

November 26<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: Councillors O'Leary, Hickman, Hann, Colbert, Breen, Galgay, Hanlon and Collins.

Regrets: Deputy Mayor Duff and Councillor Tilley.

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**

##### **SJMC2012-11-26/587R**

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

#### **Adoption of Minutes**

##### **SJMC2012-11-26/588R**

**It was decided on motion of Councillor Breen; seconded by Councillor O'Leary: That the minutes of November 19<sup>th</sup>, 2012 meeting be adopted as presented.**

#### **Business Arising**

##### **SJMC2012-11-26/589R**

**Pursuant to Notice of Motion, it was moved by Councillor O'Leary; seconded by Councillor Hickman: That Council formalize Council representation between the City of St. John's and the St. John's Port Authority as it does not presently exist and which would address the need for a meaningful exchange on important issues which affect both the City of St. John's and the St. John's Port Authority.**

Councillor Breen, whose brother serves on the Board of Directors of the St. John's Port Authority, was declared by the City Solicitor not to be in conflict of interest.

Discussion ensued during which members of Council speaking against the motion expressed utmost satisfaction with the relationship as it exists between the City of St. John's and the St. John's Port Authority. They noted that Council has been well served by how the Port Authority interacts with the City of St. John's.

During discussion His Worship the Mayor tabled a letter dated November 26, 2012 from the President and CEO of the St. John's Port Authority regarding the Notice of Motion put forward by Councilor O'Leary noting that the matter has caused considerable consternation amongst the Board of Directors of SJPA. A copy of the letter is on file with the City Clerk's office.

Councillor O'Leary noted that though she respects the current relationship between the City and the St. John's Port Authority, as well as the statements put forward by members of Council in that regard, the intent of her motion was to promote a more open line of communication between both parties.

**Following discussion, the motion being put there voted for it Councillor O'Leary. The motion was lost.**

### **22 Roosevelt Avenue**

Under business arising, Councillor Colbert referenced Council's decision to purchase land at Roosevelt Avenue from the Federal Government. He asked that consideration be given to obtaining the balance of the land located on the south side of Roosevelt Avenue.

### **SJMC2012-11-26/590R**

**It was moved by Councillor Colbert, seconded by Councillor Breen: That staff approach the Provincial government to negotiate the transfer of that portion of land located to the south side of Roosevelt Avenue, Pleasantville.**

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

**Public Hearings**

**Public Meeting Report dated November 7, 2012  
Application to Construct an Extension to the Courtyard by Marriott Hotel  
Intersection of Duckworth Street/Cochrane Street (Ward 2)  
Memorandum dated November 22, 2012 from the Director of Planning**

Councillor Breen presented the report of a public meeting held on November 7, 2012 the purpose of which was to provide an opportunity for public review and comment on the revised application to construct an extension to the Courtyard by Marriott Hotel at the northeast corner of the intersection of Duckworth Street/Cochrane Street.

Also provided was a copy of the updated Land Use Assessment Report (LUAR) dated August 31, 2012 prepared for the applicant by Stantec Architecture, along with a copy of the view plane analysis for the proposed hotel extension that was prepared by City staff and which was presented at the public meeting held on November 7, 2012.

Councillor Breen noted a number of written submissions of support as well as written submissions of objection/concern included with the report.

Residents objecting to the proposal expressed concern that exceeding the height restriction would be setting a precedent, would compromise the heritage preservation in the area and would block views.

Councillor Breen noted that the concerns are legitimate however indicated there are various reasons why applications are rejected or approved. In this case the application was looked at as a specific application from the developer and once all the information was assessed the additional height was required. He stressed the fact that applications are looked at on a case-by-case basis as well as the site and the area. He further noted that private views are not protected.

Some of the residents favoured the project as a very positive development for the downtown area.

**SJMC2012-11-26/591R**

**It was moved by Councillor Breen; seconded by Councillor Galgay : That the public meeting report be adopted as presented.**

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

**SJMC2012-11-26/592R**

**It was then moved by Councillor Breen; seconded by Councillor Galgay: That staff be directed to draft a site specific text amendment to the Development Regulations to provide that for the property at the northeast corner of the intersection of Duckworth Street and Cochrane Street, that Council may, at its discretion and under the current CCM Zone designation of the property, allow a building with a maximum building height of 20 metres.**

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

**Committee Reports**

**Public Works & Environment Standing Committee Report dated November 15, 2012**

Council considered the following Public Works & Environment Standing Committee Report dated November 15, 2012:

