

February 2, 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.

Mayor Dennis O'Keefe presided.

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

Regrets: Deputy Mayor Ellsworth

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

SJMC2009-02-02/63R

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

- a. Memorandum dated February 2, 2009 from the Director of Planning re Proposed Indoor BMX Bike Riding Facility & Retail Store, Civic Number 5 Waterford Bridge Road (Ward 3),
- b. Memorandum dated February 2, 2009 from the Director of Building and Property Management re 92 Freshwater Road
- c. Press Release – Cruise Ship Ambassadors Sought for the 2009/2010 Season

Adoption of Minutes

SJMC2009-02-02/64R

It was decided on motion of Councillor Colbert; seconded by Councillor Hanlon: That the Minutes of the January 26th, 2009 meeting be adopted as presented.

Business Arising

SJMC2009-02-02/65R

It was moved by Councillor Duff; seconded by Councillor Hann : That the following Heritage Area Sign (Amendment No. 1-2009) By-Law be adopted:

BY-LAW NO.

HERITAGE AREA SIGN (AMENDMENT NO. 1 – 2009) BY-LAW

PASSED BY COUNCIL ON FEBRUARY 2, 2009

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

BY-LAW

1. This By-Law may be cited as the “St. John’s Heritage Area Sign (Amendment No. 1 – 2009) By-Law.
2. Section 5(d) of the St. John’s Heritage Area Sign By-Law is repealed and the following substituted:

“5(d) non-illuminated real estate signs advertising a property for sale or rent not exceeding 1 metre² (10.76 feet²).

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 2nd day of February, 2009.

MAYOR

CITY CLERK

The motion being put was unanimously carried.

Notices Published

1. PHB Architects Group Inc. on behalf of 55731 Newfoundland and Labrador Inc., have completed a **Land Use Assessment Report** in relation to the development of **Stage 2 of the Tiffany Village Seniors Residential Complex on Tiffany Lane**. Stage 2 of the development consists of the redevelopment of the former Salvation Army Training College for amenity and services associated with the complex and construction of four new ten (10) storey residential buildings. Three (3) of the new buildings will each contain approximately 50-55 seniors' apartments/condominiums and the fourth building will contain approximately 80 units for assisted living. The total number of units in Stage 2 will be approximately 240 apartment/condominium/assisted living units. Parking for Stage is comprised of 108 surface parking spaces and 162 indoor parking spaces. **Ward 4**

Memorandum dated January 30, 2009 from the Director of Planning
Letter dated January 30, 2009 from the Developer, 55731 Newfoundland & Labrador Inc.

One (1) submission of support
Five (5) submissions of concern
Four (4) submissions of objection

SJMC2009-02-02/66R

It was moved by Councillor Hanlon; seconded by Councillor Hann: That the Land Use Assessment Report be adopted as presented, and that the application for Stage 2 of the development be granted Approval-in-Principle, subject to the followings conditions:

- 1. Submission of detailed site/site servicing plans for review and approval by the City's Departments of Engineering and Planning;**
- 2. Submission of a detailed landscape plan for review and approval by the City's Park Services Division;**
- 3. Submission of detailed building elevations and floor plans for review and approval by the City's department of Building and Property Management**
- 4. The development is to be undertaken in accordance with the Land Use Assessment Report submitted by the applicant to the City; and**
- 5. Final approval by Council for Stage 2 in the form of a Development Agreement between the City and the Developer.**

Members of Council supporting the motion were satisfied that the Assessment Report indicates that the proposed building will have no impact on public views; and with respect to parking and traffic, the Transportation Engineer has advised that based upon the Institute of Transportation Engineers, trip generation rates, this development will be a low traffic generator and a traffic impact analysis is thereby not warranted. Those supporting the motion were satisfied that all the issues have been satisfactorily dealt with by staff as well as the developer, and the development meets the requirements of the Development Regulations with respect to lot coverage, yard clearances and building line. His Worship the Mayor along with members of Council agreed that the development is good for seniors

and will create significant economic benefit.

Councillor Duff spoke against the motion and asked for a deferral pending further information to address her concerns regarding traffic, indicating that a traffic study should have been conducted beyond what the proposed development would generate, not just the seniors complex. She expressed concern that closing Tiffany Lane to vehicles from the school would only further complicate the current traffic situation noting that Tiffany Lane has a substandard road width. Councillor Duff noted that the apartment units could be rented to adults who are still in the work force, thereby creating traffic during peak hours. She asked that consideration be given to a reservation for future widening of Tiffany Lane which would form part of the final plan for the development. Councillor Duff also expressed concern that the LUAR did not take into account the impact of wind velocity, particularly given the client group.

