

February 12, 2007

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 O=Keefe, Councillors Duff, Colbert, Hickman, Hann, Puddister, Galgay, Coombs, Ellsworth and Collins.

The Chief Commissioner/City Solicitor, Associate Commissioner/Director of Corporate Services and City Clerk, Director of Planning, and Manager, Corporate Secretariat were also in attendance.

Call to Order and Adoption of Agenda

SJMC2007-02-12/62R

It was decided on motion of Deputy Mayor O=Keefe; seconded by Councillor Collins: That the Agenda be adopted as presented with the following additional items:

- a. Email from Autism Society of Newfoundland and Labrador re: Waiver of Fees -Shamrock Farm, Pippy Park
- b. Memorandum dated February 12, 2007 from the Associate Commissioner/Director of Corporate Services and City Clerk re: Request for Proposals for Sculpture - Cultural Capital of Canada 2006

Adoption of the Minutes

SJMC2007-02-12/63R

It was decided on motion of Deputy Mayor O=Keefe; seconded by Councillor Collins: That the Minutes of February 5, 2007 be adopted as presented.

**St. John=s Municipal Plan Amendment Number 43,2007 and St. John=s
Development Regulations Amendment Number 395, 2007, Residential
Dwelling Units in Commercial Zones**

Under business arising, Council considered as information a memorandum dated February 7, 2007 from the Director of Planning advising that the public hearing on the above noted amendments has been rescheduled to take place on February 27, 2007.

Notices Published

An application for a **Change of Non-Conforming Use** has been submitted by Mr. Gary Holden and Mr. Earl Norman requesting permission to change the use of the first floor of the building located at **Civic No. 1-3 Military Road** from its former office use to a coffee shop. The proposed coffee shop will occupy a floor area of approximately 165 sq. meters and will accommodate approximately 45 patrons. The hours of operation will be 7:00 a.m. to 9:00 p.m. daily. **(Ward 2)**

(MEMORANDUM DATED FEBRUARY 8, 2007 FROM THE DIRECTOR OF PLANNING)

Two letters of objection
Two letters of concern
Four Letters of Support

SJMC2007-02-12/64R

It was decided on motion of Deputy Mayor O=Keefe; seconded by Councillor Duff: That the application be approved.

Public Hearing Report dated February 6, 2007

Council considered a public hearing report dated February 6, 2007 which was held to consider an application from Plazacorp Retail properties to rezone the former Newfoundland Margarine Company property on LeMarchant Road and adjoining properties on LeMarchant Road and Beaumont Street from the Commercial Industrial (CI) Zone and the Residential Medium Density (R2) Zone to the Commercial Mixed Use (CM) Zone to allow the development of a one-storey retail

pharmacy and medical clinic.

In this regard, Council considered a memorandum dated February 8, 2007 from the Director of Planning.

During discussion Councillor Duff referenced a letter concerning the development in which concerns were expressed with respect to the proposed Abox style@ design for the retail development as well as the landscaping plan with a suggestion that the beach stone rock wall be maintained as much as possible. It was suggested that consideration be given to including it as an integral part of the property. Councillor Duff asked that the concerns be referred to staff to be taken into consideration as the development proceeds through the process.

SJMC2007-02-12/65R

It was moved by Councillor Colbert; seconded by Councillor Galgay: That staff be directed to proceed with the rezoning of properties on LeMarchant Road and Beaumont Street; that the LUAR, with the developer=s commitment to increase the closed board privacy fence height which adjoins the residential properties from 1.8 metres to 2.4 metres and to construct a set of steps from Beaumont Street to the parking lot for pedestrian access for residents in the Beaumont Street area, be approved; and further, that the following Resolutions and Map Amendments for St. John=s Municipal Plan Amendment Number 45, 2007 and St. John=s Development Regulations Amendment Number 402, 2007, be adopted in principle, which will be referred to the Department of Municipal Affairs with a request for a Provincial release in accordance with the provisions of the Urban and Rural Planning Act, 2000.

