

March 30, 2009

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 Ellsworth and Councillors Duff, Colbert, Hickman, Hann, Puddister, Galgay, Coombs, Hanlon and Collins.

The Chief Commissioner and City Solicitor, the Associate Commissioner/Director of Information & Corporate Services & City Clerk, the Associate Commissioner/Director of Engineering, the Director of Planning, and the Recording Secretaries (Kelly Butler and Karen Chafe) were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2009-03-30/176R

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

- a. **Notice to Motorists re: Rescission of On-Street Parking Ban**
- b. **Memorandum dated March 27, 2009, from the Associate Commissioner/
Director of Engineering re: Tender – Dooling's Line Street Upgrading**
- c. **Memorandum dated March 27, 2009, from the Associate Commissioner/
Director of Engineering re: Tender – Bennett's Brook Storm Sewer
Replacement**
- d. **Email dated March 30, 2009, from the Director of Planning re: Proposed
Daycare/Preschool Operation at Civic No. 58 Squires Avenue**
- e. **Memorandum dated March 26, 2009 from the Chief Commissioner and City
Solicitor re Applications for Unserviced Residential Building Lots
Paul Madden & Danny Madden –Maddox Cove Road (Ward 5)
Perry McCarthy & John McIsaac – Fowler's Road (Ward 5)**
- f. **Memorandum dated March 27, 2009 from the Director of Public Works and
Parks re Bid for Canadian Urban Forest Conference (CUFC)**

Adoption of Minutes

SJMC2009-03-30/177R

**It was decided on motion of Councillor Coombs; seconded by Councillor Hann:
That the minutes of the March 23rd meeting be adopted as presented.**

Business Arising

Notice of Motion – Repeal of Section 5(2) of the Conflict of Interest By-Law

Councillor Coombs gave the following Notice of Motion:

“Take Notice that I will at the next regular meeting of the St. John’s Municipal Council move to repeal Section 5(2) of the Conflict of Interest By-Law which provides that a Councillor who discloses a conflict of interest is not counted for the purpose of determining a majority.”

Dated at St. John’s, NL this 30th day of March 2009.

Applications for Unserviced Residential Building Lots - Paul Madden & Danny Madden – Maddox Cove Road (Ward 5) Perry McCarthy & John McIsaac – Fowler’s Road (Ward 5)

Council considered a memorandum dated March 16, 2009, from the Chief Commissioner and City Solicitor regarding the above noted matter.

Councillor Puddister advised that he had family who owned land in the Maddox Cove Road area and he declared a conflict of interest and abstained from discussion and voting on the above noted matter.

Councillor Coombs noted that Messrs. Madden, McCarthy and McIsaac had submitted applications to the City for developments in the Rural and Forestry Zones prior to Council’s decision to amend the Development Regulations, and he indicated for this reason they should be grandfathered in and not be subject to the amended regulations.

SJMC2009-03-30/178R

It was moved by Councillor Coombs; seconded by Councillor Collins: That the development applications for Paul and Danny Madden – Maddox Cove Road and Perry McCarthy and John McIssac – Fowler’s Road, be approved under the existing Development Regulations.

The motion was passed, with Councillor Puddister abstaining.

St. John's Development Regulations – Accessory Dwelling Units in the Rural Zone and the Forestry Zone

Council considered a memorandum dated March 25, 2009, from the Director of Planning regarding the above noted matter.

Councillor Puddister again declared a conflict of interest and abstained from voting and discussion on this matter for the aforementioned reason.

SJMC2009-03-30/179R

It decided on motion of Councillor Coombs; seconded by Councillor Duff, with Councillor Puddister abstaining: That Council adopt the proposed text amendment to the St. John's Development Regulations to establish conditions for the approval of accessory dwelling units in both the Rural Zone and the Forestry Zone and adopted the following Resolution:

**RESOLUTION
ST. JOHN'S DEVELOPMENT REGULATIONS
AMENDMENT NUMBER 451, 2009**

WHEREAS the City of St. John's has deemed it desirable to codify City policy and practice, bringing the language of the Development Regulations clearly in line with policy and practice of both the City and the Provincial Government regarding the approval of Accessory Dwelling Units.

