

April 9, 2007

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 Colbert, Hickman, Puddister, Galgay, Coombs, and Collins.

Regrets: Councillors Duff, Hann and Ellsworth

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

Call to Order and Adoption of Agenda

SJMC2007-04-09/173R

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

- a. **Tender - Waste Diversion Pilot Project**
- b. **Tender - Re-Roofing - Kenmount Fire Station**
- c. **Tender - Non-Profit Housing Replacement of Asphalt Shingles and Related Work - Hamlyn Road**
- d. **Travel - Deputy Mayor O=Keefe**

Adoption of the Minutes

SJMC2007-04-09/174R

It was decided on motion of Councillor Collins; seconded by Councillor Coombs: That the Minutes of April 2, 2007 be adopted as presented.

Development Committee Report dated April 3, 2007

Council considered the following Development Committee Report dated April 3, 2007:

RECOMMENDATION OF APPROVAL:

1. **Application No. 07-00084/B-17-K.11
Proposed Parking Lot Improvements
Canada Post Corporation
Civic No. 98 Kenmount Road
Commercial Highway (CH) Zone/Ward 4**

The Development Committee recommends that Council grant Approval-in-Principle to the above noted application subject to the following conditions:

1. Submission of a detailed plan prepared in accordance with the City=s Commercial Development Policy.
2. Provision of adequate landscaping, acceptable to the Parks Services Division.

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

SJMC2007-04-09/175R

It was decided on motion of Councillor Collins; seconded by Councillor Coombs: That the Committee=s recommendation be approved.

Heritage Advisory Committee Report dated April 5, 2007

Council considered the following Heritage Advisory Committee Report dated April 5, 2009:

In Attendance: Councillor Ron Ellsworth, Acting Chairperson
David Kelland
Debbie O=Rielly
Andrew Ryan
Ken O=Brien, Manager of Planning & Information
Peter Mercer, Heritage Officer
Helen Miller, City Archivist
Karen Chafe, Recording Secretary

Report:

1. 20 King Edward Place B Military Hospital and Queen Victoria Wing

The Committee met with Mr. Gerard Edwards proponent for the redevelopment of the Military Hospital and Queen Victoria Wing, as well as Architect, Mr. Beaton Sheppard. The Committee had previously approved plans to convert the building into a 17 unit condominium complex. A letter dated April 3rd, 2007 from Mr. Edwards was tabled and is included with this report outlining the proposed changes to the original application. Architectural renderings were also displayed to outline the proposed exterior.

The developers are now proposing a six-unit town house development instead of the original condominium complex. The Architect explained that during the planning process it was discovered that the number of openings which had to be punched into the building to accommodate the higher density condominiums were actually too intrusive to the building's envelope. This led to the idea of converting to town houses for which the existing interior of the building is more appropriate. The change in design to town houses will also allow the developer to take advantage of the existing openings without the need for further window installation. This will result in significantly less change to the building's exterior appearance and not compromise the structural integrity.

The biggest change proposed, however, is the installation of six carriage style garage doors, one for each unit. It was further noted that many of the openings for which the garage doors would be fitted are already in existence.

The Committee recommends that the proposed revisions as outlined by the applicant and the architect be approved with the following stipulations:

- a. that the Eifs System which will be used to finish the building's exterior replicate the existing treatment of eaves, decorative bands and any other architectural feature on the building;
- b. that a colour other than white be applied to the vinyl window inserts that complements the building's exterior.

2. 93 Water Street B Installation of Penthouses for Access to Roof-top Garden

The above noted issue was deferred at the request of Councillor Duff during the Council Meeting of March 12th, 2007, so that it could be referred to the Development Committee for further clarification in terms of code requirements for roof top structures. The Development Committee has since reviewed the matter and has assured that as long as there are no floor installations within the penthouses, they would not constitute an additional floor. The Committee, therefore, reaffirms its previous recommendation as follows:

That the revised plans as submitted by the architect be approved.

3. City Policies Proposed to be Rescinded

The Committee recommends that the following policies for which their funding programs no longer exist be officially rescinded. They are attached for Council=s information:

**Policy: 06-03-02:
Funding for Restoration and Preservation of Heritage Buildings**

**Policy: 06-03-01:
Property Restoration**

4. 189 Water St. B Sign Application for Cellar Restaurant

The Committee considered the above noted application wherein the owner has requested permission to reface and reuse the existing awning style sign situated at the side of the building for the basement entrance and relocate it to the front of the building.

The Committee recommends that this be rejected and that the applicant be advised to consider a flat sign band for the building=s front, situated on the fascia above the storefront windows.