Also, Councillor Duff asked that the Planning and Housing Committee look at the Development Regulations' definition of "seniors apartment building" to determine if it should be amended to adequately reflect this type of seniors complex.

SJMC2009-02-02/67R

It was then moved by Councillor Duff; seconded by Councillor Galgay: That a decision be deferred pending further information on the traffic impact beyond what the proposed development would generate, and also the impact of wind velocity, particularly given the client group.

The amended motion being put there voted for it the mover, seconder and Councillor Puddister. The amended motion was lost.

The main motion then being put was carried with Councillor Duff dissenting.

2. An application has been submitted by Play Active Learning Centre Inc. requesting permission to establish and operate a Playcare Service at **Civic Number 386 Stavanger Drive**. The proposed business will occupy 350 m² in floor area and provide families with services such as child/parent participation programs or drop-off child care while the parent attends other activities at the facility. Services at the centre include arts and crafts, infant development, book programs, pre/postnatal fitness, freeplay, and children's birthday parties. Hours of operation will be from 8:00 am to 5:00 pm Monday to

Saturday. Seminars and fitness classes will be held during evening hours. On-site parking will be provided. (WARD 1)

SJMC2009-02-02/68R

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

The motion being put was unanimously carried.

3. A Discretionary Use Application has been submitted by DOR Enterprises requesting permission to establish and operate a Lounge at **Civic Number 383 Duckworth Street** (formerly Newfoundland Saddlery and Leather). The proposed Lounge will occupy a floor area of 150 m² and connect internally to the Rockhouse Bar on George Street. (WARD 2)

SJMC2009-02-02/69R

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

The motion being put was unanimously carried.

4. A Change of Non-Conforming Use Application has been submitted by Gary Kirkland requesting permission to convert the commercial portion of **Civic Number 252 Pennywell Road** into a residential unit. The proposed unit will have a floor area of approximately 45m². The property is located in the Residential Medium Density (R2) Zone. (WARD 2)

One (1) submission of objection

SJMC2009-02-02/70R

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

The motion being put was unanimously carried.

5. A Discretionary Use Application has been submitted by Les Ralph requesting permission to establish and operate a Lounge in Suite 1104 at the Waterford Valley Mall, **Civic Number 657 Topsail Road**. The proposed Lounge will occupy a floor area of 100 m². (WARD 3)

Five (5) submissions of objection

SJMC2009-02-02/71R

It was moved by Councillor Coombs; seconded by Councillor Galgay: That the application be rejected.

The motion being put was unanimously carried.

6. A Discretionary Use Application has been submitted by Rob Yetman requesting permission to establish and operate an Indoor BMX Bike Riding facility and retail store at **Civic Number 5 Waterford Bridge Road**. The retail store and riding area will have a combined floor area of 190 m². Hours of business will be 2:00 pm to 10:00 pm, operating seven (7) days a week. Parking will be provided on-site. **(WARD 3)**

**One (1) submission of objection
Memorandum dated February 2, 2009 from the Director of Planning**

SJMC2009-02-02/72R

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

The motion being put was unanimously carried.

Public Hearings

Public Meeting Report dated January 14, 2009
Kenny's Pond Seniors' Residence Complex

Councillor Hanlon spoke to the report on the Public Meeting, the purpose of the meeting being to discuss an application received by the City from the developer of the Kenny's Pond Seniors' Residence Complex, now under construction on Macdonald Drive next to the Holiday Inn. The application is to expand the existing parking lot owned by the City of St. John's at Kenny's Pond Park. The developer of the seniors' complex proposed to expand this parking lot at their expense. Approximately thirty (30) additional parking spaces would be created. The expanded parking lot would be available for the use of the general public and when spaces are available also for the use of the future residents of the seniors' residential complex once this development is completed and occupied.

SJMC2009-02-02/73R

It was moved by Councillor Hanlon; seconded by Councillor Colbert: That an application by the developer of the Kenny's Pond Seniors' Residence Complex, to expand and maintain, at their expense, the existing parking lot at Kenny's Pond Park be approved, noting that the proposed parking lot will be owned by the City, and the general public and residents of the seniors' complex will have equal rights of access to the parking area.

The motion being put was unanimously carried.