BE IT THEREFORE RESOLVED that the City of St. John's hereby adopts the following text amendment to the St. John's Development Regulations, pursuant to the Urban and Rural Planning Act:

Add to Section 10.35.1(a) Forestry (F) Zone and Section 10.38.1 (a) Rural (R) Zone, the following conditions for the approval of Accessory Dwelling Units:

- a) it must be demonstrated to the satisfaction of the City that at least one (1) resident of the Accessory Dwelling Unit will spend 50% or more of his/her working time operating the Forestry operation, the Agriculture-Livestock operation and/or the Horticulture operation on the site and shall derive 50% or more of his/her income from the operation; and
- b) the Forestry operation, the Agriculture-Livestock operation and/or the Horticulture operation must be in continuous operation for at least three (3) years, prior to approval being given for an Accessory Dwelling Unit; and

- c) suitable structures to accommodate the Forestry operation, the Agriculture-Livestock operation and/or the Horticulture operation shall already be completed and the land shall be in production; and
- d) the Accessory Dwelling Unit shall be located on the same lot on which the Forestry operation, the Agriculture-Livestock operation and/or the Horticulture operation is located; and
- e) only one (1) Accessory Dwelling Unit shall be permitted on the property; and
- f) the minimum requirements for a Forestry operation, an Agriculture-Livestock operation or a Horticulture operation shall be as follows:

Greenhouse Production - permanent greenhouse structure of 465 square metres and an adequate land base for subsidiary cropping.

Root Crops - 8 hectares of land, with 4 hectares of land in production plus required ancillary buildings, adequate storage and cropping, washing/packaging equipment.

Strawberries/Raspberries - 8 hectares of land, with 3 hectares of land in production plus required ancillary building and cropping and handling equipment.

Christmas Trees - 5 hectares of land in production with an average harvest of 40 trees per hectare annually, plus required cropping and handling equipment.

Livestock

Mink	450 female breeders
Fox	100 female breeders
Dairy	500 liters/day quota
Pigs	50 sow operation
Layers	10,000 bird quota
Broilers	15,000 bird quota
Turkeys	1,500 birds/annum
Horses	25 breeding stock
Pullets	30,000 birds/annum
Sheep	300 animals

Or, an equivalent combination including the above or other types of Forestry operations, Livestock operations or Horticulture operations.

BE IT FURTHER RESOLVED that the City of St. John’s requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirement of 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 the City of St. John’s this 30th day of March, 2009.

Mayor

**Director of Corporate Services
and City Clerk**

Provincial Registration

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

MCIP stamp and signature

Redevelopment Plan – Former Federal Lands in Pleasantville (Ward 1) – Canada Lands Company

Council considered a memorandum dated March 26, 2009, from the Director of Planning regarding the above noted matter.

SJMC2009-03-30/180R

It was moved by Councillor Hann; seconded by Councillor Hanlon: That Council adopt the following resolutions for St. John’s Municipal Plan Amendment Number 67, 2009, and St. John’s Development Regulations Amendment Number 456, 2009, and that Council appoint Dr. Chris Sharpe as commissioner to conduct a public hearing on the Pleasantville Amendments, which will take place on Tuesday, April 28, 2009, at 7:00 p.m. at the Royal Canadian Legion Building on The Boulevard:

**RESOLUTION
ST. JOHN’S MUNICIPAL PLAN
AMENDMENT NUMBER 67, 2009**

WHEREAS the City of St. John’s wishes to amend the St. John’s Municipal Plan in order to accommodate the redevelopment plan prepared by the Canada Lands Company for the former Federal Government Lands in Pleasantville;

BE IT THEREFORE RESOLVED that the City of St. John’s hereby adopts the following map amendment to the St. John’s Municipal Plan in accordance with the provisions of the Urban and Rural Planning Act, 2000:

Redesignate lands in Pleasantville from the Residential Medium Density Land Use District and the Open Space Land Use District to the Residential High Density Land Use District, the Residential Medium Density Land Use District, the Open Space Land Use District and the Commercial General Land Use District as shown on Map III – 1A attached.

BE IT FURTHER RESOLVED that the City of St. John’s 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 30th day of March, **2009**.

