power point is on file with the City Clerk's Department and the video is on file with the Department of Economic Development, Tourism & Culture. The Arctic Schooner *Bowdoin* will be visiting various ports throughout the Province, and the St. John's portion of the visit will occur during the week of July 14th – 17th, 2009. Port activities will include opportunities for the general public to board the vessel as well as community activities such as films, breakfasts, lectures, special events, youth group activities, local entertainment and a port reception. The vessel will be berthed at Pier 8, in the vicinity of the Keg Restaurant. A list of ports of call is attached for Council's information.

The Committee commended the organizers of *Celebrating Bartlett 2009* for their tremendous dedication in making this celebration a reality. Councillor Hickman, on behalf of the Committee and Council expressed the City's support of the event.

2. **New Years Eve Event Review**

Staff provided the Committee with a power point presentation of the New Years Eve Celebrations, outlining the major issues with conducting fireworks at the harbour venue vs. Quidi Vidi Lake. The following major points were outlined:

- The harbour venue is no longer a viable site to conduct fireworks displays due to the liability, safety and logistical issues involved such as the following:
 - Agreements must be reached with Port, Transport Canada (new regulations 2008), Tenant, Boat crew, etc.
 - Limited Space available
 - Barge issues include access, safety, rental, additional expense such as tug rental and crew.
- Tremendous positive feedback for the Quidi Vidi Lake venue has been received from the general public through the City's 311 Access Centre. It should be noted, however, that minimal feedback was given from the hospitality sector:

- Traffic issues were minimal as compared to when the event was held Downtown.
- The RNC reported no problems, and expressed positive reaction to the event location.
- Sponsors for OZ-FM/NTV were very pleased with the event and demographics.
- The expenditures for Quidi Vidi Lake totalled \$29,700 this year. The harbour site would have entailed additional expenditures over and above that amount for security (as a result of new regulations), fencing, barricades and sound system. These additional costs would have increased the total expenditure by an estimated \$10,000 - \$15,000.
- The Director of Regional Fire Services and Fire Chief was also in attendance to provide his input. He noted that the Fire Department is not concerned with issues of location as long as the location meets fire safety regulations. He further noted that such regulations are becoming more of a challenge to meet at the harbour site location, and alternate sites within the vicinity have proven not to be practical, i.e., wind at higher elevations often extinguishes fireworks displays. The location of oil tanks on the Southside Hills would be a major safety hazard.

In light of the above noted considerations, the Committee, on motion of Councillor Colbert; seconded by Councillor Duff recommends the following:

That the Quidi Vidi site be designated as the permanent location to undertake the New Years Eve Fireworks Celebrations. This decision will enable staff to conduct the necessary planning preparations well in advance of the event and will also facilitate the family-based atmosphere originally intended by the City-funded fireworks celebrations.

Councillor Hickman advised that he would contact the Downtown Development Commission, Destination St. John's and Hospitality Newfoundland to advise of the Committee's recommendation. He further agreed to discuss with the Regatta Committee, the idea of opening the Boat House to the general public for next year's event. The Committee also suggested that a shuttle bus service, similar to that used for Regatta Day should be coordinated with the St. John's Transportation Commission for next year's event. Such a service was not coordinated this year, due to the lack of time available as a result of lateness of change of venue to Quidi Vidi Lake.

Councillor Sandy Hickman
Chairperson

SJMC2009-01-19/41R

It was moved by Councillor Hickman; seconded by Councillor Colbert: That the report be adopted as presented.

Councillor Hickman commended staff and the media for their efforts towards the success of the New Year's Eve event at Quidi Vidi Lake.

The motion being put was unanimously carried.