The motion being put was unanimously carried.

**RESOLUTION
ST. JOHN=S MUNICIPAL PLAN
AMENDMENT NUMBER 45, 2007**

WHEREAS the St. John=s Municipal Council wishes to amend the St. John=s Municipal Plan in order to permit a retail development and medical clinic on property at LeMarchant Road.

BE IT THEREFORE RESOLVED that the St. John=s Municipal Council hereby adopts the following map amendment to the St. John=s Municipal Plan pursuant to the provisions of the Urban and Rural Planning Act, 2000:

Redesignate land located at Civic Numbers 244 - 248 LeMarchant Road and Civic Numbers 31 - 33 Beaumont Street from the Residential Medium Density Land Use District to the Commercial General Land Use District as shown on Map III-1A attached.

BE IT FURTHER RESOLVED that the St. John=s Municipal Council requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

IN WITNESS THEREOF the Seal of the City of St. John=s has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this 12th day of February, 2007.

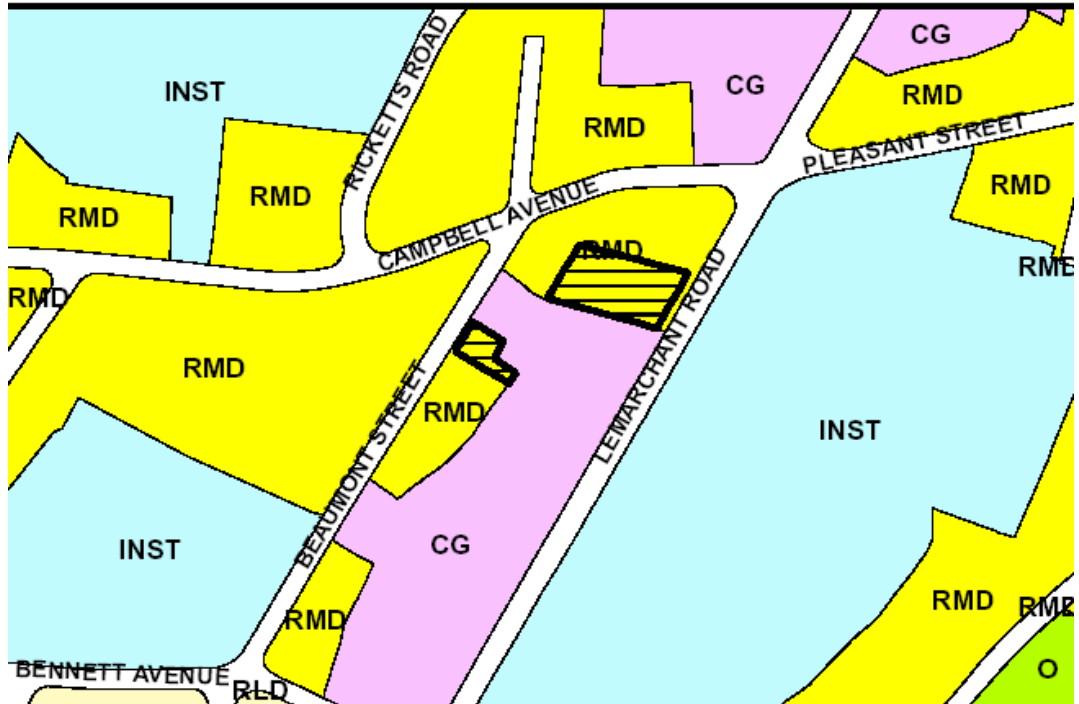
Mayor

**Director of
Services/City Clerk**

Corporate

I hereby certify that this Amendment has been prepared in accordance with the Urban and Rural Planning Act, 2000.

