

September 12<sup>th</sup>, 2011

The Regular Meeting of the St. John's Municipal Council was held in the Council Chamber, City Hall, at 4:50 p.m. today.

His Worship the Mayor presided.

There were present also: Deputy Mayor Duff; Councillors O'Leary; Hickman, Hann, Colbert, Breen, Galgay, Tilley, Hanlon and Collins.

The Acting City Manager/Director of Corporate Services & City Clerk; Deputy City Manager/Director of Public Works and Parks; Director of Planning; Director of Engineering; City Solicitor and Manager, Corporate Secretariat were also in attendance.

#### **Adoption of the Agenda**

##### **SJMC2011-09-12/464R**

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

#### **Adoption of Minutes**

##### **SJMC2011-09-12/465R**

**It was decided on motion of Councillor O'Leary; seconded by Councillor Colbert: That the Minutes of the September 6<sup>th</sup>, 2011 meeting be adopted as presented.**

#### **Business Arising**

##### **SJMC2011-09-12/466R**

**Pursuant to Notice of Motion, it was moved by Councillor Tilley; seconded by Councillor Hann: That the following St. John's Electrical (Amendment No. 1 – 2011) By-Law be adopted:**

**BY-LAW NO.**

**ST. JOHN'S ELECTRICAL (AMENDMENT NO. 1 – 2011) BY-LAW**

**PASSED BY COUNCIL ON SEPTEMBER 12, 2011**

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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.

**BY-LAW**

1. This By-Law may be cited as the St. John's Electrical (Amendment No. 1 – 2011) By-Law.

2. Section 2 of the St. John's Electrical By-Law is amended by:

(a) adding the following as subsection (c.1):

“(c.1) “Director” shall mean the Director of Building and Property Management or his designate”; and

(b) repealing subsection (g) and substituting the following:

“(g) “Inspector” shall mean any person designated by the council to administer and enforce this By-Law.”

3. Section 16 of The St. John's Electrical By-Law is repealed and the following substituted:

“16(1) The Inspector may inspect every electrical work or installation during the course of the work and after completion, and if such work or installation has been performed in accordance with all the requirements of this By-Law and the provisions of all other laws, rules and regulations applicable thereto, the Inspector shall issue, upon payment of the applicable fee, a certificate of inspection certifying compliance with this By-Law and authorizing the supply of electrical energy.

(2) Notwithstanding subsection (1), the Director may, where he considers it necessary or expedient, accept certification from an electrical contractor certified as a Code 1 representative under provincial legislation or an electrical engineer that his work has been performed in accordance with all the requirements of this By-Law and the provision of all other laws, rules and regulations applicable thereto. Upon receipt of such certification, in a form acceptable to the Director, the Director shall authorize the supply of electrical energy.”

**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 12<sup>th</sup> day of September, 2011.

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MAYOR

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CITY CLERK

**Councillor Tilley pointed out that with the proliferation of housing starts and building construction, the City is not always able to meet the demands for service so the amendment to the By-law allows the City to accept the certification of electrical work from an electrical contractor or electrical engineer.**

**The motion being put was unanimously carried.**

**Notices Published**

- 1. A Discretionary Use Application** has been submitted by Deneen Connolly requesting permission to operate a dance studio as a **Home Occupation from Civic No. 39 Harrington Drive**. Private classes will be offered a total of 10 hours per week. The hours of operation are 6:30 pm to 7:45 pm and 8:15 pm to 9:30pm, Sunday to Monday. The maximum number of students per class is 8. On-site parking can accommodate 3 vehicles. **(Ward 3)**

**Two (2) Submissions of Objection**

**SJMC2011-09-12/467R**

**It was moved by Councillor Tilley; seconded by Councillor Hickman: That the application be approved.**

Councillor Tilley noted two submissions of objection from residents who do not reside in close proximity to the proposed operation. Councillor Tilley also indicated that he was advised by the applicant that most of her students reside on the street.