- Attendees:** Councillor Wally Collins, Chairperson  
Councillor Frank Galgay  
Councillor Danny Breen  
Councillor Sandy Hickman  
Councillor Tom Hann  
Robert Smart, City Manager  
Paul Mackey, Deputy City Manager/Director of Public Works & Parks  
Walt Mills, Director of Engineering  
Dave Blackmore, Director of Building and Property Management  
Bob Bishop, Director of Finance & City Treasurer  
Brendan O'Connell, Manager of Environmental Services  
Kevin Breen, Manager of Streets  
Steve Colford, Operations & Systems Engineer  
Phil Hiscock, Operations Assistant - Streets  
Brian Head, Operations Assistant – Parks  
Karen Chafe, Recording Secretary

Report:

1. **Culvert & Septic System Installation Deposit**

The Committee considered a memo dated October 4, 2012 from the Deputy City Manager/Director of Public Works & Parks regarding a proposed increase in the amount of refundable deposit for the installation of driveway culverts.

**The Committee on motion of Councillor Hickman; seconded by Councillor Galgay recommends that the refundable deposit for installation of driveway culverts and septic systems be increased from \$500.00 to \$2,000.00 effective January 1, 2013. This increase will more accurately reflect the current cost to correct instances of non-compliance.**

2. **Street Excavation Permit Fees**

The Committee considered a memo dated October 4, 2012 from the Deputy City Manager/Director of Public Works & Parks regarding the above-noted matter.

**The Committee on motion of Councillor Hickman; seconded by Councillor Galgay recommends that the non-refundable portion of Street Excavation Permits be increased from \$50.00 to \$300.00 effective January 1, 2013, with the option to review this amount in one year to determine if it is still reflective of the costs associated with multiple inspections.**

3. **Salt Spreading Equipment**

The Committee considered a memo dated November 13, 2012 from the Deputy City Manager/Director of Public Works & Parks regarding the purchase of salt spreading equipment.

**The Committee on motion of Councillor Hickman; seconded by Councillor Breen recommends that Council approve the allocation of \$67,000.00 from the Salt Reserve Fund to purchase the following pieces of equipment for salt spreading operations:**

- **4 x 4 heavy duty pickup truck for salt spreading in areas not accessible by truck/plow sanders (eg. Battery, steep laneways). Cost: \$50,000.00**
- **Salt gate position sensors for 19 truck/plow sanders equipped with Bosch Rexroth spreading systems. Cost: \$17,000.00.**

**4. Service Evaluation Survey Results**

The Committee refers the attached service evaluation survey results to Council for information purposes.

Councillor Wally Collins  
Chairperson

**SJMC2012-11-26/593R**

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

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

**Heritage Advisory Committee Report dated November 7, 2012**

Council considered the following Heritage Advisory Committee Report dated November 7, 2012:

In Attendance: Gerard Hayes, Acting Chairperson  
Councillor Sheilagh O'Leary  
Anne Hart, Citizen Representative  
Taryn Sheppard, Nexter Representative  
Ken O'Brien, Manager of Planning & Information  
Peter Mercer, Heritage Officer  
Margaret Donovan, Tourism Industry Coordinator  
Karen Chafe, Recording Secretary

**1. 45 Bonaventure Avenue – Proposed Signage**

The Committee considered an application to install signage at the above-noted location. A copy of the plan is attached.

**The Committee recommends approval of the sign's dimensions which is in scale with the mass of the building. The Committee recommends that the sign comply with the Heritage Sign By-Law which prohibits back lit signs having a predominantly white background.**

**2. 21 – 47 LeMarchant Road – Proposed New Construction**

The Committee met with Jeff Reardon and Neal De Florio of Reardon Construction to discuss their proposal to construct a condominium development, the elevation of which is attached. The design is somewhat

preliminary at this stage though the general massing of the building will remain as it appears on the elevation, extending from Cookstown Road to Lime Street with a small set-back from the sidewalk on Lemarchant Road. The applicants suggested that they may revise the entrance but would like to retain the overall design with some possible changes to color. The proposal will take place in two phases.

**The Committee will continue to consult with the applicant about design features and has requested that the applicant submit other elevations which show the entire building and how it relates to the streetscapes of LeMarchant Road (looking east and west) as well as perspectives from Cookstown Road and Lime Street looking north and south. This will give the Committee a better sense of how the proposed structure will integrate with the surrounding environment. The Committee also suggested that the applicant may wish to consider more variety in the size of its windows.**

**3. 430 Water Street – Proposed Extension**

The Committee met with Mr. Paul Blackwood of Stantec Architecture to present a proposal for the expansion of 430 Water Street at the rear facing George St. West and consisting of a 6-storey building. The overall recladding and window replacement of the existing building is also proposed. The renderings are attached.