MCIP



CITY OF ST. JOHN'S

SCALE= 1:2500

**MUNICIPAL PLAN 2003
 AMENDMENT No. 45, 2007
 [MAP III-1A]**

2007 02 05
 CITY OF ST. JOHN'S
 DEPARTMENT OF PLANNING



AREA PROPOSED TO BE REDESIGNATED FROM
 RESIDENTIAL MEDIUM DENSITY (RMD) DISTRICT
 TO COMMERCIAL GENERAL (CG) DISTRICT

244-248 LEMARCHANT ROAD & 31-33 BEAUMONT STREET

I hereby certify that this amendment
 has been prepared in accordance with the
 Urban and Rural Planning Act.

 MAYOR

 DIRECTOR CORP. SERVICES/CITY CLERK

 COUNCIL ADOPTION

 M.C.I.P. signature and seal

**RESOLUTION
ST. JOHN=S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 402, 2007**

WHEREAS the St. John=s Municipal Council wishes to amend the St. John=s Development Regulations in order to permit a retail development and medical clinic on property at LeMarchant Road.

BE IT THEREFORE RESOLVED that the St. John=s Municipal Council hereby adopts the following map amendment to the St. John=s Development Regulations pursuant to the provisions of the Urban and Rural Planning Act, 2000.

Rezone land located at Civic Numbers 244 - 250 LeMarchant Road and Civic Numbers 31 - 33 Beaumont Street from the Commercial Industrial (CI) Zone and the Residential Medium Density (R2) Zone to the Commercial Mixed Use (CM) Zone as shown on Map Z-1A attached.

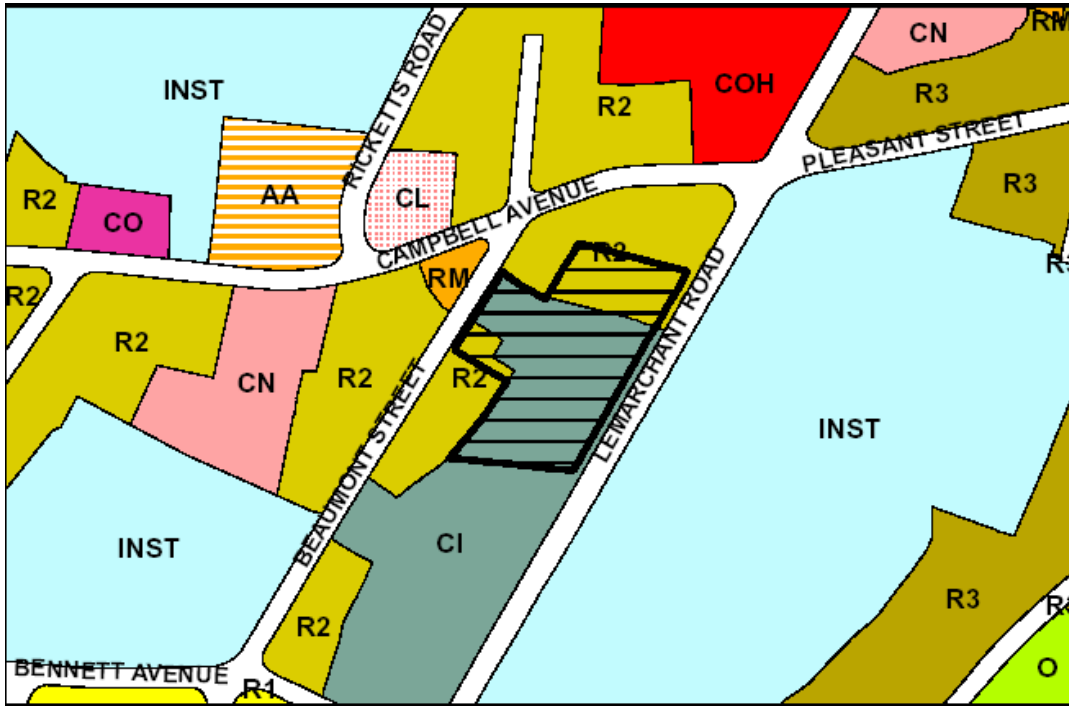
BE IT FURTHER RESOLVED that the St. John=s Municipal Council requests the Minister of Municipal Affairs to register the amendment in accordance with the Urban and Rural Planning Act.

