

**February 6<sup>th</sup>, 2012**

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.

Acting City Manager & 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.

### **Moment of Silence**

His Worship the Mayor alluded to the circumstances surrounding the search and rescue efforts and the delay sending a military search and rescue helicopter to the north coast in late January to rescue Burton Winters, 14, of Makkovik, who died last week after getting lost on his snowmobile off the northern coast of Labrador. The Mayor expressed serious concern and again called on the Federal Government to rethink its decision to move the coast guard's maritime search and rescue Sub-Centre to Halifax.

His Worship the Mayor asked for a moment of silence in memory of Burton Winters.

### **Call to Order and Adoption of the Agenda**

#### **SJMC2012-02-06-/79R**

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

- a. Petition - Proposed Hotel Development  
New Gower Street/Springdale St.
- b. Letter from Brother Rice Junior High Principal R Peter McDonald  
Requesting that priority be given to clearing the sidewalks on Bonaventure Avenue out of concern for the students
- c. Travel Request by His Worship the Mayor

# ST. JOHN'S

## Adoption of Minutes

### SJMC2012-02-06/80R

**It was decided on motion of Councillor Hanlon; seconded by Councillor O'Leary: That the minutes of the January 30<sup>th</sup>, 2012 meeting be adopted as presented.**

## Business Arising

### **Application to Rezone Property to the RRI Zone**

**Civic Number 110 Howlett's Line (Ward 5)**

**Applicant: Tracy Chafe**

Under business arising, Council considered a memorandum dated February 1, 2012 from the Director of Planning regarding the above noted.

### SJMC2012-02-06/81R

**It was moved by Councillor Collins: seconded by Councillor Tilley: That the rezoning of the property at Civic Number 110 Howlett's Line from the Rural Zone ( R ) to the Rural Residential Infill (RRI) Zone, be approved, following which the appropriate zoning amendment mapping will be prepared by City staff and the amendment will be referred to the Department of Municipal Affairs with a request for Provincial registration of the rezoning.**

This application was deferred by Council at its Regular Meeting held on January 16<sup>th</sup>, pending City staff's review of the written representations from the area residents in the area asserting there is a road reservation on the property proposed to be rezoned.

Councillor Collins pointed out that it has been determined by staff, who reviewed the documents submitted by the area residents and those found at the Registry of Deeds, that there is no public road or public right-of-way.

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

### Churchill Square, Save Easy

Under business arising Deputy Mayor Duff referenced last week's discussion concerning the closure of Churchill Square, Save Easy and the possibility of establishing a farmer's market in that location. She noted that it was brought to her attention by a number of area residents that a farmer's market could

# ST. JOHN'S

never serve as a substitute for a proper grocery store in that area, which she noted is understandable. The Deputy Mayor indicated that Council should keep emphasis on retaining a grocery store in this area.

In this regard, Councillor Hann clarified the fact that his suggestion last week that the possibility of a farmer's market at that location be looked at was only intended in the event every opportunity for a grocery store had been exhausted.

### **Public Hearings**

- (1) Public Meeting Report dated January 24, 2012  
Re: Application to Rezone Property to Permit a 10 Storey Office Building  
Job Street/Hamilton Avenue (**Ward 2**)  
Applicant: Deacon Investments Ltd.  
(**Memorandum dated February 1, 2012 from the Director of Planning**)

Councillor Breen presented the report of a public meeting held on January 24, 2012 the purpose of which was to consider the application from Deacon Investments Ltd. to rezone property at the intersection of Job Street/Hamilton Avenue to allow the construction of a ten (10) storey office building development with on-site parking.

In this regard Council considered a memorandum dated February 1, 2012 from the Director of Planning.

#### **SJMC2012-02-06/82R**

**It was moved by Councillor Breen; seconded by Councillor Galgay: That staff be directed to proceed with the rezoning process in order to allow the development of the proposed office building development; and further, that staff be directed to draft the appropriate amendments to the Municipal Plan and Development Regulations, which will then be referred to the Department of Municipal Affairs with the request for issuance of a Provincial release against any applicable Provincial interests and policies.**

Discussion ensued during which members of Council indicated their support of the proposed development and commended the architecturally sensitive and creative design of the building.

**Following discussion, the motion being put was unanimously carried.**

- (2) Public Meeting Report dated January 25, 2012

# ST. JOHN'S

Re: Proposed Hotel Development  
New Gower Street/Springdale Street (**Ward 2**)  
Applicant: Manga Hotels Ltd.  
**(Memorandum dated February 1, 2012 from the Director of Planning)**

Councillor Breen presented the report of a public meeting held on January 25, 2012 the purpose of which was to consider the application from Manga Hotels Ltd. to rezone property at New Gower Street/Springdale Street, proposed as a first phase the construction of a twelve (12) storey hotel development at the eastern portion of the property; the next stage of the development of the property yet to be determined by the applicant, but could potentially be another multi-storey hotel or office building with a building height greater than four (4) storeys.