**As the design is preliminary, the Committee recommends continued consultation with the architect to evolve the design. Some of the following suggestions were noted:**

- **Reconsider the recladding of the existing building and instead retain the original brick façade and window alignment, particularly for the first floor windows facing Springdale St.;**
- **Consider the use of brick for the 6-storey expansion unless alternatives can be found to the commonly used glass curtain wall, e.g. different colors or pargings (other than EIFS);**
- **Reference was made to the proposed garage on the first floor facing George St. West and which should be camouflaged or offset with plantings, art work, screening or a combination thereof;**
- **Reference was made to the front lawn facing Water St. as well as Hutchings Lane and whether or not these spaces could be converted into friendlier walkways, seating areas or green spaces which would be attractive to pedestrian traffic. It was noted that the green space bordering Water St. is owned by the City.**

4. **340 Duckworth St. (Revised Parking Garage Elevations)**

Mr. Dick Cook and Mr. Bill Clarke met with the Committee and presented their revised elevations for the parking garage to be situated east of the former CBC building. A copy of the elevations is attached. The Committee notes that Council previously approved the design of the parking garage façade against the Committee's recommendation. The new elevations reflect only minor adjustments to the approved design that do nothing to address the Committee's concerns with the overall design. However, the following suggestions were noted:

- **The applicant may consider a different color palette to the beiges or browns that are typical in shopping centers and box stores. The Committee suggested that the colors be more reflective of the art deco style of the former CBC building which is typically pastels such as pale blue, pale pink, peach, light grey and white.**
- **The elevation also shows a teal green roof and overhang canopy which if copper is acceptable; however, if the proponent intends to use another material, then they should reconsider the teal green color to be more compatible with the final colors of the façade.**
- **With regard to the masonry which appears to be a brown/beige stone also commonly used in big-box architecture, it was suggested that a different treatment be used, for example grey stone as in downtown stone buildings, or granite or a glazed brick façade.**

5. **148 Duckworth St. (former Brass Rack)**

The Committee considered background information on the proposed treatment to the front façade of 148 Duckworth St. wherein four garage doors are proposed. The elevations are attached. The Committee recommends the following:

**That the windows of the garage doors be elevated to look more like windows rather than doors, with a noticeable section of wall underneath the glass. The purpose of this is to offset the look of garage doors while continuing to have the benefit of windows that can open to the sidewalk.**

Gerard Hayes  
Acting Chairperson

**SJMC2012-11-26/594R**

**It was moved by Councillor O'Leary; seconded by Councillor Breen: That the Committee's recommendations be approved.**

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

**Special Events Advisory Recommendations**

Council considered the following Special Events Advisory Committee recommendations:

Date: November 21, 2012  
To: His Worship the Mayor and Members of Council  
From: Robin King, P. Eng.  
Chairperson, Special Events Advisory Committee  
Re: Special Events Advisory Recommendations

The following recommendations of the Committee are forwarded to Council for approval in principle subject to any conditions that may be required by the Special Events Advisory Committee:

- 1) Event: Goulds Christmas Parade  
Location: Main Road Goulds  
Date: Dec. 2, 2012  
Time: 1:00 pm to 3:00 pm

If the DDC Christmas Parade goes ahead on this date, the alternate date is Dec. 9.

- 2) Event: City of St. John's New Year's Eve Celebrations  
Location: Quidi Vidi Lake  
Date: Dec. 31, 2012 (Alternate date of Jan. 1, 2013 @ 8:0 pm)  
Time: 10:00 pm to 12:30 am

This event will require road closures, to be determined.

This event requires an extension to the noise by-law to 12:30 am on Jan. 1, 2012.

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Robin King, P. Eng.  
Chairperson, Special Events Advisory Committee

**SJMC2012-11-26/595R**

**It was moved by Councillor Hickman; seconded by Councillor Colbert: That the Committee's recommendation be approved.**

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

**Resolutions**

**TRANSIT VISION 2040**

**SJMC2012-11-26/596R**

**It was moved by Councillor Hann; seconded by Councillor Hickman: That the following Resolution be adopted:**

WHEREAS public transit provides essential and universal mobility to residents within Canada's urban areas;

AND WHEREAS public transit strengthens economic competitiveness by making effective and efficient use of roadway capacity and offering people a transportation choice other than the automobile;

AND WHEREAS public transit reduces greenhouse gas emissions and air pollution;

AND WHEREAS transit infrastructure investment needs for Canadian transit systems in the period 2012-2016 stand at \$53 billion, with over \$13-billion of this amount not fundable under current programs;

AND WHEREAS municipalities have inadequate revenue tools to finance the full cost of transit infrastructure and operations;

AND WHEREAS the Government of Newfoundland and Labrador provides no financial support to public transit;

AND WHEREAS the Government of Newfoundland and Labrador, in fact, taxes public transit in respect of vehicle registration fees and a provincial road tax;

AND WHEREAS, in response to these challenges, the Canadian Urban Transit Association (CUTA) has – in broad consultation with many stakeholders across Canada – developed Transit Vision 2040, consisting of the following six themes:

- 1. Putting transit at the centre of communities** through stronger government policy and decision-making frameworks, and better community planning and design.
- 2. Revolutionizing service** through expansion and innovation, so that transit systems can both encourage and serve growing demands as they keep pace with the changing face of Canadian communities.
- 3. Focusing on customers** and accelerating the delivery of flexible, integrated transit services that meet the needs of an increasingly diverse and discriminating clientele.
- 4. Greening transit** to further reduce the industry's ecological footprint, improve energy efficiency and limit greenhouse gas emissions.