Development Permits List

Council considered as information the following Development Permit List for the period January 9 to 15, 2009:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF January 9, 2008 TO January 15, 2009**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES	Perry McCarthy	Accessory Building (Farm Shed)	Fowler's Road	5	Rejected Contrary to Section 5.1.3(3)	09-01-14
COM	Susan Hamilton	Retail Store	120 Lemarchant Road	2	Rejected Contrary to Section 10.7.1	09-01-15

* Code Classification:
 RES- Residential
 COM- Commercial
 AG - Agriculture

INST - Institutional
 IND - Industrial

** 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

SJMC2009-01-19/42R

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

2009/01/14

Permits List

CLASS: COMMERCIAL

DOWNEAST TAS COMMUNICATIONS	40 ABERDEEN AVE	MS RETAIL STORE
CORE INSIGHT CHIROPRACTIC	40 ABERDEEN AVE	MS CLINIC
REITMANS (CANADA) LIMITED	95C ABERDEEN AVE	MS RETAIL STORE
IRVING OIL MARKETING LIMITED	8 BAY BULLS RD	MS COMMERCIAL GARAGE
B.P.O. ELKS	CARPASIAN RD	MS COMMUNICATIONS USE
FIRST CHOICE HAIRCUTTERS	84-86 ELIZABETH AVE	MS SERVICE SHOP
PHARMACHOICE	100 ELIZABETH AVE	SN PHARMACY
IRVING OIL LTD.	71-77 ELIZABETH AVE	MS SERVICE STATION
IRVING OIL LTD.	71-77 ELIZABETH AVE	MS SERVICE STATION
FIRST CHOICE HAIRCUTTERS	336 FRESHWATER RD	MS SERVICE SHOP
10768 NEWFOUNDLAND LIMITED	336 FRESHWATER RD MONEYMART	MS OFFICE
SALON 56	15 GOLDSTONE ST	MS SERVICE SHOP
PENNEY'S UNISEX	12-20 HIGHLAND DR	MS SERVICE SHOP
CROMBIE DEVELOPMENTS LIMITED	30 KENMOUNT RD, ADDITIONELLE	MS RETAIL STORE
WICKER EMPORIUM	30 KENMOUNT RD	MS RETAIL STORE
SJJ ENTERPRISE LTD.	58 KENMOUNT RD KIDDIE KOBBLER	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	193 KENMOUNT RD	MS SERVICE SHOP
TRAVEL QUEST	239 MAJOR'S PATH	MS OFFICE
YW-YMCA	NEW COVE RD	MS CLUB
ESSENTIAL CHIROPRACTIC	119 NEW COVE RD	MS CLINIC
PIZZA EXPERTS	446 NEWFOUNDLAND DR	MS EATING ESTABLISHMENT
ACTIVE WOMEN	446 NEWFOUNDLAND DR	MS CLUB
SIGNAL HOBBIES	36 PEARSON ST	MS RETAIL STORE
NORTH ATLANTIC REFINING LTD.	154 PENNYWELL RD	MS SERVICE STATION
DOWNEAST-TAS COMMUNICATIONS	34 PIPPY PL	MS RETAIL STORE
VIDEO CONNECTION INC.	279 PORTUGAL COVE RD	MS RETAIL STORE
KENT	10 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
BUGDEN SIGNS	655 TOPSAIL RD	SN COMMERCIAL SCHOOL
SOLO INVESTMENTS INC.	681 TOPSAIL RD SPARTAN	MS RETAIL STORE
BELLA VISTA LIMITED	26-34 TORBAY RD	MS TAVERN
BELLA VISTA LIMITED	26-34 TORBAY RD	MS TAVERN
DOWNEAST COMMUNICATIONS	10 ELIZABETH AVE	MS RETAIL STORE
IRVING OIL CO. LTD.	192-194 TORBAY RD	MS SERVICE STATION
10475 NFLD LTD.	272-276 TORBAY RD CURVES	MS CLUB
STEPPING STONE INC.	272-276 TORBAY RD	MS COMMERCIAL SCHOOL
FIRST CHOICE HAIRCUTTERS LTD.	TORBAY RD	MS SERVICE SHOP
ADMIRALTY AUTO SERVICES LTD.	452 TORBAY RD FAST LANE	MS COMMERCIAL GARAGE
58989 NFLD & LABRADOR INC.	312 WATER ST, LOWER PATH	SN TAVERN
58989 NFLD. & LAB. INC.	312 WATER ST - TEMPORARY SIGN	SN TAVERN
58989 NFLD. & LAB. INC.	312 WATER ST	SN TAVERN