In this regard, Council considered a memorandum dated February 1, 2012 from the Director of Planning.

Councilor Breen outlined the concerns raised by the residents concerning the proposed development which include - shadowing impacts on adjoining residential properties; the close proximity to residential properties with little buffering or screening; increased traffic, building height; loss of privacy; building design, etc.

**SJMC2012-02-06/83R**

**It was then moved by Councillor Breen; seconded by Councillor Hann: That Council not proceed at this time with the rezoning of the application property from the RD Zone to the CCO Zone to enable the construction of the proposed twelve (12) storey hotel building and the potential future construction of a multi-storey building on the western portion of the property as a second phase of development; and further, that the City officials meet with the applicant and their architectural consultants to determine the feasibility of redesigning the proposed hotel development so that it has a possible lower building height through a larger building footprint with the objective of lessening impacts of the hotel development on the adjoining and nearby residential properties.**

Discussion ensued during which all members of Council indicated their full support of the motion. Deputy Mayor Duff asked that staff also consult with the resident representatives to seek their input on possible alternatives.

During discussion, Councillor Galgay tabled a petition the prayer of which reads as follows:

**ST. JOHN'S**

We the undersigned oppose the proposed rezoning of the land at Springdale and New Gower St. from Residential Downtown Zone to Commercial Central Office Zone. This will allow for the building of a 12 story hotel, and possibly another tower built on the site. This will have serious “quality of life” repercussions for the whole neighbourhood. There will be decreased property values, increased traffic volumes, parking issues, noise from vehicles, building ventilation systems, people, snowclearing, as well as the noise during the construction period.

The current design submission demonstrates no respect for the area’s aesthetic or residents, as the building(s) will dwarf the whole neighborhood. The residents adjacent to the site are more seriously impacted because of the extreme close proximity to the hotel – 35’ from their homes. Sunlight will be blocked out for much of the day, and privacy will be eliminated because there will be a wall of hotel room windows facing these houses.

Any new development must consider the impact on the people that have chosen to buy and invest in their homes, and live their lives in the neighborhood. Please reject this zoning change as it is too dense for the area and incompatible with the neighbourhood.

Following discussion, the motion being put was unanimously carried.

- (3) Public Meeting Report dated January 26, 2012  
Re: Application to Redevelop Property for a Residential Condominium Building  
Civic No. 40 Henry Street  
(Site of the Former Star of the Sea Hall Building) (Ward 2)  
Applicant: Manga Developments Ltd.  
(Memorandum dated February 1, 2012 from the Director of Planning)

Councillor Breen presented the report of a public meeting held on January 26, 2012 the purpose of which was to consider the application from Manga Developments Ltd. to rezone the former Star of the Sea Hall site at Civic Number 40 Henry Street to allow the construction of a six (6) storey residential condominium building with two (2) levels of underground parking.

In this regard Council considered a memorandum dated February 1, 2012 from the Director of Planning.

**SJMC2012-02-06/84R**

**It was moved by Councillor Breen; seconded by Councillor Galgay: That the staff be directed to move forward with the rezoning process in order to allow the development of the proposed residential condominium building at Civic No. 40 Henry Street, and draft the appropriate text and map amendments to the Municipal Plan and Development**

**ST. JOHN'S**

**Regulations, which will then be forwarded to the Department of Municipal Affairs with the request for the issuance of a Provincial release against applicable interests and policies.**

During Councillor Breen's review of the public meeting report he noted that it was suggested by a resident of Queen's Road that Old Chapel Lane be upgraded as part of the proposed development and asked that staff look at that possibility.

Councillor Galgay asked that the developer be approached and asked to be sensitive to the historic nature of the property. Deputy Mayor Duff, noting that the Heritage Advisory Committee have approved the building elevations for the proposed residential condominium, asked that staff approach the developer to recognize the building's history in a tangible form when designing the building. She suggested maybe installing a public history board on the site, at least in the vicinity of the development. Councillor Hann noted that the developer will be quite sensitive to the building's history and intends to do everything they can to honor the history of the Star of the Sea Hall building.