**5. Ensuring financial health** through enhanced transit infrastructure and operating investments by all orders of government, more progressive approaches to generating revenue, and new efficiencies in service delivery.

**6. Strengthening knowledge and practice** so that Canada’s transit industry can more effectively respond to future opportunities and challenges.

THEREFORE IT IS RESOLVED THAT THIS COUNCIL:

1. Endorse Transit Vision 2040, as developed by the Canadian Urban Transit Association (CUTA), including its 6 themes and 27 Strategic Directions.
2. Seek to align the future vision of public transit services with Transit Vision 2040 and endeavour to reach or exceed performance targets outlined in the Vision.
3. Request the provincial government to eliminate all taxes on public transit in the City of St. John’s and provide financial support to the operation of transit as in other Canadian provinces.

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

**Development Permits List**

Council considered as information the following Development Permits List for the period of November 16, 2012 to November 22, 2012:

**DEVELOPMENT PERMITS LIST  
DEPARTMENT OF PLANNING  
FOR THE PERIOD OF November 16, 2012 TO November 22, 2012**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
RES		Residential Building Lot #2	Doyle's Road	5	Approved	12-11-16
RES		Residential Building Lot #3	Doyle's Road	5	Approved	12-11-16
RES	Acreage Investments	Four (4) Building Lots	511-543 Thorburn Road	4	Approved	12-11-21
COM	AE Consultants Ltd	NL Liquor Warehouse Site Plan	East White Hill Road	1	Approved	12-11-22
COM		Target Retail Store Site Plan	24 Stavanger Drive (formerly Zellers)	1	Approved	12-11-22

*	Code Classification: RES - Residential COM - Commercial AG - Agriculture OT - Other	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**

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**Payrolls and Accounts**

**SJMC2012-11-26/597R**

**It was moved by Councillor Colbert; seconded by Councillor Hanlon: That the following Payrolls and Accounts for the week ending November 22, 2012 be approved:**

**Weekly Payment Vouchers  
For The  
Week Ending November 22, 2012**

**Payroll**

Public Works	\$ 363,582.81
Bi-Weekly Administration	\$ 743,984.72
Bi-Weekly Management	\$ 673,034.83
Bi-Weekly Fire Department	\$ 621,925.66
<b>Accounts Payable</b>	<b>\$ 3,115,426.80</b>
<b>Total:</b>	<b>\$ 5,571,954.82</b>

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

**Emergency Plan**

Council considered a memorandum dated November 19, 2012 from the Director of Building and Property Management regarding the above noted.

**SJMC2012-11-26/598R**

**It was moved by Councillor Colbert; seconded by Councillor O’Leary: That that the amended Emergency Plan be adopted as presented and that the formation of an Emergency Planning Steering Committee be approved consisting of the following, who shall be responsible for reviewing matters pertaining to emergency response planning for the City of St. John’s and establishing an annual work plan:**

**The City Manager  
The Director of Corporate Services and City Clerk  
The Director of Public Works and Parks  
The Director of Building and Property Management  
The Director of Regional Fire Services**

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

**Lighting Standards, King George V Recreational Facility**

Council considered a memorandum dated November 19, 2012 from the Director of Building & Property Management regarding the above noted.

**SJMC2012-11-26/599R**

**It was moved by Councillor Breen; seconded by Councillor Galgay: That staff be directed to proceed immediately to tender specifications for the removal of the lighting platforms and installation of new standards for King George V Recreational Facility.**

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

**Cambridge Estates Realty Ltd. – Expropriation of Easements**

Council considered a memorandum dated November 22, 2012 from the City Solicitor Regarding the above noted.

**SJMC2012-11-26/600R**

**It was moved by Councillor Colbert; seconded by Councillor Collins: That Cambridge Estates Realty Ltd. be compensated in the amount of \$15,000.00 plus legal fees for three easements expropriated by the City in 2009.**

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

**Councillor Colbert**

Councillor Colbert asked what if any upgrades are needed to accommodate the new twenty dollar bill. The matter was referred to staff for follow-up.

**Adjournment**

There being no further business, the meeting adjourned at 6:15 p.m.

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**MAYOR**

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**CITY CLERK**