**The motion being put was unanimously carried.**

**Development Permits List**

Council considered the following Development Permits List for the period September 2 to 8, 2011 be approved:

DEVELOPMENT PERMITS LIST  
DEPARTMENT OF PLANNING  
FOR THE PERIOD OF September 2, 2011 TO September 8, 2011

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES	Leonard Thomas Stack	Demolition & Rebuild of Single Detached Dwelling	769-771 Main Road	5	Approved	11-09-01
OT	Grand Concourse Authority	Harbour Vista Deadman's Pond	Signal Hill Road	2	Approved	11-09-08
RES	Carmelita O'Leary	Demolition & Rebuild of Single Detached Dwelling	30 Mount Pleasant Avenue	2	Approved	11-09-08
COM	RCS Retail Construction Specialists	Servicing Plan Harbour Walk Hospitality	Harbour Drive	2	Approved	11-09-08

<p>* Code Classification:</p> <p>RES - Residential  COM - Commercial  AG - Agriculture  OT - Other</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>
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Gerard Doran  
Development Officer  
Department of Planning

**Building Permits List**

**SJMC2011-09-12/468R**

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

2011/09/07

Permits List

**CLASS: COMMERCIAL**

DOWNEY'S ITF TAE KWAN DO	330 ELIZABETH AVE	MS CLUB
CARDINAL HOMES LTD	KELSEY DRIVE (SUMMIT BUILDERS)	SN OTHER
MAX SPORTS	150 LEMARCHANT RD	SN COMMERCIAL SCHOOL
BAE NEWPLAN	272-276 TORBAY RD, SNC LAVALIN	SN OFFICE
NORTH ATLANTIC ZIPLINES	PETTY HARBOUR RD @ CROCKERS RD	NC PLACE OF AMUSEMENT
CROWN CONTRACTING	1 CLIFT'S BAIRDS COVE	SW PARKING LOT
CITY HOTELS LIMITED	102-108 KENMOUNT RD	EX HOTEL
		THIS WEEK \$ 268,576.00

**CLASS: INDUSTRIAL**

THIS WEEK \$ .00

**CLASS: GOVERNMENT/INSTITUTIONAL**

GRAND CONCOURSE AUTHORITY	SIGNAL HILL RD-DEADMAN'S PD	SW ADMIN BLDG/GOV/NON-PROFIT
DIOCESAN SYNOD-EAST.NFLD & LAB	19 KING'S BRIDGE RD	RN OFFICE
		THIS WEEK \$ 550,000.00

**CLASS: RESIDENTIAL**

BEVERLEY BENSON	11 AMHERST PL	NC FENCE
DARREN GEORGE PELLEY	6 AYLWARD PL	NC ACCESSORY BUILDING
LARRY LEDREW	BARTON'S RD	NC SINGLE DETACHED DWELLING
JOANNE BUTLER	19 OUTER BATTERY RD	NC SINGLE DETACHED DWELLING
DONALD VILLAROSA AND	11 SPRUCE GROVE AVE	NC ACCESSORY BUILDING
KEITH HANNON	137 BLUE PUTTEE DR, LOT 76	NC SINGLE DETACHED DWELLING
AUSTIN KENNY	17 BURTON ST	NC ACCESSORY BUILDING
PRO-TECH CONSTRUCTION	138 CASTLE BRIDGE DR, LOT 203	NC SINGLE DETACHED DWELLING
AUDREY HYNES & BRIAN DALTON	45 CHEYNE DR	NC ACCESSORY BUILDING
KIMBERLY DADD	1 CORNWALL HTS	NC FENCE
CHRIS DEBOURKE	111 FOREST RD	NC PATIO DECK
ANTHONY & LISA WOODFINE	197 FRECKER DR	NC FENCE
FREEMAN MERCER	15 HARROGATE PL	NC FENCE
TERRY W. EVANS	34 JENNMAR CRES	NC ACCESSORY BUILDING
REARDON CONSTRUCTION & DEV LTD	75 JENNMAR CRES, LOT 109	NC SINGLE DETACHED DWELLING
JACOB BRENNAN	299 LEMARCHANT RD	NC PATIO DECK
DANA & PATRICK PEARCEY	4 MARS LAND PL	NC FENCE
DANA & PATRICK PEARCEY	4 MARS LAND PL	NC ACCESSORY BUILDING
RICK HARVEY	28 MOUNTBATTEN DR	NC FENCE
SUSAN FURLONG	25-27 MURPHY'S LANE	NC SWIMMING POOL
DAVID CURTIS	342 NEWFOUNDLAND DR	NC ACCESSORY BUILDING
WILLIAM JEFFERY MERCER AND	68 OTTER DR	NC FENCE
DION J. CAREW	36 PALM DR	NC FENCE
RANDOLPH J. MURPHY	67 PORTUGAL COVE RD	NC FENCE
CECIL & ROSEMARIE HICKMAN	80 RIDGE RD	NC PATIO DECK
CECIL & ROSEMARIE HICKMAN	80 RIDGE RD	NC ACCESSORY BUILDING
PRO TECH CONSTRUCTION	10 ROSE ABBEY ST, LOT 154	NC SINGLE DETACHED DWELLING
DARRIN JOSEPH CROFT	58 TEAKWOOD DR	NC FENCE
DARRIN JOSEPH CROFT	58 TEAKWOOD DR	NC ACCESSORY BUILDING
SELWYN ROSE	9 THISTLE PL	NC ACCESSORY BUILDING
MRS. CONNIE THOMSON	60 TORBAY RD	NC FENCE