IN WITNESS THEREOF the Seal of the City of St. John=s has been hereunto affixed and this Resolution has been signed by the Mayor and the City Clerk on behalf of Council this 12th day of February, 2007.

Mayor

**Director of Corporate Services
& City Clerk**

| |
|---|
| I hereby certify that this Development Regulations Amendment has been prepared in accordance with the Urban and Rural Planning Act. MCIP stamp and signature |
|---|



**CITY OF ST. JOHN'S
 LAND USE ZONING AND
 SUBDIVISION REGULATIONS 1994
 AMENDMENT No. 402, 2007
 [MAP Z-1A]**

SCALE= 1:2500
 2007 02 05
 CITY OF ST. JOHN'S
 DEPARTMENT OF PLANNING



AREA PROPOSED TO BE REZONED FROM
 COMMERCIAL INDUSTRIAL (CI) ZONE AND
 RESIDENTIAL MEDIUM DENSITY (R2) ZONE
 TO COMMERCIAL MIXED (CM) ZONE

244-250 LEMARCHANT ROAD & 31-33 BEAUMONT STREET

I hereby certify that this amendment
 has been prepared in accordance with the
 Urban and Rural Planning Act.

 MAYOR

 DIRECTOR CORP. SERVICES/CITY CLERK

 COUNCIL ADOPTION

 M.C.I.P. signature and seal

Development Committee Report dated February 6, 2007

Council considered the following Development Committee Report dated February 6, 2007:

RECOMMENDATION OF APPROVAL:

**1. Request for Approval-in-Principle
Proposed Six (6) Storey Retirement Residence
Former Central Park Lodge Site
MacDonald Drive (Ward 4)**

The Development Committee recommends that Council grant Approval-in-Principle to the above noted application, subject to the following conditions:

- a. the original LUAR being amended to reflect the changes in the building size and elevations;
- b. submission of a revised detailed site plan for review and approval by the City=s Department of Engineering and Planning;
- c. submission of a revised landscape plan for review and approval by the City=s Streets and Parks Division;
- d. conformance with all requirements of the City=s Department of Building and Property Management;
- e. compliance with all applicable requirements of the St. John=s Development Regulations; and
- f. upon approval by staff of the site, site servicing, landscape, and building plans, the Developer shall enter into a Development Agreement with the City. This Development Agreement will be prepared by City Staff at the appropriate time and will be referred to a future Regular Meeting of Council for consideration of approval.

**Cliff Johnston, Acting Chairperson
Director of Planning**

SJMC2007-02-12/66R

It was moved by Councillor Duff; seconded by Councillor Ellsworth:

That the Committee=s recommendation to grant Approval-in-Principle to the application subject to the following conditions outlined, be approved:

- a. the original LUAR being amended to reflect the changes in the building size and elevations;**
- b. submission of a revised detailed site plan for review and approval by the City=s Department of Engineering and Planning;**
- c. submission of a revised landscape plan for review and approval by the City=s Streets and Parks Division;**
- d. conformance with all requirements of the City=s Department of Building and Property Management;**
- e. compliance with all applicable requirements for the St. John=s Development Regulations; and**
- f. upon approval by staff of the site, site servicing, landscape, and building plans, the Developer shall enter into a Development Agreement with the City. This development agreement will be prepared by City Staff at the appropriate time and will be referred to a future Regular Meeting of Council for consideration of approval.**

The motion being put was unanimously carried.

Heritage Advisory Committee Report dated February 8th, 2007

Council considered the following Heritage Advisory Committee Report dated February 8th, 2007:

Attendees: Councillor Shannie Duff, Chairperson
David Kelland
Gerard Hayes
Debbie O=Rielly
Melanie Del Rizzo
Ken O=Brien, Manager of Planning and Information
Peter Mercer, Heritage Officer
Margaret Donovan, Tourism Industry Coordinator
Helen Miller, Archivist
Karen Chafe, Recording Secretary

Report:

1. Heritage Designation Process

The Committee refers the attached St. John=s Heritage Designation Worksheet, Workbook and Designation Application to Council with a recommendation to adopt these as the Heritage Advisory Committee=s new process and criteria for reviewing prospective municipal heritage designations.

