

January 14th, 2013

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 Duff; Councillors O'Leary, Hickman, Hann, Colbert, Breen, Galgay, Tilley, Hanlon and Collins.

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

Call to Order and Adoption of the Agenda

SJMC2013-01-14/22R

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

a. Notice to Motorists – Downtown Snow Removal Operations

Adoption of Minutes

SJMC2013-01-14/23R

It was decided on motion of Deputy Mayor Duff; seconded by Councillor Tilley: That the minutes of January 7, 2013 meeting be adopted as presented.

NOTICES PUBLISHED

1. A Discretionary Use Application has been submitted requesting permission to renovate the garage portion of Civic No. 9 Lucyrose Lane as a home occupation that involves the preparing and delivery of home cooked meals. The proposed business will occupy a floor area of approximately 26 m² and will operate Monday to Sunday, 9 a.m. to 5 p.m. The business involves preparing and cooking

meals on domestic cooking equipment, which includes a domestic range, a small domestic freezer, and two domestic refrigerators. The actual cooking time is limited to approximately one hour per day. There will be no on-site sales, web based sales only, delivery to customer's homes only. The business employs the two residents of the dwelling. (Ward 1)

SJMC2013-01-14/24R

**It was moved by Councillor Hickman, seconded by Councillor Breen:
That the application be approved.**

The motion being put was unanimously carried.

2. A Discretionary Use Application has been submitted for a proposed home occupation at **Civic No. 11 Turnberry Street** for a photography studio. The proposed business will occupy a floor area of approximately 30.7 m² and will operate on an appointment basis only, with one client or family per session. The business involves taking photographs only; processing will not be done on-site. One on-site parking space is provided for the business. The applicant is the sole employee. (Ward 4)

Submission of concern

SJMC2013-01-14/25R

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

The motion being put was unanimously carried.

Committee Reports

Council considered the following Development Committee Report dated January 9, 2013:

RECOMMENDATION

1. **Polar Farms Limited**
Crown Land Lease Referral for 6.9 Hectares of Land
Trans Canada Highway Ward 5

Council approve the subject Crown Land Lease application. Should the applicant be successful in obtaining the Crown Land Lease, a formal development application must be submitted to the City for review and approval prior to the commencement of any development on the site.

Robert F. Smart
City Manager
Chair – Development Committee

SJMC2013-01-14/26R

It was moved by Councillor Hann; seconded by Councillor Hickman: That the Committee’s recommendation be approved.

The motion being put was unanimously carried.

Heritage Advisory Committee Report

Council considered the following Heritage Advisory Committee Report dated January 3, 2013:

In Attendance: Deputy Mayor Shannie Duff, Chairperson
Debbie O’Rielly, NL Historic Trust
Tony Lockyer, Canadian Homebuilders
Melanie DelRizzo, Citizen Representative
Wayne Purchase, Downtown St. John’s
Taryn Sheppard, Nexter Representative
Dave Blackmore, Director of Building & Property Management
Ken O’Brien, Manager of Planning & Information
Peter Mercer, Heritage Officer
Helen Miller, City Archivist
Hilary Grant, Cambridge Student (observer)
Karen Chafe, Recording Secretary

1. St. John’s Convention Center Expansion (New Gower/Waldegrave/Water St.)

The Committee met with Paul Blackwood and Charlie Henley of Stantec Architecture as well as John Barry, Project Engineer with the City responsible for overseeing the convention center expansion. Design elevations were presented outlining the interior layout and exterior design for the project for which copies of the elevations were not circulated to the Committee and are not available for inclusion with this report. The following points are noted:

- The dimensions of the expansion will extend west from the existing convention center on New Gower St. to the corner of Waldegrave St. and running south/east onto Water St. The building’s height will correspond with the existing convention center.
- The façade will consist of a metal sheen material broken up by a series of slightly protruding panels of contrasting color which will accommodate signage. A section of the exterior will also consist of floor to ceiling glass

which will reflect the interior space, particularly at night when it will be illuminated. The protruding panels will advertise events occurring at the Center.

- One of the larger panels situated on the Water St. side will also be reserved for the display of a permanent photograph or artwork applied to the surface by a computer generated pixilation process which will be commissioned via an artist competition.
- A pedway is also proposed to connect the expanded convention center to the Delta Hotel across the street. Due to the span of distance, the pedway will have to be constructed in two sections: extending across Waldegrave St. and then across New Gower St.
- The parking garage entrance will be accessible via Waldegrave St. and will consist of a fairly large opening to accommodate truck traffic. Its design was a challenge due to the grading of the site.