**Following discussion, the motion being put was unanimously carried.**

#### **Development Committee Report dated January 31<sup>st</sup>, 2012**

Council considered the following Development Committee Report dated January 31<sup>st</sup>, 2012:

#### **RECOMMENDATIONS OF APPROVAL**

- 1. Proposed Commercial Development  
(Coleman's Supermarket, NLC Outlet and three (3) future Commercial Buildings)  
Southlands Boulevard at Gold Medal Drive (Ward 5)  
Applicant: Mr. Frank Coleman**

The Development Committee recommends that Council approve the attached terms of reference for the Land Use Assessment Report for the proposed development. It is also recommended that as the proposed use is a Permitted Use, that once the report has been received and reviewed by staff, that staff be directed to proceed with public notification of the application and Assessment Report. This process would include a newspaper notice, notices mailed to property owners in the area and posting of the Assessment Report on the City's website.

Robert F. Smart  
City Manager

**ST. JOHN'S**

Chair – Development Committee

**SJMC2012-02-06/85R**

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

**Following discussion, the motion being put was unanimously carried.**

**Development Permit Lists**

Council considered as information the following Development Permits List for the period of January 27, 2012 to February 2, 2012.

**DEVELOPMENT PERMITS LIST  
DEPARTMENT OF PLANNING  
FOR THE PERIOD OF January 27, 2012, 2012 TO February 2, 2012**

Code	Applicant	Application	Location	Ward	Development Officer’s Decision	Date
COM	Mike Smith – Case International	Building for Tank Farm	Pier 17 – Water Street	2	Approved	12-01-31
RES	Rod Jerrett	Building Lot –Semi-Detached Dwelling	6 Edinburgh St	2	Approved	12-01-31

<p>* Code Classification:  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>

**Gerard Doran  
Development Officer  
Department of Planning**

**Building Permits List**

**SJMC2012-02-06/86R**

**It was decided on motion of Councillor Hanlon; 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:**



## Permits List

**CLASS: COMMERCIAL**

MICHAEL TAYLOR	371-373 DUCKWORTH ST	OC TAVERN
VIVID COMMUNICATIONS	391-395 EMPIRE AVE	SN RETAIL STORE
CHRISTINA BAUDI @ NEON	56 KENMOUNT RD BOUCLAIR HOME	SN RETAIL STORE
REDWOOD CONSTRUCTION LTD	560 TOPSAIL RD	NC ACCESSORY BUILDING
JENKINS POWER SHEET METAL INC.	63-65 MAIN RD -CHERRY WOOD	CO CUSTOM WORKSHOP
MICHAEL MERCER	110 WATER ST	CR RETAIL STORE
FED. GOV'T. (BLDG. #223)	PLEASANTVILLE, BLDG 223	RN OFFICE
FIRST COPY DUPLICATING CENTRE	60 PIPPY PL	RN SERVICE SHOP
BRISTOL DEVELOPMENT INC.	145 KELSEY DR, LAVERT GROUP	RN OFFICE
BRISTOL DEVELOPMENT INC.	145 KELSEY DR, TRITON DATA	RN OFFICE
NFLD & LABRADOR HOUSING CORP.	89 FROUDE AVE	EX PLACE OF ASSEMBLY
BRISTOL DEVELOPMENT INC.	145 KELSEY DR,SUN LIFE FINANCI	RN OFFICE
55731 NEWFOUNDLAND & LABRADOR	75 TIFFANY CRT	RN OFFICE
PLAZAGROUP MANAGEMENT LTD.	430 TOPSAIL RD BED BATH BEYOND	TI RETAIL STORE

THIS WEEK \$ 4,388,592.00

**CLASS: INDUSTRIAL**

THIS WEEK \$ .00

**CLASS: GOVERNMENT/INSTITUTIONAL**

BOOTH MEMORIAL HIGH	151 FRESHWATER RD	SN SCHOOL
55731 NEWFOUNDLAND & LABRADOR	75 TIFFANY CRT, PSYCHOLOGY	RN SCHOOL
55731 NEWFOUNDLAND & LABRADOR	75 TIFFANY CRT, SOCIAL WORK	RN SCHOOL
55731 NEWFOUNDLAND & LABRADOR	75 TIFFANY CRT, NURSING	RN SCHOOL
GENERAL PROTESTANT CEMENTARY	SOUTHLANDS BOULEVARD CEMETARY	SW CHURCH
GENERAL PROTESTANT CEMENTARY	SOUTHLANDS BOULEVARD CEMETARY	SW CHURCH

