

January 15, 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, Associate Commissioner/Director of Engineering, Director of Planning, Director of Finance and City Treasurer, and Manager, Corporate Secretariat were also in attendance.

Call to Order and Adoption of Agenda

SJMC2007-01-15/18R

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

- a. Memorandum dated January 15, 2007 from the Director of Building & Property Management re: 16 Adams Avenue, Vacant Dwelling
- b. Memorandum dated January 15, 2007 from the Manager, Corporate Secretariat re: Travel by Councillor Gerry Colbert

Adoption of the Minutes

SJMC2007-01-15/19R

It was decided on motion of Councillor Ellsworth; seconded by Councillor Hann: That the Minutes of January 08, 2007 be adopted as presented.

Approval of Operation Budget - 2007

Council considered a memorandum dated January 11, 2007 from the Director of Finance and City Treasurer along with the completed document comprising the City=s 2007 Operating Budget.

SJMC2007-01-15/20R

It was moved by Deputy Mayor O=Keefe; seconded by Councillor Galgay: That the 2007 operational budget be adopted.

A lengthy discussion ensued on the budget which showed an increase of 6% over 2006 resulting in an increase of approximately \$12 million. Some members of Council expressed concern that expenditures continue to increase beyond the rate of inflation. They agreed as a group to conduct an analysis of the 2008 budget with a view to curtailing expenses on a go forward basis, at least at the rate of inflation.

SJMC2007-01-15/21R

It was then moved by Councillor Puddister; seconded by Councillor Duff: That the motion be amended and that line item 242 >Ilhavo travel= be deleted from the budget.

The motion being put there voted for it the mover, seconder, Councillors Ellsworth, Collins, Hickman and Hann. Voting against the motion were Deputy Mayor O=Keefe, Councillors Coombs, Galgay and Colbert. The motion was carried.

Discussion continued on the main motion with some members of Council maintaining they did not have enough time to review the budget line by line and make spending cuts, with it being pointed out that Council was advised by staff in January there was not enough time to review the budget line by line. Other members of Council took strong exception to the comments, and pointed out that the budget process was followed, discussions were held at the committee level, the budget information was made available six months ago and members of Council were provided information on major areas of expenditures, and had ample opportunity to thoroughly examine the budget. It was further pointed out that approving the budget does not preclude an opportunity to review any portion of the budget throughout the year.

SJMC2007-01-15/22R

It was then moved by Councillor Coombs; seconded by Deputy Mayor

O=Keefe: That approval of the 2007 Operating Budget be deferred for one week to allow those members of Council, who maintain they did not have ample time to discuss expenses, more time to analyse the budget for spending cuts.

Discussion ensued with the majority of Council members opposing the motion and agreeing that the 2008 budget process will be much clearer in that the entire budget document will be available during the entire budget process, and as well, the mil rate, operational and capital budgets will be part of one process rather than being reviewed individually.

Discussion continued during which His Worship the Mayor asked that the Chief Commissioner/City Solicitor research the rules pertaining to a point of privilege.

Following discussion, the motion being put there voted for it the mover, seconder and His Worship the Mayor. The motion was lost.

The main motion as amended being put was unanimously carried

Travel Reports - 2006

Under business arising, Council considered a memorandum dated January 12, 2007 from the Director of Finance and City Treasurer along with a report on travel by members of Council and staff for 2005 and 2006 which he advised were inadvertently overlooked and that measures have been taken to ensure they are submitted at the appropriate time in future. He further noted that there is one other travel claim for 2006 which has not yet been finalized. Councillor Collins suggested that Council cut back on travel spending. Councillor Hann questioned the necessity of sending three to four staff personnel to the same convention, meetings, etc. The Chief Commissioner/City Solicitor advised that he carefully examines how many people go and only approves more than one if he is satisfied that it is in the best interest of the City. He further noted that he very rarely approves sending more than one person to a convention, and that larger numbers of staff travel is usually related to training.