The Committee recommends approval of the design elevations submitted subject to the following:

- **that the Arts Advisory Committee (via its Public Art Committee) be consulted on and partake in the selection review process for the permanent photograph or artistic image to be placed on the Water St. façade, and that the short-listed design submissions be referred back to the Heritage Advisory Committee prior to final approval;**
- **that the Committee be consulted on the signage proposed to ensure that it adheres to the regulations of the Heritage Sign By-law.**

2. 61 Hamilton Avenue – Condominium Development

The Committee met with Dick Cook and owner of the property Chris Snellen, to discuss their proposed conversion of 61 Hamilton Avenue into a townhouse/condo development. The matter was previously referred to the Committee for review; however, the applicant has revised the elevations as attached. The exterior cladding which is currently concrete will be maintained. The façade facing Brine St. will consist of regular steel door openings at the ground level and the upper floors will accommodate patio doors overlooking small balconies. A rooftop garden is also proposed.

The Committee expressed some concern about the lack of specific detail outlined on the artist rendering and requested that the design be revised and referred back to the Committee keeping in mind the following:

- further detail required for the concrete blank wall facing Hamilton Avenue - the Committee would prefer some fenestration on this wall;
- more detail required on the treatment of the main entrance doors and the balcony design. Given the monotone concrete exterior, the applicant might wish to consider a mix of different door colors to provide more visual interest.

With regard to the roof-top garden, the Committee recommends deferral of this issue pending the Committee's and staff's review of rooftop deck regulations which currently prohibit rooftop decks in residential buildings located within heritage areas. The distinction between commercial and residential buildings needs to be delineated, specifically with regard to how commercial building conversions should be regulated.

3. Proposed Extension to the Marriott Hotel (northeast corner of the Duckworth St./Cochrane St. intersection)

The Committee met with Messrs Blackwood and Henley of Stantec Architecture who outlined the artist renderings for the proposed extension to the Marriott Hotel.

Given the City's requirements for off-street parking necessitating a parking garage which impacts the overall building height, the Committee recommends approval of the design as presented.

4. 9-11 Waldegrave St. – Sign Application

The Heritage Officer displayed an elevation for a fascia sign at 9-11 Waldegrave St. for the new restaurant "Relish".

The Committee recommends approval of the fascia sign as outlined given that its size is in proportion to the building façade and that it fits within the sign band of the building which is slightly larger than what would normally be permitted for such signs.

**Deputy Mayor Shannie Duff
Chairperson**

SJMC2013-01-14/27R

**It was moved by Deputy Mayor Duff; seconded by Councillor Hickman:
That the Committee's recommendations be approved.**

Regarding Item #2 – Councillor Hann asked that the issue surrounding rooftop gardens/rooftop decks also be referred to the Development Committee for discussion.

Following discussion, the motion being put was carried with the issue of the rooftop gardens/rooftop decks referred to the Development Committee for discussion.

Business Arising

**Proposed Text Amendment to the St. John's Development Regulations
Proposed Tree Planting Fee**

Under business arising, Council considered a memorandum dated January 10, 2013 from the Director of Planning regarding the above noted.

SJMC2013-01-14/28R

It was decided on motion of Councillor O'Leary; seconded by Deputy Mayor Duff: That the Resolution for St. John's Development Regulations Amendment Number 548, 2013 which has the effect of authorizing the City to charge the proposed tree planting fee, be adopted, which will then be referred to the Department of Municipal Affairs with a request for Provincial registration of the amendment.; and further, that the tree planting policy dated January 10, 2013 be adopted, and that the tree planting fee be established at \$250.00 for each required tree based on the lot frontage of the residential property as set out in the policy:

During discussion on the matter, some members of Council, expressed concerns about the policy relative to (1) uploading another fee on new homeowners in addition to the increased development fees (2) the proposed \$250 for each required tree (3) a mandatory fee for homeowners who don't want the trees, with the trees to be planted in public space; (4) maintenance of the trees; (4) whether the fees offset the overall cost of the program.

During discussion, Councillors O'Leary and Hickman indicated their full support of the the proposed tree planting policy and tree planting fee. They spoke of the value of such an initiative to the community and the environment noting that the city has a social and fiscal responsibility to its citizens to beautify the community and benefit the environment.