JIM LESTER	90 PEARLTOWN RD, GREENHOUSE 1	NC AGRICULTURE
JIM LESTER	90 PEARLTOWN RD, GREENHOUSE 2	NC AGRICULTURE
JIN AI ZHANG & YAO ZHENG FONG	31 MALTA ST	RN TAKE-OUT FOOD SERVICE
BRIANNA'S HOLDINGS INC	7 QUEEN ST	RN EATING ESTABLISHMENT
S. E.A, CONTRACTING	50 KENMOUNT RD	RN RETAIL STORE

THIS WEEK \$ 183,891.00
TO DATE \$ 55,884,785.00

CLASS: INDUSTRIAL

THIS WEEK \$.00
TO DATE \$ 2,685,000.00

CLASS: GOVERNMENT/INSTITUTIONAL

ST TERESA'S PARISH	MUNDY POND RD	MS PARISH HALL
PROVINCIAL GOVERNMENT	215 WATER ST, PROV GOV, 5TH FL	RN ADMIN BLDG/GOV/NON-PROFIT

THIS WEEK \$ 175,000.00
TO DATE \$ 43,315,635.00

CLASS: RESIDENTIAL

GARY O'DRISCOLL	11 CHARLTON ST	NC PATIO DECK
CHESLEY LUCAS, JR.	177 GROVES RD	NC ACCESSORY BUILDING
ERCO HOMES	5 KERR ST, LOT 48	NC SINGLE DETACHED DWELLING
PETER DWYER	13 LIONS RD , LOT 46	NC SINGLE DETACHED DWELLING
CHRISTOPHER FOLEY &	78 MACBETH DR	NC ACCESSORY BUILDING
SKYMARK HOMES	45 NAVAJO PL, LOT 221	NC SINGLE DETACHED DWELLING
PETER GOSSE	51 NAVAJO PL	NC FENCE
RICKY DEAN TAYLOR	5 PIPER ST	NC ACCESSORY BUILDING
SKYMARK HOMES	27 PIPER ST, LOT 239	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION &	14 SPRUCEDALE DR - LOT 151	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION &	15 SPRUCEDALE DR, LOT 165	NC SINGLE DETACHED DWELLING
REARDON CONSTRUCTION &	33 SPRUCEDALE DR, LOT 174	NC SINGLE DETACHED DWELLING
D. CRAIG KNICKLE	17A FOREST RD	CC SEMI-DETACHED DWELLING
MR. NICHOLAS HENDER	116 GOWER ST	CO HOME OCCUPATION
DAVID PITTMAN	19 MACKENZIE ST	CR SUBSIDIARY APARTMENT
CARPASIAN HOLDING CORPORATION	44 CORNWALL AVE	RN SINGLE DETACHED & SUB.APT
KEITH & SUZY STEVER	14 CUCKHOLD'S COVE RD	RN SINGLE DETACHED DWELLING
CHRISTOPHER FOLEY &	78 MACBETH DR	RN SINGLE DETACHED DWELLING
ANDREW VARDY & JILL PERRY	6 RODNEY ST	RN SINGLE DETACHED DWELLING
JEROME & MIKE BYRNE	102 SPRINGDALE ST	RN SEMI-DETACHED DWELLING
RYAN STRICKLAND & TRUDY	3 TWILLINGATE PL	RN SINGLE DETACHED & SUB.APT