2. 205 Water St. - Proposed Extension at Rear of Property

The Committee considered the attached background information relative to the above noted matter, and the following recommendation is referred to Council:

Given the fact that 205 Water St. is a heritage designated property, the Committee recommends that approval be subject to the application of parging as a finish which more appropriately matches the existing building.

3. 187 Water St. - Installation of Kitchen Exhaust at Rear

The Committee considered the attached background information relative to the above noted matter, and the following recommendation is referred to Council:

That approval be subject to the applicant=s consultation with the Heritage Officer to determine more appropriate treatments to the finish for the brick chase, other than the painting of faux brick as proposed.

4. 193 Water St.- Installation of Staircase at Rear

The Committee considered a rear elevation sketch of 193 Water St. wherein it is proposed that a staircase and railing be installed to accommodate a fire escape and balcony for the proposed second and third floor hotel rooms.

The Committee recommends approval of the installation of the staircase and railing.

**Councillor Shannie Duff
Chairperson**

SJMC2007-02-12/67R

**It was moved by Councillor Duff; seconded by Councillor Puddister:
That the Committee=s recommendations be approved.**

The motion being put was unanimously carried.

Development Permits List

Council considered as information the following Development Permits List for the period February 2, 2007 to February 8, 2007:

DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF FEBRUARY 2, 2007 TO FEBRUARY 8, 2007

| Code | Applicant | Application | Location | Ward | Development Officer's Decision | Date |
|------|--------------------|---|--------------------------|--------|--------------------------------|----------|
| Com. | Mr. Ches Stevenson | Home Office for Dan-Car Contracting Limited | Civic No. 35 Tunis Court | Ward 1 | Application Approved | 07 02 08 |
| | | | | | | |

NOTES:

| | | |
|----|---|--|
| * | 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. | |

Ed Murray
Development Officer
Department of Planning

Building Permits List

SJMC2007-02-12/68R

It was decided on motion of Councillor Duff; seconded by Deputy Mayor O=Keefe: That the recommendation of the Director of Building & Property Management with respect to the following Building Permits List be approved:

2007/02/07

Permits List

CLASS: COMMERCIAL

| | | |
|--------------------------------|--------------------------------|-----------------------|
| LINDA H. DAWE | 16 COTTONWOOD CRES | CO HOME OFFICE |
| DIAMOND AUTOMOTIVE LTD. | 227 KENMOUNT RD, DIAMOND AUTO | CO CAR SALES LOT |
| REITMANS (CANADA) LIMITED | 95A ABERDEEN AVE, REITMANS | RN RETAIL STORE |
| KOYA JAPAN INC. | AVALON MALL | SN RESTAURANT |
| GLOBAL GYM A LIFESTYLE FITNESS | 92 ELIZABETH AVE, GLOBAL GYM | MS CLUB |
| JOAN MADDEN TAX CONSULTING INC | 396 ELIZABETH AVE | SN RETAIL STORE |
| 54852 NEWFOUNDLAND & LABRADOR | 16-72 HAMLIN RD, ARIZONA HEAT | SN RETAIL STORE |
| FURNITURE LIQUIDATION | 323 KENMOUNT RD | SN RETAIL STORE |
| URBAN PLANET | 430 TOPSAIL RD, URBAN PLANET | SN RETAIL STORE |
| THE LITTLE GYM OF ST. JOHN'S | 286 TORBAY RD, THE LITTLE GYM | RN RETAIL STORE |
| LOBLAW PROPERTIES LIMITED | BLACKMARSH RD, GARDEN CENTRE | NC ACCESSORY BUILDING |
| LOBLAWS PROPERTIES LIMITED | 55 STAVANGER DR, GARDEN CENTRE | NC ACCESSORY BUILDING |
| JOAN MADDEN TAX CONSULTING INC | 396 ELIZABETH AVE | CR RETAIL STORE |
| APPLECORE INTERACTIVE | 40 QUIDI VIDI RD, APPLECORE | RN OFFICE |
| ICING BY CLAIRE'S | AVALON MALL ICING BY CLAIRE'S | TI RETAIL STORE |
| ST. JOHN'S INT. AIRPORT AUTH | RCAF RD -ESSO AVIATION | NC PETROLEUM USE |