Development Committee Report dated January 9, 2007

Council considered the following Development Committee Report dated January 9, 2007:

RECOMMENDATION OF APPROVAL:

1. **Proposed Eating Establishment Liquor License
Christine Draper
Civic No. 5 Bates Hill
Commercial Central Mixed (CCM) Zone (Ward 2)**

The Development Committee recommends that Council approve the above noted application

**Ron Penney, Acting Chairperson
Chief Commissioner/City Solicitor**

SJMC2007-01-15/23R

It was decided on motion of Councillor Duff; seconded by Councillor Puddister: That the Committee=s recommendation of approval of the application be accepted.

Resolutions

SJMC2007-01-15/24R

It was decided on motion of Councillor Colbert; seconded by Councillor Ellsworth: That the following Resolution be adopted:

**FEDERAL INVESTMENT IN PUBLIC TRANSIT
MUNICIPAL COUNCIL RESOLUTION**

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

AND WHEREAS public transit increases roadway capacity by 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 2006-2010 stand at \$20.7 billion, with over \$5 billion of this amount not fundable under current programs;

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

THEREFORE it is resolved that this Council calls on the Federal Government to:

A Make permanent the Federal investment in public transit provided under the Public Transit Capital Trust announced in Budget 2006;

A Ensure that this investment is distributed equitably to all transit systems across Canada;

A Ensure that this investment is over and above any existing Federal or Provincial funding already in place.

Andy Wells, Mayor
City of St. John=s, Newfoundland and Labrador

Month/Date/Year

Development Permits List

Council considered the following Development Permits List for the period of January 5, 2007 to January 11, 2007:

DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF JANUARY 5, 2007 TO JANUARY 11 2007

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
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Com.	Homestead Inspections Inc.	Home Office: Home Inspection service	Civic # 3 Penetanguishene Road	Ward 4	Application Approved	07 01 08
Com.	Solo Investments	Proposed Accessory Building / Warehouse	Civic # 681 Topsail Road	Ward 3	Application Approved	07 01 10

NOTES:

*	<p>Code Classification:</p> <p>RES - Residential INST - Institutional</p> <p>COM - Commercial IND - Industrial</p> <p>AG - Agriculture</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>

Ed Murray
Development Officer
Department of Planning

Building Permits List

SJMC2007-01-15/25R

It was decided on motion of Councillor Ellsworth; seconded by Councillor Puddister: That the recommendation of the Director of Building & Property Management with respect to the following Building Permits List be approved:

2007/01/10

Permits List

CLASS: COMMERCIAL

BEVERLY GALUTIRA	11 HARBOUR VIEW AVE	CO HOME OFFICE
MAGICUTS	90 ABERDEEN AVE	MS SERVICE SHOP
IRVING OIL LTD	8 BAY BULLS RD	MS COMMERCIAL GARAGE
BREAD BASKET	277 BAY BULLS RD	MS CONVENIENCE STORE
BAKER FLOORING CONTRACTS	80 BROOKFIELD RD	SN WAREHOUSE
PETER'S PIZZA&GOLDEN FOODS LTD	135 CAMPBELL AVE, PETERS PIZZA	MS RESTAURANT
FIRST CHOICE HAIRCUTTERS	84-86 ELIZABETH AVE	MS SERVICE SHOP
THE CUTTING EDGE HAIR SALON	17-21 ELIZABETH AVE	MS SERVICE SHOP
IRVING OIL LTD.	71-77 ELIZABETH AVE	MS SERVICE STATION
FIRST CHOICE HAIRCUTTERS	336 FRESHWATER RD	MS SERVICE SHOP
MONEYMART	336 FRESHWATER RD	MS OFFICE
UPTOWN HAIR DESIGN AND	169 HAMLYN RD	MS SERVICE SHOP
FIRST CHOICE HAIRCUTTERS	55 C KELSEY DR	MS SERVICE SHOP
KIDDIE KOBBLER	58 KENMOUNT RD	MS RETAIL STORE
MORTGAGE SHOP	58 KENMOUNT RD	MS BANK
CHAPTERS MUSIC INC.	70 KENMOUNT RD	MS RETAIL STORE
VOGUE OPTICAL	51 KENMOUNT RD	MS SERVICE SHOP
VALUE VILLAGE STORES INC.	161 KENMOUNT RD	MS RETAIL STORE
BUDS FINE FOODS INC.	207 KENMOUNT RD	MS RESTAURANT
DIAMOND AUTO	227 KENMOUNT RD	SN CAR SALES LOT
NL TOY STORE	409 KENMOUNT RD, NL TOY STORE	SN CAR SALES LOT