THIS WEEK \$ 1,069,915.00
TO DATE \$149,580,079.00

CLASS: DEMOLITION

NFLD. FRESHWATER RESOURCE CTR.	5 NAGLE'S PL	DM CULTURAL CENTER
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THIS WEEK \$ 10,000.00
TO DATE \$ 1,885,900.00

THIS WEEK'S TOTAL: \$ 1,438,806.00

TOTAL YEAR TO DATE: \$253,351,399.00

REPAIR PERMITS ISSUED: 2009/01/08 TO 2009/01/14 \$ 13,000.00
2007/12/13 TO 2009/01/14 \$ 3,671,660.00 YTD

LEGEND

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

Payrolls and Accounts

SJMC2009-01-19/43R

**It was decided on motion of Councillor Duff; seconded by Councillor Colbert:
That the following Payrolls and Accounts for the week ending January 15,
2009 be approved as presented:**

**Weekly Payment Vouchers
For The
Week Ending January 15, 2009**

PAYROLL

Public Works	\$ 383,265.03
Bi-Weekly Casual	\$ 5,130.09

ACCOUNTS PAYABLE

Cheque No. 142007 - 142274	\$ 3,114,830.97
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Total:	\$ 3,503,226.09
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Tenders

- a. Tender – Supply of Water Treatment Chemicals
- b. Tender – Robin Hood Bay Security Services
- c. Tender – Robin Hood Bay Spotter Services
- d. Tender – Supply of Playground Equipment
- e. Tender – Recycling Pilot Project – Phase Two

SJMC2009-01-19/44R

It was decided on motion of Councillor Duff; seconded by Councillor Colbert: That the recommendations of the Director of Finance and City Treasurer be approved and the tenders awarded as follows:

- a. **Rockwater Products in the amount of \$51,296.00, taxes not included.**
- b. **Spectrum Security in the amount of \$103,887.00, taxes not included**
- c. **Mask Security in the amount of \$99,875.00, taxes not included**
- d. **(i) Apec Specialties @ \$25,764.83 (taxes not included)**
(ii) Provincial Fence @ \$ 7,368.00 (taxes not included)
(iii) Provincial Fence @ \$ 5,715.00 (taxes not included)
(iv) Provincial Fence @ \$ 5,150.00 (taxes not included)
- e. **Avalon Recycling Services in the amount of \$103,950.00 (taxes not included)**

Notice of Motion

Councillor Collins gave the following Notice of Motion:

TAKE NOTICE that I will at the next regular meeting of the St. John's Municipal Council move to amend Section 14 of the St. John's Electrical By-Law so as to clarify inspection procedures.

William's Lane – 312-314 Water Street

Council considered a memorandum dated January 15, 2009 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2009-01-19/45R

It was moved by Councillor Puddister; seconded by Councillor Hann: That the recommendation of the Chief Commissioner and City Solicitor that land at Williams Lane be leased to the owners of 312-314 Water Street for the placement of propane tanks, at an annual rental of two hundred dollars, be approved.

The motion being put was unanimously carried.

Snow Clearing Report

Council considered a memorandum dated January 15, 2009 from the Director of Finance and City Treasurer along with snow clearing reports for the period January 1st to December 31st, 2008 and for 2009 to date. The report for the full 2008 fiscal year shows a negative variance of \$369,000 which is not yet finalized. The report for 2009 to date shows a negative variance of almost \$44,000 entirely attributable to salt usage.

Proposed New CFS St. John's Headquarters Building, The Boulevard, Department of National Defence

Council considered a memorandum dated January 15, 2009 from the Director of Planning regarding the above noted.

SJMC2009-01-19/46R

It was moved by Councillor Puddister; seconded by Councillor Hickman: That the Terms of Reference for the Land Use Assessment Report for the proposed new CFS Headquarters Building, The Boulevard, be adopted as presented; and further, that a public meeting chaired by a member of Council, be held on the proposed development and the LUAR.

The motion being put was unanimously carried.

Notice to Motorists – Downtown Snow Removal Operations

Council considered as information the above noted Notice to Motorists.