DYLAN GENGE	84 WINSLOW ST	NC ACCESSORY BUILDING
SHARON TRENHOLM	43 HOWLEY AVE EXTEN	CC SINGLE DETACHED DWELLING
JENNIFER PIERCEY	180 AIRPORT HEIGHTS DR	CO DAY CARE CENTRE
JAMES LANGOR	120 REGENT ST	CO HOME OCCUPATION
CRYSTAL CURTIS	68 NAVAJO PL	EX FENCE
ROSS & JACLYN CRANFORD	34 SAVANNAH PARK DR	EX SINGLE DETACHED DWELLING
KEITH PIKE AND KRISTA PIKE	22 SGT. CRAIG GILLAM AVE	EX SINGLE DETACHED DWELLING
RANDY & HELEN PITTMAN	54 FLEMING ST	RN SINGLE DETACHED DWELLING
ANNA HELLQUIST/BAILEY	6 COLEMAN PL	RN SINGLE DETACHED DWELLING
SHIRLEY POWERS	63 GLENEYRE ST	RN SINGLE DETACHED DWELLING
CLARE MCINTYRE	98 GOWER ST	RN TOWNHOUSING
FRANK MCDONALD	47 HEAVY TREE RD	RN SINGLE DETACHED DWELLING
RICHARD RIVKIN AND	6 MAXSE ST	RN SINGLE DETACHED DWELLING
PAUL WILLIAMS	81 SPRINGDALE ST	RN SEMI-DETACHED DWELLING

THIS WEEK \$ 1,974,115.00

**CLASS: DEMOLITION**

BURSEY EXCAVATING	192-194 TORBAY RD	DM CONVENIENCE STORE
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THIS WEEK \$ 35,000.00

THIS WEEK'S TOTAL: \$ 2,827,691.00

REPAIR PERMITS ISSUED: 2011/09/01 TO 2011/09/07 \$ 39,578.00

LEGEND

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

**Payrolls and Accounts**

**SJMC2011-09-12/469R**

**It was decided on motion of Councillor Galgay; seconded by Councillor Tilley:  
That the following Payrolls and Accounts for the week ending September 8,  
2011, be approved:**

**Weekly Payment Vouchers  
For The  
Week Ending September 8, 2011**

**PAYROLL**

Public Works \$ 430,712.26

Bi-Weekly Casual \$ 95,103.40

**ACCOUNTS PAYABLE \$ 3,818,013.94**

**Total: \$ 4,343,829.60**

**Tenders**

a. Tender –Southlands – Cemetery Access Road

**SJMC2011-09-12/470R**

**It was moved by Councillor Galgay; seconded by Councillor Tilley: That the recommendation of the Acting Director of Engineering be approved and the tender awarded as follows:**

a. **Cabot Ready Mix Ltd. In the amount of \$524,717.76**

**151 Doyle’s Road**

Council considered a memorandum dated September 8, 2011 from the City Solicitor regarding the above noted.