5. Leaside Manor B Fire Escape Installation

The Heritage Officer advised that the above noted application which was recently approved by the Committee is now being reconsidered by the owner for the possible use of a steel fire escape which would have a slimmer profile than the approved wooden structure. The Committee expressed no objection to this idea as well as the original recommendation to use wood material.

Councillor Ron Ellsworth

Acting Chairperson

SJMC2007-04-09/176R

Regarding Item #1, 2, 3 and 5: It was decided on motion of Councillor Collins; seconded by Councillor Coombs: That the Committee=s recommendations be approved.

SJMC2007-04-09/177R

Regarding Item #4: It was moved by Deputy Mayor O=Keefe, seconded by Councillor Coombs: That the Committee=s recommendation be rejected and that the owner=s request for permission to reface and reuse the existing awning style sign situated at the side of the building for the basement entrance and relocate it to the front of the building, be granted.

During discussion Councillor Hickman asked that the matter be deferred for further consideration by the Committee.

Following discussion, the motion being put there voted for it the mover, seconder, Councillors Collins, Colbert and His Worship the Mayor. Voting against the motion were Councillors Galgay and Hickman. Councillor Puddister abstained . The motion was carried.

Development Permits List

Council considered as information the following Development PermitS List for the Period March 29, 2007 to April 4, 2007:

DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF MARCH 29, 2007 TO APRIL 4, 2007

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
Com.	Mr. Paul Sears	Home Office for Sears	Civic No. 112 Bonaventure	Ward 4	Application Approved	07 03 29

		Consulting	Avenue			
Com.	TDL Group Ltd.	Proposed Tim Horton=s Restaurant	Kenmount Road	Ward 4	Application Approved	07 04 02
Com.	Ms. Reshelle Adams	Home Office for Mary Kay Cosmetics	Civic No. 78 MacBeth Drive	Ward 4	Application Approved	07 04 02
Ind.	Newfoundland Disposal Ltd.	Proposed Recycling Depot	Civic No. 14-24 Pepperrell Road	Ward 1	Application Approved	07 04 02
Inst.	Mary Queen of Peace Parish	After School Program	Mary Queen of Peace Church; Civic No. 135 Torbay Road	Ward 1	Application Approved	07 04 02
Res.	Mr. Scott Williams	Proposed Accessory Building	Civic No. 1-3 Forest Pond Road, Goulds	Ward 5	Application Rejected: (Contrary to Section 2)	07 04 02

NOTES:

*	<p>Code Classification:</p> <p>RES - Residential INST - Institutional</p> <p>COM - Commercial IND - Industrial</p> <p>AG - Agriculture</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>

Ed Murray
Development Officer
Department of Planning

Building Permits List

SJMC2007-04-09/178R

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

2007/04/03

Permits List

CLASS: COMMERCIAL

DONALD DILLON	670 BLACKMARSH RD -DON'S AUTO	CO COMMERCIAL GARAGE
THE BRAIN SPA	31 PEET ST -THE BRAIN SPA	CO OFFICE
ATLANTIC SHOPPING CENTER LTD.	AVALON MALL, #1 NAILS	SN SERVICE SHOP
NOEL R. ANDREWS & ASSOC. INC.	131 LEMARCHANT RD	SN OFFICE
BATTERY MANAGEMENT INC.	100 SIGNAL HILL RD	SN HOTEL
PHB GROUP INC.	151-153 WATER ST	RN OFFICE
PHB GROUP INC.	157-159-163 WATER ST	RN OFFICE
JOE MCCARTHY	EAST DR BLDG 106	RN LIGHT INDUSTRIAL USE