Clearing of sidewalks in the Downtown

Council considered a memorandum dated January 15, 2009 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2009-01-19/47R

It was moved by Councillor Duff; seconded by Councillor Hann: That the recommendation of the Chief Commissioner and City Solicitor that the City now start to enforce the St. John's Snow Removal By-Law taking into account the severity of a storm, be approved.

Councillor Puddister reiterated his comments of last week that the City has to be diligent in looking after sidewalks in the downtown owned and controlled by the City. The Chief Commissioner and City Solicitor noted that staff are required to do so.

Following discussion, the motion being put was unanimously carried.

Goulds Winter Carnival

SJMC2009-01-19/48R

It was moved by Councillor Collins; seconded by Councillor Puddister: That the City sponsor a reception for the Volunteers of the Goulds Winter Carnival taking place February 6th to 15, 2009.

The motion being put was unanimously carried.

Councillor Hanlon

Councillor Hanlon tabled information regarding snow shoveling tips. She also made note of a Snow Busters Program available to seniors.

Councillor Galgay

Councillor Galgay advised that he received a number of calls from residents of the downtown on the possibility of receiving a \$100 fine for placing snow on the sidewalks because there are no lawns or places to put the snow. In discussions with the Director of Public Works and Parks he was advised that sidewalks not being cleared by the City can be accommodated by placing the snow on the snow mound from the curb to the street.

His Worship the Mayor asked that staff provide a list of the sidewalks that are being cleared by the City.

Councillor Puddister

Councillor Puddister noted he received complaints relative to ice build-up on sidewalks particularly in school areas. The Associate Commissioner/Director of Engineering advised that even though the City extended its sidewalk snow clearing program in certain areas, there is no budget provision to carry out sidewalk salting.

Councillor Hann

Councillor Hann referred to National Non Smoking Week (January 18 to 24) and asked Council's position on declaring outdoor recreation areas smoke free zones. It was pointed out that a staff report on this matter is pending.

Councillor Duff

Councillor Duff congratulated Councillor Hanlon on being elected as a Council representative on the Board of St. John's Clean and Beautiful.

Councillor Duff noted that the Seniors Snow Busters Program is a limited program available only to seniors unable to snow clear and who do not have the means to pay for it.

Councillor Duff tabled a Press Release re Cultural Performance Component for Cruise Ship Visitors, advising that the City is currently seeking proposals for Cultural Performance Programs that can be delivered to cruise ship visitors.

His Worship the Mayor.

His Worship the Mayor briefed Council on his meetings last week in Ottawa during the Big Cities Mayors' Caucus. He noted that the City was requested by the Federal Government to compile a list of projects that can be initiated immediately in order to stimulate the Canadian economy and at the same time, fund and carry out badly needed structural programs. The final list consisted of approximately \$93 million worth of projects. The Mayor noted that confirmation by the Federal Government is pending that such a program will be initiated. He indicated that the major concern of the mayors was that a program would be announced and yet would be restricted by conditions and regulations which would actually result in programs not being initiated at all or not as quickly as they should be, and in order to forestall that there was a unanimous recommendation coming out of the meeting to the Federal Government that the gas tax formula be used which will ensure the sharing of money across the country on an equal and quick basis.

His Worship the Mayor reported that the second meeting he attended on behalf of the City and on behalf of Cruise NL dealt with the issue of the "cost recovery" charge as it pertains to the Cruise Industry in Newfoundland and Labrador, noting that the cost recovery formula is a terrific impediment to our Cruise industry. He

noted that officials of Canada Border Services are now initiating a marine core review and the City will be consulted and have input. He is confident, based on the tenor of the discussions that they recognize the importance of the industry to Newfoundland and Labrador. He noted that the Province's Federal and Provincial leaders are extremely concerned and thanked them for their support.

Adjournment

There being no further business, the meeting adjourned at 6:50 p.m.

MAYOR

CITY CLERK