PETERS PIZZA	7 LEDREW'S RD, PETERS PIZZA	MS RESTAURANT
CHIROPRACTOR	1 LOGY BAY RD	MS CLINIC
ACE HARDWARE	355B MAIN RD	MS RETAIL STORE
MAJOR'S PATH AUTOMOTIVE	59 MAJOR'S PATH	MS COMMERCIAL GARAGE
ABC SIDING & WINDOWS INC.	1 MARCONI PL	MS RETAIL STORE
YW-YMCA	NEW COVE RD	MS CLUB
CONTON	200-232 NEWFOUNDLAND DR	MS RESTAURANT
SUN SPA	36 PEARSON ST	MS SERVICE SHOP
SECOND PAGE BOOK STORE	36 PEARSON ST	MS RETAIL STORE
DOWNEAST-TAS COMMUNICATIONS	34 PIPPY PL	MS RETAIL STORE
FRAME OF MINE LTD	279 PORTUGAL COVE RD	MS RETAIL STORE
COLOR YOUR WORLD	40 ROPEWALK LANE	MS RETAIL STORE
STASSIS FOOD INC.	38 ROPEWALK LANE, STASSIS	MS RESTAURANT
NO NAME PIZZA	38 ROPEWALK LANE, NO NAME PIZZ	MS RESTAURANT
IRVING OIL LIMITED	2 STAVANGER DR	MS SERVICE STATION
THE BUSINESS DEPOT LTD.	34 STAVANGER DR	MS RETAIL STORE
THE BUSINESS DEPOT LTD.	34 STAVANGER DR	MS RETAIL STORE
HERBAL MAGIC	386 STAVANGER DR	MS RETAIL STORE
CONSUMER CARPETS LTD.	25 STAVANGER DR	MS RETAIL STORE
FIRST CHOICE HAIRCUTTERS LTD.	95E STAVANGER DR	MS SERVICE SHOP
MARIE'S MINI MART	462 TOPSAIL RD	MS CONVENIENCE STORE
FIRST CHOICE HAIRCUTTERS LTD.	468 TOPSAIL RD	MS SERVICE SHOP
IRVING OIL CO. LTD.	632 TOPSAIL RD	MS COMMERCIAL GARAGE
PIPER'S DEPARTMENT STORE LTD.	681 TOPSAIL RD	MS RETAIL STORE
DOWNEAST COMMUNICATIONS	10 ELIZABETH AVE	MS RETAIL STORE
GEMINI REALTY	120 TORBAY RD	MS SERVICE SHOP
IRVING OIL CO. LTD.	192-194 TORBAY RD	MS SERVICE STATION
PIPER'S DEPARTMENT STORES	272-276 TORBAY RD	MS RETAIL STORE
SYLVAN LEARNING CENTRE	272-276 TORBAY RD	MS COMMERCIAL SCHOOL
NORTH ATLANTIC REFINING LTD.	280 TORBAY RD	MS RETAIL STORE
FIRST CHOICE HAIRCUTTERS LTD.	TORBAY RD	MS SERVICE SHOP
COLOR YOUR WORLD	464 TORBAY RD	MS RETAIL STORE
NORTH ATLANTIC	660 TORBAY RD	MS OFFICE
JOSADA HAIR STUDIO	TORBAY ROAD-TORBAY RD MALL	MS SERVICE SHOP
CASH CITY	TORBAY ROAD-TORBAY RD MALL	MS RETAIL STORE
FRENCHY'S CLOTHING STORE LTD.	TORBAY ROAD-TORBAY RD MALL	MS RETAIL STORE
FRENCHY'S CLOTHING STORE LTD.	TORBAY ROAD-TORBAY RD MALL	MS RETAIL STORE
PIZZA EXPRESS LIMITED	TORBAY ROAD-TORBAY RD MALL	MS RESTAURANT
PETER'S PIZZA & GOLDEN FOODS	411 TORBAY RD, PETERS PIZZA	MS RESTAURANT
CUTTING CORNER	611 TORBAY RD	MS SERVICE SHOP
IRVING OIL LTD.	544 WATER ST	MS COMMERCIAL GARAGE
NORTH ATLANTIC REFINING LTD.	694 WATER ST	MS SERVICE STATION
CHIMO CONSTRUCTION	67 AIRPORT RD, CHIMO, TRAILER	NC ACCESSORY BUILDING
THE COLLEGE OF PHYSICIANS AND	139 WATER ST, COLL OF PHY	RN OFFICE
ROOMS COME TRUE LTD	585 TORBAY RD - SUITE 2	RN RETAIL STORE
ISLAND CONST. & EQUIP	390 TORBAY RD - ESSO	RN SERVICE STATION