THIS WEEK \$ 529,000.00
TO DATE \$ 1,838,250.00

CLASS: INDUSTRIAL

THIS WEEK \$.00
TO DATE \$ 300,000.00

CLASS: GOVERNMENT/INSTITUTIONAL

| | | |
|-------------------------|------------------------|------------------------------|
| NFLD. LIQUOR COMMISSION | 90 KENMOUNT RD, N.L.C. | SN ADMIN BLDG/GOV/NON-PROFIT |
|-------------------------|------------------------|------------------------------|

THIS WEEK \$ 2,000.00
TO DATE \$ 955,500.00

CLASS: RESIDENTIAL

| | | |
|------------------------------|--------------------------|-----------------------------|
| PAUL MURPHY CONSTRUCTION | 29 BRAD GUSHUE CRES | NC SINGLE DETACHED DWELLING |
| TERRY O'LEARY | 128 DONOVAN'S RD - LOT 3 | NC SINGLE DETACHED DWELLING |
| ROBIN D. LAING | 39 KITCHENER AVE | NC ACCESSORY BUILDING |
| SUZANNE MCCORMACK | 75 PETTY HARBOUR RD | CR SINGLE DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 66 ALEXANDER ST | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 68 ALEXANDER ST | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 74 ALEXANDER ST | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 76 ALEXANDER ST | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 78 ALEXANDER ST | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 80 ALEXANDER ST | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 82 ALEXANDER ST | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 84 ALEXANDER ST | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 86 ALEXANDER ST | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 88 ALEXANDER ST | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 90 ALEXANDER ST | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 92 ALEXANDER ST | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 131 HAMILTON AVE | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 133 HAMILTON AVE | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 135 HAMILTON AVE | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 137 HAMILTON AVE | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 139 HAMILTON AVE | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 141 HAMILTON AVE | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 143 HAMILTON AVE | RN SEMI-DETACHED DWELLING |

| | | |
|------------------------------|---------------------------|-----------------------------|
| ST JOHN'S NON PROFIT HOUSING | 145 HAMILTON AVE | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 147 HAMILTON AVE | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 149 HAMILTON AVE | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 151 HAMILTON AVE | RN SEMI-DETACHED DWELLING |
| ST JOHN'S NON PROFIT HOUSING | 153 HAMILTON AVE | RN SEMI-DETACHED DWELLING |
| DAVID MOORES | 24 SCOTT ST, DAVID MOORES | RN SEMI-DETACHED DWELLING |
| GEOFF & MARJORIE EVANS | 38 TOBIN CRES | RN SINGLE DETACHED DWELLING |
| HON. GORDON A. WINTER | 6 WINTER PL | SW SINGLE DETACHED DWELLING |

THIS WEEK \$ 307,703.00
TO DATE \$ 2,906,269.00

CLASS: DEMOLITION

THIS WEEK \$.00
TO DATE \$ 75,256.00

THIS WEEK'S TOTAL: \$ 838,703.00

TOTAL YEAR TO DATE: \$ 6,075,275.00

REPAIR PERMITS ISSUED: 2007/02/01 TO 2007/02/07 \$ 35,600.00
2006/12/28 TO 2007/02/07 \$ 100,750.00 YTD

LEGEND

| | |
|-------------------------|------------------------|
| CO CHANGE OF OCCUPANCY | TI TENANT IMPROVEMENTS |
| RN RENOVATIONS | EX EXTENSION |
| MS MOBILE SIGN | SW SITE WORK |
| SN SIGN | WS WOODSTOVE |
| NC NEW CONSTRUCTION | DM DEMOLITION |
| CR CHNG OF OCC/RENOVTNS | |