Public Works & Environment Standing Committee Report dated January 28th, 2009

Council considered the following Public Works & Environment Standing Committee Report dated January 28th, 2009:

In Attendance: Councillor Wally Collins, Chairperson
 Deputy Mayor Ron Ellsworth
 Councillor Shannie Duff
 Councillor Frank Galgay
 Councillor Tom Hann
 Councillor Sandy Hickman
 Ron Penney, Chief Commissioner & City Solicitor
 Art Cheeseman, Associate Commissioner/Director of Engineering
 Paul Mackey, Director of Public Works & Parks
 Bob Bishop, Director of Finance & City Treasurer
 Dave Blackmore, Director of Building & Property Management
 Jim Clarke, Manager of Streets & Parks
 Brendan O'Connell, Manager of Environmental Services
 Jason Sinyard, Manager of Waste Management
 Steve Colford, Operations & Systems Engineer
 Karen Chafe, Recording Secretary

1. Goulds Servicing Study

The Committee considered a memorandum dated January 15th, 2009 from the Associate Commissioner/Director of Engineering regarding the Goulds Servicing Study.

The Committee on motion of Deputy Mayor Ellsworth; seconded by Councillor Duff recommends approval for the study and that the cost of the study of \$82,000 be charged to “the Shoal Bay Reserve Fund for Sewage Treatment”.

2. Sidewalk Clearing and Ice Control in the Downtown

The Director of Public Works & Parks advised the Committee that the work priorities for Parks Division staff have been revised; and Downtown sidewalks at 26 locations which abut City property will be snow cleared and receive ice control following the clearing of City buildings. The Committee was advised that this change in priorities may result in complaints due to delays in completing other tasks such as steps and laneways and salt boxes. This will be monitored for this winter and a recommendation for a service level change will be brought forward in the 2010 budget if warranted. The service provided by City staff in the Downtown complements the existing contractual service co-funded by the City and the DDC whereby they have a contractor clearing downtown sidewalks after 10 cm of snow has fallen. The DDC contract does not provide ice control.

Commercial property owners in the Downtown are required by City By-Law to keep their properties clear of snow and ice. Enforcement of the Snow Removal By-Law will be added to the duties of the two Public Works & Parks Streets Inspectors and will be carried out as workload permits. Delinquent private property owners will be subject to warning notices and/or ticketing. If they fail to respond, the City has the right to have the required work completed and charge the cost against the property.

3. Sidewalk Pilot Project Snow Clearing Routes

The Committee reviewed maps for the 2 proposed sidewalk pilot routes as presented by the Director of Public Works and Parks. A list of the sidewalks proposed for the 2 routes was circulated to Council by email earlier this week. The Committee confirmed the routes as presented.

4. Additional Snow Clearing Routes, Equipment & Manpower

The Committee considered a memo dated January 12th, 2009 from the Director of Public Works & Parks.

The Committee on motion of Deputy Mayor Ellsworth; seconded by Councillor Duff: recommends that Council approve the following changes to the annual snow clearing budget effective January 1, 2010 in order to maintain the 2001 level of service:

SUMMARY OF ADDITIONAL REQUIREMENTS			
Description	Number	One-time Capital Cost (\$)	Annual Operating & Maintenance Cost (\$)
Truck/Plow Sanders	3	720,000	132,000
Loaders	2	0	100,000
Grader	1	315,000	20,000
1 st Class Operators	9	0	210,000
TOTALS		1,035,000	462,000

Councillor Wally Collins
Chairperson

SJMC2009-02-02/74R

It was moved by Councillor Collins; seconded by Councillor Hanlon: That the Committee's recommendations be approved.

During discussion on sidewalk clearing, Council agreed that staff be directed to develop a brochure listing the proposed streets for sidewalk clearing, for

distribution to the households whose sidewalks are included in the sidewalk clearing routes.

In addition, Councillor Puddister referenced an email from Director of Public Works and Parks regarding downtown sidewalk snow clearing and ice control in which he noted that changes have been made in the priorities serviced by the Parks Division winter crews in order to provide timely ice control and snow clearing to sidewalks abutting City properties and public open spaces in the Downtown. He noted this may result in delays in completing some of the other tasks which have been moved down the priority list. Councillor Puddister asked for information on the impact and extent of the delays referred to.

The motion being put was unanimously carried.