SJMC2013-01-14/29R

During discussion, it was moved by Councillor Breen; seconded by Councillor Hanlon: That the matter be deferred for further clarification.

The motion to defer being put was carried with Deputy Mayor Duff, Councilors Hickman and O’Leary dissenting.

Development Permits List

Council considered as information the following Development Permits List for the period January 4, 2012 to January 10, 2013;

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF January 4, 2012 TO January 10, 2013**

| Code | Applicant | Application | Location | Ward | Development Officer's Decision | Date |
|------|----------------|--|------------------------|------|---|----------|
| RES | | Proposed Building Lot | Tobin's Road | 5 | Rejected Lacks Frontage on a Public Street Contrary to Section 8.1.2 | 13-01-04 |
| COM | AE Consultants | NL Liquor Warehouse | East White Hills Road | 1 | Approved | 13-01-04 |
| RES | | Subdivide for Additional Building Lot | 480 Main Road | 5 | Approved | 13-01-07 |
| COM | | Home Office for Mattress Sanitization | 255 Newfoundland Drive | 1 | Approved | 13-01-07 |
| RES | | Subdivision of Homestead Lot | 35 Eveyln Place | 4 | Approved | 13-01-08 |
| | | | | | | |

| |
|--|
| <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

SJMC2013-01-14/30R

**It was moved by Councillor Tilley; 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:**

**Weekly Permits List
Council's January 14, 2013 Regular Meeting**

Permits Issued: 2013/01/03 To 2013/01/09

Class: Commercial

| | | | | |
|--------------------------------|----|----------------------|--------------|------------|
| 183 Cheeseman Dr | Co | Office | | |
| 15 George St | Co | Tavern | | |
| 166 Duckworth St | Sn | Retail Store | | |
| 439 Kenmount Rd | Ms | Commercial Garage | | |
| 204-206 Main Rd | Ms | Clinic | | |
| 344 Pennywell Rd | Ms | Clinic | | |
| 386 Stavanger Dr | Ms | Bank | | |
| 410 Stavanger Dr | Ms | Retail Store | | |
| 3 Stavanger Dr | Ms | Retail Store | | |
| 390 Topsail Rd | Ms | Retail Store | | |
| 390 Topsail Rd | Ms | Retail Store | | |
| 680 Torbay Rd | Nc | Accessory Building | | |
| 171-173 Water St | Nc | Fence | | |
| 342 Freshwater Rd | Rn | Eating Establishment | | |
| Avalon Mall No. 1 Aldo | Rn | Retail Store | | |
| 169 Water St | Rn | Office | | |
| 370 Torbay Rd, 2nd Floor, West | Rn | Office | | |
| 571 Thorburn Rd | Nc | Communications Use | | |
| | | | This Week \$ | 439,400.00 |

Class: Industrial

This Week \$.00

Class: Government/Institutional

This Week \$.00

Class: Residential

| | | | | |
|----------------------------|----|---------------------------|--|--|
| 4 Capulet St, Lot 205 | Nc | Single Detached Dwelling | | |
| 12 Capulet St, Lot 201 | Nc | Single Detached Dwelling | | |
| 3 Forest Ave | Nc | Accessory Building | | |
| 6 Galashiels Pl | Nc | Accessory Building | | |
| 27 Gillies Rd., Lot 2 | Nc | Single Detached & Sub.Apt | | |
| 116 Ladysmith Dr - Lot 220 | Nc | Single Detached Dwelling | | |

| | | |
|-----------------------------|----|--------------------------|
| 8 Mclea Pl | Nc | Single Detached Dwelling |
| 13 Scouts Place | Nc | Single Detached Dwelling |
| 30 Sequoia Dr | Nc | Accessory Building |
| 31-33 Golf Ave | Cr | Subsidiary Apartment |
| 11 Hamlet St | Cr | Subsidiary Apartment |
| 17 Hamlet St | Cr | Single Detached Dwelling |
| 41 Larkhall St | Cr | Single Detached Dwelling |
| 51 Beaumont St | Rn | Single Detached Dwelling |
| 20 Convent Sq | Rn | Townhousing |
| 47 Duckworth St-Unit 108 | Rn | Condominium |
| 100 Elizabeth Ave Suite 614 | Rn | Condominium |
| 83-85 Hayward Ave | Rn | Apartment Building |
| 12 Huntingdale Dr | Rn | Single Detached Dwelling |
| 8 Marshall Pl | Rn | Single Detached Dwelling |
| 19 Smithville Cres | Rn | Single Detached Dwelling |
| 34 Wicklow St | Sw | Single Detached Dwelling |