THIS WEEK \$ 54,050.00
 TO DATE \$ 12,950,073.00

CLASS: INDUSTRIAL

THIS WEEK \$.00
 TO DATE \$ 1,524,967.00

CLASS: GOVERNMENT/INSTITUTIONAL

DEPT. OF FISHERIES & OCEANS	136 CROSBIE RD	CR OFFICE
-----------------------------	----------------	-----------

THIS WEEK \$ 85,000.00
 TO DATE \$ 4,266,500.00

CLASS: RESIDENTIAL

DAVID GIBBONS	48 DILLON CRES	NC ACCESSORY BUILDING
CARL ROBERTS	1 ELLIOTT'S RD	NC ACCESSORY BUILDING
LESLIE KING	127 ENNIS AVE	NC ACCESSORY BUILDING
NEW VICTORIAN HOMES	123 GREEN ACRE DR	NC SEMI-DETACHED DWELLING
NEW VICTORIAN HOMES	125 GREEN ACRE DR	NC SEMI-DETACHED DWELLING
RANDY DECKER	13 KINCAID ST	NC ACCESSORY BUILDING
NEW VICTORIAN HOMES	10 MACLAREN PL, LOT 113	NC SEMI-DETACHED DWELLING
NEW VICTORIAN HOMES	11 MACLAREN PL, LOT 114	NC SEMI-DETACHED DWELLING
TRABON CONSTRUCTION	22 MARK NICHOLS PL, LOT 5-11	NC SINGLE DETACHED DWELLING
PHILIP POWER & SON	43 PALM DR, LOT 144	NC PATIO DECK
TERRY & ROXANNE COLLINS	196 THORBURN RD	NC SINGLE DETACHED DWELLING
NOEL R. ANDREWS & ASSOC. INC.	131 LEMARCHANT RD	CO OFFICE
LAURIE LEEHANE	98 PLEASANT ST	CO HOME OFFICE
ROBERT HALFYARD &	73 FRESHWATER DR	CR SUBSIDIARY APARTMENT
JACQUELINE PENNEY	42 LONG BEACH ST	CR SUBSIDIARY APARTMENT
DOMINIC MCCARTHY	11 ROCHE ST	EX SINGLE DETACHED DWELLING
EDWARD & EVE ROBERTS	15 ROCHE ST	EX SINGLE DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP.	9 CABOT ST	RN TOWNHOUSING
LINDA CHAFE	7 FLORIZEL PL	RN SINGLE DETACHED DWELLING
MAX WATTON	61 FRESHWATER RD	RN TOWNHOUSING
PHILIP POWER & SON	43 PALM DR	RN SINGLE DETACHED DWELLING
GEOFF & MOIRA SMITH	15 PINE BUD PL	RN SINGLE DETACHED DWELLING
NFLD & LABRADOR HOUSING CORP.	80 WATSON ST	RN TOWNHOUSING
PATRICK SHEPPARD	34 WEYMOUTH ST	RN SINGLE DETACHED & SUB.APT

THIS WEEK \$ 1,126,451.00
 TO DATE \$ 10,637,220.00

CLASS: DEMOLITION

SCOTT TAYLOR & BONNIE DEAN	4 BANNERMAN ST	DM TOWNHOUSING
----------------------------	----------------	----------------

THIS WEEK \$ 2,500.00
 TO DATE \$ 101,556.00

THIS WEEK'S TOTAL: \$ 1,268,001.00

TOTAL YEAR TO DATE: \$ 29,480,316.00

REPAIR PERMITS ISSUED: 2007/03/29 TO 2007/04/03 \$ 44,800.00
2006/12/28 TO 2007/04/03 \$ 299,530.00 YTD

LEGEND

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

Payrolls and Accounts

SJMC2007-04-09/179R

It was decided on motion of Councillor Colbert; seconded by Councillor Coombs: That the following Payrolls and Accounts for the week ending April 5, 2007 be approved:

**Weekly Payment Vouchers
For The
Week Ending April 5, 2007**

PAYROLL

Public Works	\$ 436,033.59
Amalgamation	\$ 498,237.09
Bi-Weekly Administration	\$
	558,671.26
Bi-Weekly Management	\$ 549,233.34

ACCOUNTS PAYABLE

Cheque No. 114634 - 114902 (Includes Direct Deposits/Transfers/Equip. Leasing)	\$2,117,152.37
---	----------------

Total: \$4,159,327.65

Tenders

- a. **Proposal Call - Canada Day Fireworks**
- b. **Tender - Waste Diversion Pilot Project**
- c. **Tender - Non-Profit Housing Replacement of Asphalt Shingles and Related Work - Hamlyn Road**
- d. **Re-Roofing - Kenmount Fire Station**

SJMC2007-04-09/180R

It was decided on motion of Councillor Colbert; seconded by Councillor Coombs: That the recommendation of the Director of Economic Development, Tourism and Culture, the Director of Public Works & Parks and the Director of Building & Property Management be accepted and the tenders awarded as follows:

- a. **W.J. Fireworks in the amount of \$10,000.00**
- b. **The Consortium of Newfound Disposal Limited, Evergreen Recycling Limited and Green Valley Farms Incorporated for the amount of \$40,310.23 + HST per month**
- c. **Coastal Building Products and Services Limited for the amount of \$97,800.00 (including HST)**
- d. **Atlantic Roofing Company 1996 Limited for the amount of \$148,961.52 (including HST)**

Shea Heights Development Association Inc., Tourist Chalet - Look Out Site

Council considered a memorandum dated April 4, 2007 from the Chief Commissioner/City Solicitor regarding the above noted.