**SJMC2011-09-12/471R**

**It was moved by Councillor Collins; seconded by Councillor Hanlon: That the City land in front of the two subdivided lots at 151 Doyle's Road be acquired by the purchasers at a rate of \$2 per square foot (\$1,386 in total) plus usual administration fees, as per the recommendation of the City Solicitor.**

**The motion being put was unanimously carried.**

**96 Bay Bulls Road**

Council considered a memorandum dated September 8, 2011 from the City Solicitor regarding the above noted.

**SJMC2011-09-12/472R**

**It was moved by Councillor Collins; seconded by Councillor Tilley: That land at 96 Bay Bulls Road, required by the City for street upgrading, be acquired for the appraisal value of \$3,000 plus legal fees, as recommended by the City Solicitor**

**The motion being put was unanimously carried.**

**21 Myrick Place**

Council considered a memorandum dated September 8, 2011 from the City Solicitor regarding the above noted.

**SJMC2011-09-12/473R**

**It was moved by Councilor Collins; seconded by Deputy Mayor Duff: That open space land on Myrick Place be sold to the owner of 21 Myrick Place for a price to be based on \$2.00 per square foot (approximately \$3,000) plus usual administrative fees and HST, as recommended by the City Solicitor.**

**The motion being put was unanimously carried.**

**Deputy Mayor Duff**

Deputy Mayor Duff who attended the FCM Board Meeting and Standing Committee Meetings in Nelson, British Columbia, September 6-11, 2011, indicated that she was impressed at the professionalism and strength of the voice the FCM has with the Federal Government. In view of today's delegation on Homelessness and Housing, she noted that Homelessness and Housing was one of the key issues raised at the Conference and there was unanimous agreement across the country that the matter has to be front and center with the Federal Government and she anticipates action will be taken because of the voice of the municipalities.



**Councillor O'Leary**

Councillor O'Leary noted the launch of Sexual Violence Awareness Week indicating she intends to take part in the Take Back the Night march. She also indicated that more information will be brought forward in the near future on the launch of Angel's Corner project which is an initiative to bring about awareness of sexual violence.

Councillor O'Leary indicated she received calls from constituents concerned over inadequate advanced warning notices about road construction and asked if improvements can be made from a safety perspective. The matter was referred to the Deputy City Manger/Director of Public Works and Parks for follow-up.

Councillor O'Leary advised that the Neighbourhood Watch Awareness Day will be held on October 5, 2011 in the Foran Room which will be open to the public and more information will come forward on that event.

Councillor O'Leary referenced a recent Telegram editorial concerning motorcycle noise which referenced Section 29 of the Licensing and Equipment Regulations under the Highway Traffic Act which itemizes a number of issues pertaining to exhaust systems. She advised that she will communicate with the Chief of Police on this legislation which is worth investigating in terms of enforcement.

**Councillor Hickman**

Councillor Hickman advised that the application deadline for Provincial Wellness Grants is September 30<sup>th</sup> and he asked Seniors Committee along with the Department of Recreation to work with the various community groups with respect to availing of these grants.

**Councillor Hann**

Councillor Hann again expressed concern with respect to illegal dumping in various areas of the City and along with Councillor Collins called on residents to be more diligent in what they are doing and to report illegal dumpers.

**Councillor Breen**

Councillor Breen tabled emails from residents of Parliament Street expressing concern that a dangerous situation exists at the intersection of Parliament Street and Ottawa Street. The matter was referred to the Police and Traffic Committee for follow-up.

**Councillor Tilley**

Councillor Tilley informed the residents of Caldwell Place that the problem expressed by the residents concerning pigeon droppings has been referred to the Department of Building and Property Management to find a solution to the problem.

**Councillor Hanlon**

Councillor Hanlon suggested that Councillor Galgay, Council's representative on MNL bring forward the issue of illegal dumping activity to the Task Force created for Eastern Waste Management.

**Adjournment**

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

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**MAYOR**

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**CITY CLERK**