THIS WEEK \$

145,250.00

TO DATE \$

153,250.00

CLASS: INDUSTRIAL

MEMORIAL UNIVERSITY	INCINERATOR ROAD - MARINE INST EX SCHOOL
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THIS WEEK \$

300,000.00

TO DATE \$

300,000.00

CLASS: GOVERNMENT/INSTITUTIONAL

FED GOVT (SIR HUMPH. GILBERT)	175-177 DUCKWORTH ST, 1ST & 6TH	RN ADMIN BLDG/GOV/NON-PROFIT
ACADEMY CANADA	336 LOGY BAY RD	CR SCHOOL
CITY HALL (GORD TUCKER)	10 NEW GOWER ST	SW ADMIN BLDG/GOV/NON-PROFIT

357,500.00

THIS WEEK \$

357,500.00

TO DATE \$

CLASS: RESIDENTIAL

TERRY GRANT	32 BELLEVUE CRES	NC ACCESSORY BUILDING
PRO TECH CONSTRUCTION	6 BEN AVON PL, LOT 4-39	NC SINGLE DETACHED DWELLING
TERRY WALSH CONTRACTING LTD	33 CHEROKEE DR, LOT 47	NC SINGLE DETACHED DWELLING
SHEILA SULLIVAN	65 COCHRANE ST	NC PATIO DECK
GLEN POWER & FLORENCE KENNEDY	163 GOWER ST	NC PATIO DECK
DONOVAN HOMES LTD.	16 HERCULES PL - LOT 86	NC SINGLE DETACHED DWELLING
DONOVAN HOMES LTD.	23 HERCULES PL - LOT 80	NC SINGLE DETACHED DWELLING
GLEN POWER & FLORENCE KENNEDY	29 HOLLOWAY ST	NC SINGLE DETACHED DWELLING
PHILIP POWER & SONS	73 HOPEDALE CRES, LOT 183	NC SINGLE DETACHED DWELLING
STEPHEN CLARKE	64 HUNTINGDALE DR, LOT 7	NC SINGLE DETACHED DWELLING
GIBRALTAR DEVELOPMENT	17 JULIEANN PL, LOT 34	NC SINGLE DETACHED DWELLING
TERRY & ROXANNE HURLEY	44 MAIN RD	NC ACCESSORY BUILDING
TERRY WALSH CONSTRUCTION	38 OTTER DR, LOT 80	NC SINGLE DETACHED &
SUB.APT		
TERRY WALSH CONTRACTING	40 OTTER DR, LOT 79	NC SINGLE DETACHED &
SUB.APT		
WAYNE BRACE	402 EMPIRE AVE	CR SUBSIDIARY APARTMENT
TERRY & ROXANNE HURLEY	44 MAIN RD	EX ACCESSORY BUILDING
BRENDA CARTER/ELIZABETH MURPHY	22 CLIFFORD ST	RN SEMI-DETACHED DWELLING
SHAWN ROWE	150 GOWER ST	RN TOWNHOUSING
CHANTAL JORDAAN	89 GOWER ST	RN TOWNHOUSING
SHAWN WHITE	54 MONROE ST	RN TOWNHOUSING
TRUMAN & ELIZABETH COLLINS	22 ST. LAURENT ST	SW SINGLE DETACHED &
SUB.APT		