Deputy Mayor O=Keefe tabled a letter dated April 7, 2007 from Ms Jackie Norman, Chair of the Shea Height=s NIA , requesting a deferral of this matter to allow the Shea Heights NIA an opportunity to meet with the Shea Heights Development Association to discuss the proposal and report back to Council. Council agreed.

1 Penetanguishene Road - Agatha Barrow & Warrick Jackson

Council considered a memorandum dated April 4, 2007 from the Chief Commissioner/City Solicitor regarding the above noted.

SJMC2007-04-09/181R

It was decided on motion of Councillor Colbert; seconded by Councillor Puddister: That the recommendation of the Chief Commissioner/City Solicitor that authority be given to compensate Agatha Barron and Warrick Jackson for the destruction of two bushes valued at \$400.00, in connection with street reconstruction at 1 Penetanguishene Road, be approved.

Airport Heights Drive & McNiven Place, Avalon Steamatic Ltd.

Council considered a memorandum dated April 4, 2007 from the Chief Commissioner/City Solicitor regarding the above noted.

SJMC2007-04-09/182R

It was decided on motion of Councillor Puddister; seconded by Councillor Colbert : That the recommendation of the Chief Commissioner/City Solicitor that the Mayor and City Clerk be authorized to execute Notice of Expropriation with respect to two parcels of land required from Avalon Steamatic Ltd. at Airport Heights Drive and McNiven Place required for street reconstruction, be approved.

Community Prosperity Forum

Council considered a memorandum dated April 4, 2007 from the Chief Commissioner/City Solicitor regarding the above noted.

SJMC2007-04-09/183R

It was decided on motion of Councillor Galgay; seconded by Councillor Hickman: That travel by the Chief Commissioner/City Solicitor to Corner Brook to participate in the Community Prosperity Forum at a cost of approximately \$1015.00, be approved.

Snow Clearing Report

Council considered as information the snow clearing report for the period January 1 to April 6, 2007 showing a negative variance of \$589,373.00.

Email from Dan Crocker re Emergency Assistance

Council considered the above noted email from Dan Crocker, Eastern Health, thanking the City Crews for their assistance provided to their ambulance service during the past number of snow storms.

Travel by Deputy Mayor O=Keefe

SJMC2007-04-09/184R

It was decided on motion of Councillor Colbert; seconded by Councillor Hickman: That travel by Deputy Mayor O=Keefe to Corner Brook, April 26, 2007 to attend the Cruise Newfoundland and Labrador Board Meeting, be approved.

Travel by Mayor Wells

SJMC2007-04-09/185R

It was decided on motion of Councillor Colbert; seconded by Councillor Hickman: That the following travel by Mayor Wells be approved:

- 1. Corner Brook, April 23 to 24, 2007 - Community Prosperity Forum**
- 2. Toronto, May 2 to 3, 2007 - Big City Mayors Special Caucus Meeting**
- 3. Calgary, May 30 to June 1, 2007 - Big City Mayors Caucus Meeting**

Notice to Motorists

His Worship the Mayor tabled a Notice to Motorists advising that effective Sunday, April 1, 2007 the overnight On-Street Parking Ban is no longer in effect.

Motorists are reminded that parked vehicles impeding ice control or snow clearing operations at any time are subject to ticketing and/or towing and impounding.

St. John=s Sports and Entertainment Board of Directors

His Worship the Mayor announced the appointments to the Board of Directors of St. John=s Sports and Entertainment Limited as follows:

Seven Voting Members

1. Mr. Gerry Smith, Chair
2. Ms. Susan Gardiner
3. Ms. Sheena McCrate
4. Mr. Tom Clift
5. Mr. Steve Sparkes
6. Mr. Kurt Schoenberg
7. Councillor Ron Ellsworth

Two Ex-Officio, Non-Voting Member

1. Mr. Ron Penney, Chief Commissioner/City Solicitor
2. Mr. Robert Bishop, Director of Finance and City Treasurer

His Worship the Mayor as well as other members of Council thanked the retiring members and all previous members of the Board for their tremendous contribution over the years, and welcomed the new Board members and expressed their confidence that the new Board will continue the work of the previous Board with the same level of dedication and commitment towards the operations of St. John=s Sports and Entertainment Limited.

Adjournment

There being no further business the meeting adjourned at 5:04 p.m.

MAYOR

CITY CLERK