Payrolls and Accounts

SJMC2007-02-12/69R

It was decided on motion of Councillor Duff; seconded by Deputy Mayor O=Keefe: That the following Payrolls and Accounts Payable for the week ending February 8, 2007 be approved:

Weekly Payment Vouchers
For The
Week Ending February 8, 2007

PAYROLL

Public Works

\$
532,000.08

| | |
|--------------------------|---------------|
| Amalgamation | \$ 676,858.81 |
| Bi-Weekly Administration | \$ 666,872.96 |
| Bi-Weekly Management | \$ 469,748.42 |

ACCOUNTS PAYABLE

Cheque No. 112198 - 112562

\$2,932
,083.73

(Includes Direct Deposits/Transfers/Eqp. Leasing)

Total:

\$5,277
,546.00

Waive of Permit Fee

SJMC2007-02-12/70R

It was decided on motion of Councillor Puddister; seconded by Councillor Ellsworth: That a request from the Autism Society of Newfoundland and Labrador that the City waive all permit fees relating to the construction of the Multi-Use Building at Shamrock Farm in Pippy Park, 70 Clinch Crescent, be approved.

Requests for Proposal - Cultural Capital Sculpture

Council considered a memorandum dated February 12, 2007 from the Associate Commissioner/Director of Corporate Services/City Clerk with respect to the Request for Proposals for a Sculpture commemorating the City of St. John=s recognition as the Cultural Capital of Canada 2006.

Council unanimously endorsed the following list of Jury members responsible for receiving, assessing and recommending the award of commission to Council:

- David Blackmore, Director of Building & Property Management**
- Ronald Penney, Chief Commissioner/City Solicitor**
- Elinor Ratcliffe, Benefactor**
- Tom Foran, Art Enthusiast**
- Helen Gregory, Artist**
- Charlie Henley, Architect**

**Sherri Kelly, Secretary
Kay Anonson, Arts Technical Advisor**

Letter dated January 26th, 2007 from Canadian Blood Services thanking the City of St. John=s for its contribution as a *Partner for Life* in 2006

Council considered the above noted letter.

Councillor Hickman

Councillor Hickman referenced the news release by the Honourable Lawrence Cannon, Minister of Transport, Infrastructure and Communities with respect to the Government of Canada=s Long-Term Strategy to Revitalize Marine Atlantic Inc., and proposed the following motion:

SJMC2007-02-12/71R

It was moved by Councillor Hickman; seconded by Councillor Ellsworth: That St. John=s City Council register its strong disagreement with the Federal Government=s decision to increase the Marine Atlantic ferry rates and add a fuel surcharge to all fares; and further, that Federal Transport Minister Lawrence Cannon be written to formally state Council=s position on the matter noting the impact these rate hikes will have on tourism, business, the cost of living and quality of life in the province.

The motion being put was unanimously carried.

Councillor Galgay

Councillor Galgay congratulated Newfoundland and Labrador curlers, Stacie Devereaux, Stephanie Guzzwell, Sarah Paul and Julie Devereaux on winning the Canadian Junior Curling Championship in St. Catharines, Ontario and who will now represent Canada at the 2007 World Championship in Eveleth, Minnesota. Councillor Galgay asked that the Mayor, on behalf of Council, write a letter of congratulations to the team.

Councillor Coombs

SJMC2007-02-12/72R

It was moved by Councillor Coombs; seconded by Councillor Colbert: That the City=s Department of Finance be directed to undertake a comparative study of similar size municipalities to identify similar trends in revenues and expenditures. This study should endeavor to recognize how these municipalities have or are in the process of addressing the issue of expenditures exceeding revenues from municipal operations and capital projects; and further that a comparison of debt servicing also be considered in the study.

Councillor Coombs pointed out that he spoke with the Director of Finance and City Treasurer and the Chair of the Finance and Administration Committee on this matter and both agreed it might be a worthwhile exercise.