1,599,966.00

THIS WEEK \$

1,604,766.00

TO DATE \$

CLASS: DEMOLITION

SOBEYS PROJECTS LTD. 496 TOPSAIL RD, TERRA NOVA MOT DM CAR SALES LOT

75,256.00

THIS WEEK \$

75,256.00

TO DATE \$

2,477,972.00

THIS WEEK'S TOTAL: \$

2,490,772.00

TOTAL YEAR TO DATE: \$

REPAIR PERMITS ISSUED:	2007/01/04 TO 2007/01/10 \$	23,450.00
	2006/12/28 TO 2007/01/10 \$	25,950.00

YTD

LEGEND

CO	CHANGE OF OCCUPANCY	EX	EXTENSION
RN	RENOVATIONS	CR	CHNG OF OCC/RENOVTNS
MS	MOBILE SIGN	SW	SITE WORK
SN	SIGN	DM	DEMOLITION
NC	NEW CONSTRUCTION		

Payrolls and Accounts

SJMC2007-01-15/26R

It was decided on motion of Councillor Ellsworth; seconded by Councillor Puddister: That the following Payrolls and Accounts for the week ending January 11, 2007 be approved:

**Weekly Payment Vouchers
For The
Week Ending January 11, 2007**

PAYROLL

Public Works	\$ 356,693.96
Amalgamation	\$
	553,331.46
Bi-Weekly Administration	\$
	489,463.88
Bi-Weekly Management	\$ 468,988.90

ACCOUNTS PAYABLE

Cheque No. 110979 - 111331	\$2,610
	,918.39
(Includes Direct Deposits/Transfers/Equip. Leasing)	

Total:	\$4,479
	,396.59

Tenders

a. Expressions of Interest - Quidi Vidi Redevelopment Plan - The Tucker Premises

SJMC2007-01-15/27R

It was moved by Councillor Galgay; seconded by Councillor Hickman: That the decision on the Expressions of Interest for the leasing and redevelopment of the Tucker Premises at Quidi Vidi Village be deferred, and referred to the Planning Standing Committee, and that there be no decision on the proposal until a public meeting has been held to provide an opportunity to seek public input.

Discussion ensued during which Councillor Galgay advised that the people of Quidi Vidi, as well as the general public who have interest in the tourism and development of that project, should be given an opportunity to have input in this project.

Also, Councillor Puddister tabled a letter dated January 15, 2007 from Mr. Robert Young concerning his proposal to redevelop the Tucker Premises.

The Chief Commissioner/City Solicitor clarified that the intent of the motion is to defer making a decision until a public hearing is held not to open up the Expressions of Interest process. He noted that it is not a fair proposal call process if people are allowed to change their proposals after being accepted and evaluated by Council and strongly cautioned against such action.

Following discussion, the motion being put was unanimously carried.