Development Permits List

Council considered as information the following Development Permit List for the period January 23 to 29, 2009:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF January 23, 2009 TO January 29, 2009**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES	Gerald O'Brien and Patricia O'Brien	Proposed Building Lot	16 Topsail Road	2	Rejected – Insufficient Lot Frontage Contrary to Section 10.3.1(b)	09-01-27
COM	Jane Morgan	Home Office	290 Frecker Drive	3	Approved	09-01-28

*	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

SJMC2009-02-02/75R

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

2009/01/28

Permits List

CLASS: COMMERCIAL

MEINEKE CAR CARE CENTER	305 FRESHWATER RD	CO COMMERCIAL GARAGE
ALL-STAR IMPRINTS INC.	319 HAMILTON AVE	CO RETAIL STORE
TURNER'S TAVERN	110 WATER ST	OC TAVERN
JIM WADDEN	604 WATER ST	OC SERVICE SHOP
ISLAND FURNITURE ASSOCIATION	50 ABERDEEN AVE	MS RETAIL STORE
DICKS AND COMPANY LIMITED	385 EMPIRE AVE	MS OFFICE
KING'S GLASS & TIRE INC.	229 KENMOUNT RD	MS RETAIL STORE
SPEEDY GLASS #2	439 KENMOUNT RD	MS COMMERCIAL GARAGE
SPEEDY GLASS	9 PIPPY PL	MS COMMERCIAL GARAGE
YUAN XU	16 STAVANGER DR	SN RESTAURANT
BOURNES ESSO SERVICE LTD.	660 TORBAY RD	MS SERVICE STATION
TROPICAL AND MARINE PETS INC.	611 TORBAY RD	MS RETAIL STORE
TURNER'S TAVERN	110 WATER ST	SN TAVERN
FORTIS PROPERTIES CORPORATION	136-140 WATER ST, 5TH FLOOR	RN OFFICE
ALE & LAGER HOUSE	1 NEW GOWER ST	RN TAVERN
JENNICK ENTERPRISES INC.	199-201 NEW GOWER ST	CR MIXED USE
BELL ALIANT	1 VIRGINIA PL	NC COMMUNICATIONS USE
FORTIS PROPERTIES CORPORATION	100 NEW GOWER ST -SUITE 901	RN OFFICE
CIR MANAGEMENT LIMITED	THE VILLAGE-430 TOPSAIL RD	RN RETAIL STORE
JASON BRAKE	317 WATER ST, HOTEL EXPANSION	CR HOTEL

THIS WEEK \$ 443,500.00
TO DATE \$ 56,727,585.00

CLASS: INDUSTRIAL

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

CLASS: GOVERNMENT/INSTITUTIONAL

CITY OF ST. JOHN'S PROFIT	45-47-49 NEW GOWER ST	RN ADMIN BLDG/GOV/NON-
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THIS WEEK \$ 325,000.00
TO DATE \$ 43,640,635.00

CLASS: RESIDENTIAL

KARWOOD CONTRACTING	18 SPRUCE GROVE AVE - LOT 130	NC SINGLE DETACHED DWELLING
KARWOOD CONTRACTING LTD.	27 SPRUCE GROVE AVE, LOT 108	NC SINGLE DETACHED DWELLING
FRANK CONNORS	80 BRAZIL ST	NC SINGLE DETACHED DWELLING
PAULETTE TOBIN	78 GREAT EASTERN AVE	CR SUBSIDIARY APARTMENT
JENNIFER LANNON	28 NEWHOOK PL	CR SUBSIDIARY APARTMENT
ROBERT MAHER	8 WISHINGWELL RD	EX SINGLE DETACHED DWELLING
ED CHURCHILL	5 CRESTON PL	RN SINGLE DETACHED & SUB.APT

MARIE'S MINI MART	30, 44, 64 CROSBIE RD	RN FENCE
REARDON CONSTRUCTION & DEV LTD	98 GISBORNE PL	RN CONDOMINIUM
IAN JORDAAN	159 GOWER ST	RN SEMI-DETACHED DWELLING
RALPH W. JARVIS	129 PLEASANT ST	RN SEMI-DETACHED DWELLING
DENISE PATEY	37 ST. LAURENT ST	RN SEMI-DETACHED DWELLING
MILLENNIUM PROPERTIES LIMITED	72 STAMP'S LANE	RN SINGLE DETACHED & SUB.APT

THIS WEEK \$ 459,300.00
TO DATE \$151,376,154.00

CLASS: DEMOLITION

FRANK CONNORS	80 BRAZIL ST	DM SINGLE DETACHED DWELLING
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THIS WEEK \$ 2,900.00
TO DATE \$ 1,905,800.00

THIS WEEK'S TOTAL: \$ 1,230,700.00

TOTAL YEAR TO DATE: \$256,335,174.00

REPAIR PERMITS ISSUED: 2009/01/22 TO 2009/01/28 \$.00
2007/12/13 TO 2009/01/28 \$ 3,672,660.00 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