The motion being put was unanimously carried.

Councillor Coombs referred to Councillor=s Duff=s recent comments in *The Telegram* with respect to St. John=s Sports and Entertainment. He noted that he took exception to the fact that when she talked about this particular entity that she said there has never been a realistic subsidy provided and that there was no plan put in place for SJSE. He noted that in March of last year the General Manager made a presentation to Council on the future of Mile One Centre, though noting that expectations at that time may have been too optimistic given the fact the operation would be operating without a hockey team.

Councillor Duff noted that she had asked for more realistic subsidy levels and stands by her opinion. She noted the subsidy levels provided were very arbitrary and Council needs to review the manner in which Mile One operates as a business and that an independent outside consultant should be engaged to look at a business plan.

During this discussion, Councillor Colbert referred to Council=s motion of February 5, 2007 wherein Council unanimously agreed to a special meeting of Council to discuss the options for the future governance of Mile

One Centre, though it was understood that any agreement arising out of that meeting would be referred to a Regular Meeting of Council for final decision. His Worship the Mayor advised Council he would not attend the special meeting because this is not a duly constituted, private meeting of Council because it's discussing a matter that should be discussed in this Chamber and is in violation of Section 1481 of the Freedom of Information By-Law.

His Worship the Mayor suggested that the issue be discussed in public at this time.

On a point of order, Councillor Duff argued that the Mayor was reflecting on a motion and out of order, and asked that the Mayor put the question to Council. The Mayor refused. Councillors Duff, Colbert, Hann, Puddister and Galgay left the meeting.

Discussion continued with the Mayor insisting on discussing the matter in public and reiterating that the meeting is not a duly constituted meeting of Council. Councillor Coombs noted he made a mistake in voting for the motion to hold a private meeting in light of Bylaw No. 1481 and agreed that discussions surrounding governance should take place in public. Deputy Mayor O'Keefe agreed, noting that it is not Council's intent to focus discussions on critiquing members of the Board but to discuss governance issues and therefore can be held in public. Councillor Ellsworth felt the meeting should be held in private out of respect for the Board members and members of staff. Other members of Council agreed, noting the motion allows the meeting to be held, with it being pointed out by Councillor Colbert that the Chief Commissioner/City Solicitor stated in a memorandum to him that he felt the City Clerk should attend the meeting and that the meeting be treated the same way as any other special meeting of Council.

Discussion continued during which Councillor Collins apologized for his comments last week noting that it was not his intent to speak against the Board.

The Chief Commissioner/City Solicitor stated during discussion that the meeting was not in violation of the Freedom of Information By-Law. He pointed out that the meeting was agreed to by Council as a whole and therefore in order. He noted that members of Council meeting amongst themselves is a normal part of political life but cautioned that he does have a concern with a majority of Council members making a decision without advice, particularly from staff.

(Councillors Duff, Colbert, Hann, Puddister and Galgay returned to the meeting.)

Discussion continued during which Councillor Duff referred to Section 25.3 of the Rules of Procedure which states that ^AThe Presiding Officer may explain the reason for his decision on the point of order and following that explanation shall immediately put the question that the Presiding Officer=s decision be upheld.[@]

The mayor refused to put the ^Aquestion to the floor.[@] Councillor Duff left the meeting.

Discussion continued between Councillor Coombs and Councillor Hann when Councillor Coombs raised the issue surrounding Councillor Hann=s decision to leave the St. John=s Sports and Entertainment Board.

Discussion again ensued on last week=s motion of Council pertaining to Mile One Centre governance issue following which it was understood that a special meeting would take place following the regular meeting of Council

to discuss the future governance of Mile One Centre. The Mayor noted he would not be attending.

Councillor Ellsworth

Councillor Ellsworth again noted that he is getting calls of concern regarding the illegal operation of skidoos on city streets. He asked that parents and all residents be cognizant of the problem and do whatever possible to find ways to address this problem.

Adjournment

There being no further business the meeting adjourned at 6:00 p.m.

MAYOR

CITY CLERK