THIS WEEK \$ 1,684,000.00

**CLASS: RESIDENTIAL**

STEVEN C. CURTIS	7 SPRUCE GROVE AVE	NC FENCE
KEVIN BARNES	6 BRANSCOMBE ST	NC ACCESSORY BUILDING
MARK & SHANNON DAWSON	2 CORK PL	NC SWIMMING POOL
FAIRVIEW INVESTMENTS LIMITED	143 GREAT EASTERN AVE, LOT 130	NC SINGLE DETACHED & SUB.APT
CHRIS WALSH	740-754 MAIN RD	NC ACCESSORY BUILDING
PRO-TECH CONSTRUCTION	37 ROSE ABBEY ST	NC SINGLE DETACHED DWELLING
REDWOOD CONSTRUCTION	25 WHITE ROSE DR	NC ACCESSORY BUILDING
ORAL MEWS - ALL KNIGHTS INC.	114 DUCKWORTH ST	CO HOME OFFICE
PROGRESSIVE PAVING PLUS	731-733 MAIN RD	CO WAREHOUSE
JOHN & BRENDA CHANCEY	54 EASTBOURNE CRES	CR SUBSIDIARY APARTMENT
BRENT VOKEY	13 MARTIN CRES	CR SUBSIDIARY APARTMENT
60419 NEWFOUNDLAND &	7 PATRICK ST	CR CONDOMINIUM
DONALD P. OAKLEY	3 LOWER BATTERY RD	EX SINGLE DETACHED DWELLING
MARY NORTON	18 ALBANY PL	RN APARTMENT BUILDING
ROBIN A. SGROI	51 EMPIRE AVE	RN SINGLE DETACHED & SUB.APT
C & F HOLDINGS INC.	31 HAMLET ST	RN SINGLE DETACHED DWELLING
JOSEPHINE ROGERS	42 LIVINGSTONE ST	RN TOWNHOUSING

# ST. JOHN'S



Bi-Weekly Fire Department	\$ 554,956.05
<b>Accounts Payable</b>	<b>\$ 3,183,877.93</b>
<b>Total:</b>	<b>\$ 5,517,459.21</b>

### Tenders

- a. Tender – Standing Order for Glass Beads
- b. Tender – Supply of Traffic Controller
- c. Tender – Riverhead WWTF Digester No. 1  
Removal of Gas Proof Liner

#### SJMC2012-02-06/88R

**It was moved by Councillor Hanlon; seconded by Councillor Tilley: That the recommendations for the Acting Director of Finance and City Treasurer and the Director of Engineering be approved and the tenders awarded as follows:**

- a. **Construction Signs @ \$23,600.00 (taxes not included)**
- b. **Econolite Canada ltd. @ \$15,878.82 (taxes not included)**
- c. **Mount Pearl Painting Ltd. @ \$274,000.00**

### 2012 Capital Budget

Council reviewed the 2012 Capital Budget, the list of projects totaling \$21.3 million, a copy of which forms part of these minutes and is on file with the City Clerk's office.

#### SJMC2012-02-06/89R

**It was moved by Councillor Breen; seconded by Councillor Hickman: That the 2012 Capital Budget totaling \$21.3 million, be approved as presented.**

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

# ST. JOHN'S

**Memorandum dated February 3<sup>rd</sup>, 2012 from the Deputy City Manager/Director of Corporate Services & City Clerk  
Re – Travel by Deputy Mayor Duff**

**SJMC2012-02-06/90R**

**It was moved by Councillor Colbert; seconded by Councillor O’Leary: That travel by Deputy Mayor Duff to Kingston, Ontario to attend the FCM Board Meetings March 7 to 11, 2012, be approved.**

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

**Travel by His Worship the Mayor**

**SJMC2012-02-06/91R**

**It was moved by Councillor Colbert; seconded by Councillor O’Leary: That travel by His Worship the Mayor February 11 to 16, 2012, to London, England, to attend the St. John’s Cruise Committee/St. John’s Port Authority/St. John’s Marketing & Promotion meetings, be approved.**

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

**Public Meeting Schedule, February 2012**

Council considered as information a memorandum dated February 2, 2012 from the Director of Planning listing the public meetings pertaining to planning issues that have been scheduled to date for the month of February.

**10 Forbes Street – Waterline Easement**

Council considered a memorandum dated February 2, 2012 from the City Solicitor regarding the above noted.

**SJMC2012-02-06/92R**

**It was moved by Councillor Colbert; seconded by Councillor Hickman: That the Mayor and City Clerk be authorized to execute Notice of Expropriation with respect to acquiring a water line easement and land at 10 Forbes Street.**

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

**ST. JOHN’S**

### **Water Pressure Reducing Station Easement**

Council considered a memorandum dated February 2, 2012 from the City Solicitor regarding the above noted.