Robin Hood Bay (RHB) Landfill - Asbestos Disposal Charges

Council considered a memorandum dated January 11, 2007 from the Director of Public Works & Parks regarding the above noted.

SJMC2007-01-15/28R

It was decided on motion of Councillor Puddister; seconded by Councillor Ellsworth: That the recommendation of the Director of Public

Works & Parks that Council ratify the principle of full cost recovery for the disposal of asbestos containing materials, be approved.

Travel by Councillor Hickman

SJMC2007-01-15/29R

It was decided on motion of Deputy Mayor O=Keefe; seconded by Councillor Galgay: That travel by Councillor Hickman to Ottawa, February 7 and 8, 2007, to attend the Canadian Capital Cities Organization Board Meeting, be approved.

Request from Paulette Leonard to hang banner to promote Volunteer Appreciation Week, April 15-21, 2007

SJMC2007-01-15/30R

It was decided on motion of Councillor Ellsworth; seconded by Councillor Hann: That a request by Paulette Leonard to hang a banner to promote Volunteer Appreciation Week, April 15-21, 2007, be approved.

Email from Mr. Heber Chipman re Equality in Treatment of Disabled

Council considered the above noted letter with it being noted by Deputy Mayor O=Keefe that he has referred the matter to the Public Utilities Board with a view to researching their regulations to determine if they have the authority to deal with the issue raised by Mr. Chipman concerning gas station accessibility.

Letter dated December 6, 2006 to His Worship the Mayor from Senator Larry W. Campbell re: Canadian Mayors= Mission to Taiwan

Council considered the above noted letter from Senator Larry W. Campbell inviting the Mayor to be a member of a delegation of Canadian Big City Mayors to go to Taiwan to meet with Municipal and National Officials to discuss urban development, with a Taiwanese NGO paying the cost of the return flight, accommodations and travel while in Taiwan.

Council unanimously endorsed travel by His Worship the Mayor to Taiwan as noted above and agreed to pay any additional costs incurred in the event of an overnight stay in Vancouver.

Travel by Councillor Colbert

SJMC2007-01-15/31R

It was decided on motion of Deputy Mayor O=Keefe; seconded by Councillor Puddister: That travel by Councillor Colbert to London, Ontario, February 27 to March 4, 2007, to attend FCM Board Meetings, be approved.

16 Adams Avenue, Vacant Dwelling

SJMC2007-01-15/32R

It was decided on motion of Councillor Ellsworth; seconded by Deputy Mayor O=Keefe: That the recommendation of the Director of Building & Property Management that Council adjudge dwelling at 16 Adams Avenue a nuisance and order it demolished as per Sections 375 and 383 of the City of St. John=s Act, be approved.

Animal Control Operations

His Worship the Mayor noted that he has had discussions with the SPCA relative to seeking input from the City of Calgary regarding Animal Control Operations.

SJMC2007-01-15/33R

It was moved by Councillor Puddister; seconded by Deputy Mayor O=Keefe: That the City extend an invitation to the City of Calgary=s Manager of Animal Control Operations to visit the City of St. John=s to review its animal control operations with a view to making recommendations, and possibly holding a public forum on the issues, and that business class travel expenses be covered.

The motion being put was unanimously carried.

Councillor Galgay

Councillor Galgay advised the residents of Craigmillar Avenue that parking issues in that area have been referred to the Transportation Engineer for investigation.

Councillor Coombs

Councillor Coombs alluded to the release by Council last week of the Report on Vandalism and apologized to VOXM, who were inadvertently omitted from the report, noting them to be very supportive of the exercise.

Councillor Ellsworth

Councillor Ellsworth noted that the littering problem surrounding Nova Recycling is caused mostly by the residents outside hours of operation, and urged residents to be more informed of their hours of operation.

Councillor Collins

Councillor Collins advised that the Goulds Winter Carnival is scheduled to take place February 8 to 18, 2007.

Adjournment

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

MAYOR

CITY CLERK