This Week \$ 2,024,423.00

Class: Demolition

This Week \$.00

This Week's Total: \$ 2,463,823.00

Repair Permits Issued: 2013/01/03 To 2013/01/09 \$ 11,900.00

Class: Rejected

120 University Avenue Cr Convert Property to three(3)apartment dwelling Not permitted in the Residential Low Density(R-1) zone

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 | | |

| YEAR TO DATE COMPARISONS | | | |
|--|-----------------------|-----------------------|------------------|
| January 14, 2012 | | | |
| TYPE | 2012 | 2013 | % VARIANCE (+/-) |
| Commercial | \$1,500,700.00 | \$400,400.00 | -73 |
| Industrial | \$0.00 | \$0.00 | 0 |
| Government/Institutional | \$33,800.00 | \$0.00 | -100 |
| Residential | \$2,100,100.00 | \$3,100,100.00 | 48 |
| Repairs | \$20,000.00 | \$11,900.00 | -41 |
| Housing Units (1 & 2 Family Dwellings) | 5 | 9 | |
| TOTAL | \$3,654,600.00 | \$3,512,400.00 | -4 |

Respectfully Submitted,

David Blackmore, R.P.A.
Director Of Building & Property Management.

Payrolls and Accounts

SJMC2013-01-14/31R

It was moved by Councillor Tilley; seconded by Councillor Colbert: That the following Payrolls and Accounts for the week ending January 10, 2013 be approved:

**Weekly Payment Vouchers
For The
Week Ending January 10, 2013**

Payroll

Public Works **\$ 499,207.01**

Bi-Weekly Casual **\$ 5,242.91**

Accounts Payable **\$ 921,118.71**

Total: **\$ 1,425,568.63**

The motion being put was unanimously carried.

Tenders

(a) Tender – Flag Persons

SJMC2013-01-14/32R

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

a. Standing Offer Agreement on an “as required” basis.

| | |
|----------------------------|-------------------|
| Garda | \$17.24 hr |
| Mask | 17.65 hr |
| Safety First | 21.00 hr |
| Shannahans | 27.60 hr |
| Spectrum | 33.36 hr |
| (not including HST) | |

The motion being put was unanimously carried.

Notice to Motorists

Councillor Hanlon presented a notice to motorists from the Department of Public Works and Parks on the City’s downtown snow removal operations.

Councillor Hanlon

Councillor Hanlon, expressed concern on behalf of senior citizens, of snow plows pushing snow into their driveways. Though recognizing that the City works with the Seniors Resource Centre on the Snow Busters Program, she asked that the matter be referred to the Seniors Advisory Committee to see if there is anything further the City can do to improve on the system to assist seniors.

Councillor Hann

Councillor Hann encouraged metrobus customers to avail of the recently launched Metrobus website, Idea Centre, for information on the service, and as means to present their suggestions and concerns.

Councillor O’Leary

Councillor O’Leary asked that the following issues be referred to the Finance and Administration Standing Committee for consideration:

1. Tax Relief for seniors and people on fixed incomes
2. Mayor and Councillors’ Pension Plan

Councillor O’Leary noted that “date rape” and the overall “night life scene” is becoming a growing concern in the downtown and advised she has been in contact with the George Street Association as well as the RNC on the issue. She suggested that the City become involved and look at the possibility of forming an ad hoc committee in an effort to determine what can be done to address this issue.

Councillor Breen

In response to Councillor O’Leary’s request that the following items be considered by the Finance Committee (1) Tax Relief for seniors and lower income people and (2) Mayor and Councillors’ Pension Plan

Councillor Breen pointed out that Council agreed, as part of the City’s budget process, that a review of both issues be undertaken this year. He advised that recommendations relative to the Mayor and Councillors’ pension plan will be finalized for Council’s review towards the end of June 2013 while the review of the taxation issue will be finalized and made available to Council later in the year.

Deputy Mayor Duff

Deputy Mayor Duff suggested that members of Council forward any questions they have on the proposed tree planting policy to the City Clerk’s office for referral to the appropriate staff. She also asked that Mr. Brian Head, Public

Works and Parks, be invited to attend next week's Regular Meeting of Council in order to provide clarification on the issues of concern.

Adjournment

There being no further business, the meeting adjourned at 5:50 p.m.

MAYOR

CITY CLERK