#### **SJMC2012-02-06/93R**

**It was moved by Councillor O’Leary; seconded by Councillor Breen: That the Mayor and City Clerk be authorized to execute Notice of Expropriation with respect to acquiring an easement from the R.C. Episcopal Corporation to install a water pressure reducing station on an existing water line on land adjacent to Holy Heart High School.**

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

### **February 2012 Economic Update**

Councillor Tilley presented the highlights of the February 2012 Economic Update.

#### **Councillor Collins**

Councillor Collins advised of the public meeting to be held this evening at 7:00 p.m. in the Foran/Greene Room, 4th floor, City Hall to present the City's proposed enhancements for sidewalk snow clearing measures. Members of Council and staff with the Department of Public Works & Parks will be present to conduct the presentation and to hear feedback and questions from the general public.

Councillor Collins advised that the Goulds Winter Carnival activities will commence next week.

#### **Councillor Hanlon**

Councillor Hanlon noted she would like to see Council find a solution to controlling snowmobile activity within the City limits. The matter was referred to the Police and Traffic Committee for follow-up.

# ST. JOHN'S

Councillor Hanlon extended birthday greetings to Margaret Kearney on her 87<sup>th</sup> Birthday.

### **Councillor Tilley**

Councillor Tilley noted he has received a number of complaints regarding speeding on Jensen Camp Road and Rotary Drive. The matter was referred to the Police and Traffic Committee for follow-up

Councillor Tilley advised of a public meeting to be held by the City of St. John's on Thursday, February 9, 2012 at 7:00 pm at the Elks Club located on Carpasian Road. The purpose of the public meeting is to provide an opportunity for public review and comment on proposed draft standards for drive-through operations that have been prepared by City staff and which are proposed for inclusion in the St. John's Development Regulations.

### **Councillor Galgay**

Councillor Galgay advised that on February 3, 2012 he along with Councillor Hann attended a press conference at the Wiseman Centre on Homelessness during which Minister Hedderson announced approximately \$1 million funding to be used to accommodate women within that institution. He extended gratitude to the government on this funding announcement and commended the churches and other community organization on a commendable job in focusing on homelessness.

### **Councillor Breen**

Councillor Breen noted that last week the May Day Coalition conducted a press conference in which a call was made on the Federal Government to carry out an independent review of the decision to close Search and Rescue Centres in St. John's and Quebec, noting that communication is lacking, making it difficult to campaign. He further noted the Federal Government's commitment to close both the St. John's and Quebec units has been broken in that they've sped up the closure of the St. John's Centre while the Quebec closure has been delayed for another year. Councillor Breen asked that the Mayor write the Federal Government

# ST. JOHN'S

calling for support of an independent review and asking that they maintain their original commitment to close both units on the same time table, if indeed they intend to close the units. Councillor Breen called on all municipalities across Newfoundland and Labrador to do likewise.

### **Councillor O’Leary**

Councillor O’Leary tabled a letter from R. Peter McDonald, Principal, Brother Rice Junior High School asking that priority be given to the clearing the sidewalks on Bonaventure Avenue out of concern for the students. The matter was referred to the Deputy City Manager/Director of Public Works and Parks for consideration.

Councillor O’Leary advised that she received calls concerning snow clearing of fire hydrants. The Director of Public Works outlined the protocol with respect to the clearing of hydrants.

Councillor O’Leary advised that today on behalf of the City she took part in the MUN Engagement Series on a topic titled “Engaging in Creative Arts and Culture” and saw it as a great opportunity since the City is in the process of conducting background work on an arts production facility and stressed the importance for open communication and dialogue. Councillor O’Leary encouraged the public to visit the MUN website.

Councillor O’Leary advised that she will be meeting with Honourable Terry French, Provincial Minister of Environment and Conservation, concerning Government’s plans to roll out the legislation on Banning of Cosmetic Pesticides Use and Lawn Care and will apprise Council accordingly.

Councillor O’Leary advised that on February 9, 2012 St. John’s Clean and Beautiful will host an art exhibit by a grade 3 students throughout the City, titled “For the Love of St. John's Art” .

### **Deputy Mayor Duff**

Deputy Mayor Duff advised that she received a call from a resident who had witnessed a private contractor remove snow from private property and dump it onto City property and asked what

# ST. JOHN'S

the proper protocol call is to handle such situations. The Deputy City Manager/Director of Public Works and Parks noted that the proper procedure is to call 311, and indicated he will ensure that staff have the proper information to address any calls in this regard.

**Adjournment**

There being no further business, the meeting adjourned 6:30 p.m.

---

**MAYOR**

---

**CITY CLERK**

**ST. JOHN'S**