

**December 17<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 and Collins.

Regrets: Councillors Tilley and Hanlon.

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, Director of Building & Property Management; City Solicitor and Manager, Corporate Secretariat were also in attendance.

#### **Call to Order and Approval of Agenda**

##### **SJMC2012-12-17/626R**

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

- a. Tender – King George V Lighting Standards**

#### **Minute of Silence**

His Worship the Mayor called for a minute of silence in memory of the victims of the Connecticut School Shooting on December 14, 2012.

#### **Adoption of Minutes**

##### **SJMC2012-12-17/627R**

**It was decided on motion of Councillor Breen; seconded by Councillor O'Leary: That the minutes of December 10<sup>th</sup>, 2012 meeting be adopted as presented.**

**Business Arising**

**SJMC2012-12-17/628R**

**Pursuant to Notice of Motion, it was moved by Councillor O’Leary; seconded by Deputy Mayor Duff: That Council’s decision of September 4, 2012 to approve a 50% contribution towards costs to a maximum of \$425,000.00 towards the construction of a new fence on Harbour Drive in partnership with the St. John’s Port Authority and that funding be allocated for this purpose in the 2013 budget; and further, Council agreed that City officials be fully engaged on this project and have equal input with the Port Authority on final design, material selection, accessibility etc., be rescinded.**

A lengthy discussion ensued during which Councillor O’Leary indicated that, though she initially voted in favour of the proposed Harbour Drive fence and Council’s decision to cost share in its construction, based on new information brought forward since, she cannot support Council’s decision to contribute financially to its construction. She indicated that she recognizes the requirement for increased security on the harbor front, but feels that the proposed design of the fence that will block public access to a portion of the harbor, is unacceptable and unfair to the residents. Councillor O’Leary stated that it is her view that adequate communication between the City of St. John’s and the St. John’s Port Authority does not exist and stressed the need for public consultation.

Deputy Mayor Duff, speaking in support of the motion to rescind, noted that she made a mistake in voting in support of the City providing funding towards the proposed Harbor Drive fence, and in light of more information being made available and without any level of public input, she cannot support the proposal.

(During discussion, His Worship the Mayor on several occasions reminded members of the public to respect the Chamber’s rules of procedure).

Discussion continued with all other members of Council voting against the motion to rescind. They stated their reasons, which include the fact that the St. John’s Port Authority, which falls under the jurisdiction of Transport Canada, was advised by Transport Canada that their Marine Facility Security Plan does not meet the requirements

of the Marine Transportation Security Regulations. In this regard, it was pointed out that failure to do so could be detrimental to the port and the overall economy of the City. Members of Council pointed out that one of their main reasons for supporting the funding of the fence was to ensure Council had control and input on the design and type of fence to be installed. They noted that statements that the harbor will be blocked to the public are inaccurate and misleading, and indicated that the port will remain the most accessible port in all of Canada. It was also pointed out during discussion that Council has partnered on many major projects in the past, in order to ensure the beautification of the City.

During discussion, Councillor Hann apologized to staff for the release, to the Happy City Organization, of the minutes of a meeting of the Development Committee, during which a presentation was made on the Harbor Drive Fence Project. He noted that the meetings of the Development Committee are not open to the public and the minutes are not available for public consumption.

**Following discussion, the motion to rescind being put there voted for it the mover and seconder. The motion to rescind was defeated.**

**SJMC2012-12-17/629R**

**It was then moved by Deputy Mayor Duff; seconded by Councillor O’Leary: That the City formally request the St. John’s Port Authority to co-host a public information session early in the New Year to discuss some of the outstanding questions and concerns raised by the public concerning the decision to erect a permanent security fence on the North side of St. John’s Harbour.**

**SJMC2012-12-17/630R**

**It was then moved by Councillor Breen; seconded by Councillor Hann: That the motion be amended to the effect that the City ask the St. John’s Port Authority to host an information session.**

Councillor Colbert objected to the amendment, noting that the St. John Port Authority doesn’t need Council’s approval to hold an information session.

During discussion, members of the public continued to interfere with deliberations of Council and as a result His Worship the Mayor ordered the Commissioner to clear the Chamber.

His Worship the Mayor then adjourned the meeting.

**Adjournment – 5:30 p.m.**

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**MAYOR**

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**CITY CLERK**