SJMC2009-02-02/76R

It was decided on motion of Councillor Coombs; seconded by Councillor Puddister: That the following Payrolls and Accounts for the week ending January 29, 2009 be approved as presented:

**Weekly Payment Vouchers
For The
Week Ending January 29, 2009**

PAYROLL

Public Works	\$ 367,882.60
Bi-Weekly Casual	\$ 12,249.69

ACCOUNTS PAYABLE

Cheque No. 142582 - 142876 \$ 5,862,693.14

Total: \$ 6,242,825.43

Tenders

a. Tender - Supply of Fertilizer, Limestone and Seed

SJMC2009-02-02/77R

It was moved by Councillor Coombs; seconded by Councillor Puddister: That the recommendation of the Director of Finance and City Treasurer be approved and the tender awarded as follows:

a. **Gaze Seed Limited in the amount of \$42,113.25 (taxes not included)**

The motion being put was unanimously carried.

LSPU Hall/Anna Templeton Centre

Council considered a memorandum dated January 26, 2009 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2009-02-02/78R

It was moved by Councillor Galgay; seconded by Councillor Hanlon: That the recommendation of the Chief Commissioner and City Solicitor that approval be granted to convey land, at no cost, at the rear yard of the Anna Templeton Centre to the Resource Centre for the Arts to help accommodate an extension on the LSPU Hall, be accepted.

The motion being put was unanimously carried.

43 Prescott Street

Council considered a memorandum dated January 26, 2009 from the Chief Commissioner and City Solicitor regarding the above noted.

SJMC2009-02-02/79R

It was moved by Councillor Colbert; seconded by Councillor Duff: That the recommendation of the Chief Commissioner and City Solicitor that the agreement reached to sell land at 43 Prescott Street to the abutting property owners at a rate of \$5.00 per square foot plus usual administration fees and HST, and subject to the City's easement for the sewer line, be approved.

The motion being put was unanimously carried.

Preparation of the Vote-by-Mail Kits for the 2009 Municipal Election

Council considered a memorandum dated January 28, 2009 from the Associate Commissioner/Director of Corporate Services and City Clerk regarding the above noted.

SJMC2009-02-02/80R

It was moved by Councillor Galgay; seconded by Councillor Hanlon: That the City enter into a contract with DataFix for the preparation and supply of the Vote-by-Mail kits and the use of the Municipal Voter View software for the 2009 municipal election.

The motion being put was unanimously carried.

Snow Clearing Report

Council considered the Snow Clearing Report for the period January 1st to January 30th, 2009 showing a negative variance of \$287,169.00

Email to His Worship the Mayor from the Director of Public Works and Parks re Ice Control and Snow Removal

Council considered information from the Director of Public Works and Parks concerning ice control and snow removal costs.

News Release – Government of Canada Invests in Research and Development

Council considered as information a new release concerning the Government of Canada's investment in Research and Development funding.

Cruise Ship Ambassadors Sought for the 2009/2010 Season

Council considered a Press Release announcing the Cruise St. John's Committee is seeking volunteers over the age of 16 who are interested in participating as Cruise Ship Ambassadors.

92 Freshwater Road

Council considered a memorandum dated February 2, 2009 from the Director of Building and Property Management regarding the above noted.

SJMC2009-02-02/81R

It was moved by Councillor Colbert; seconded by Councillor Duff: That the recommendation of the Director of Building and Property Management that Council order the demolition and removal of the structure at 92 Freshwater Road, and the repair of the adjoining party wall in accordance with Section 375 of the City of St. John's Act, be accepted.

The motion being put was unanimously carried.

Councillor Coombs

SJMC2009-02-02/82R

It was moved by Councillor Coombs; seconded by Councillor Colbert: That His Worship the Mayor on behalf of Council write the Province's Federal Members of Parliament asking that they not support the Federal Budget due to the proposed changes to the equalization formula.

The motion being put was unanimously carried.

Councillor Colbert

Councillor Colbert referenced the Federal Government's new funding for infrastructure projects, which he indicated was discussed at a recent meeting of Municipalities Newfoundland and Labrador. He noted that municipalities are concerned with the cost sharing requirements. Councillor Colbert noted that municipalities need to send a clear message that the gas tax approach is the only way to ensure that the funding is delivered in a fair and efficient manner.

Adjournment

There being no further business, the meeting adjourned at 5:55 p.m.

MAYOR

CITY CLERK