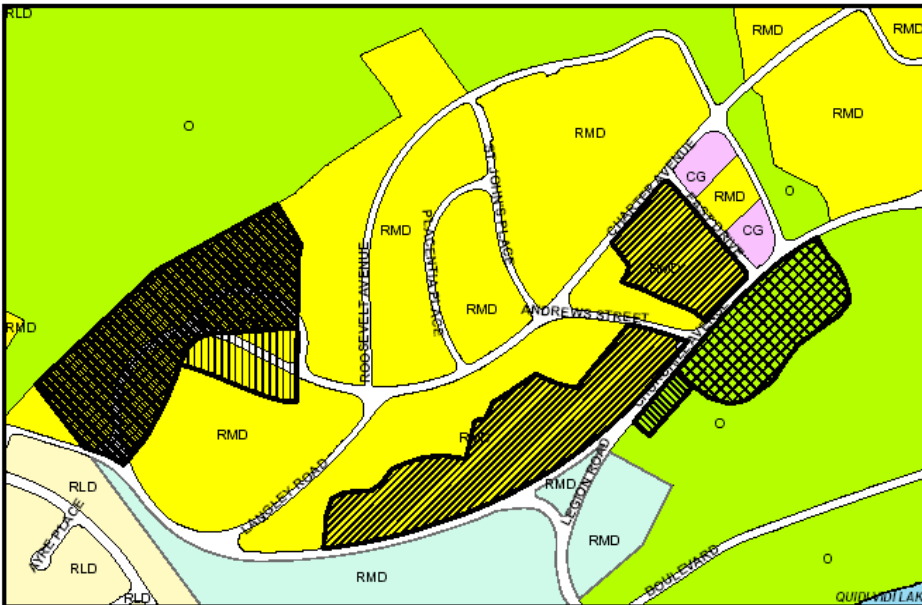
Mayor

**Director of Corporate Services/
City Clerk**

Provincial Registration

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
MUNICIPAL PLAN
Amendment No. 67, 2009
[Map III-1A]**

2009 03 03 SCALE: 1:5000
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING

PLEASANTVILLE, CANADA LANDS COMPANY

-  AREA PROPOSED TO BE REDESIGNATED FROM RESIDENTIAL MEDIUM DENSITY (RMD) LAND USE DISTRICT TO COMMERCIAL GENERAL (CG) LAND USE DISTRICT
-  AREA PROPOSED TO BE REDESIGNATED FROM RESIDENTIAL MEDIUM DENSITY (RMD) LAND USE DISTRICT TO OPEN SPACE (O) LAND USE DISTRICT
-  AREA PROPOSED TO BE REDESIGNATED FROM RESIDENTIAL MEDIUM DENSITY (RMD) LAND USE DISTRICT TO RESIDENTIAL HIGH DENSITY (RHD) LAND USE DISTRICT
-  AREA PROPOSED TO BE REDESIGNATED FROM OPEN SPACE (O) LAND USE DISTRICT TO RESIDENTIAL MEDIUM DENSITY (RMD) LAND USE DISTRICT
-  AREA PROPOSED TO BE REDESIGNATED FROM OPEN SPACE (O) LAND USE DISTRICT TO RESIDENTIAL MEDIUM DENSITY (RMD) LAND USE DISTRICT

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 456, 2009**

WHEREAS the City of St. John's wishes to amend the St. John's Development Regulations in order to accommodate the redevelopment plan prepared by the Canada Lands Company for the former Federal Government Lands in Pleasantville;

BE IT THEREFORE RESOLVED that the City of St. John's hereby adopts the following map amendment to the St. John's Development Regulations in accordance with the provisions of the Urban and Rural Planning Act, 2000:

Rezone lands in Pleasantville from the Institutional (INST) Zone, the Apartment Low Density (A1) Zone and the Open Space (O) Zone to the Residential Medium Density – Pleasantville (R2- Pleasantville) Zone, the Apartment High Density (A3) Zone the Commercial Mixed Use – Pleasantville (CM – Pleasantville) Zone and the Open Space (O) Zone.

BE IT FURTHER RESOLVED that the City of St. John's 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 30th day of March, 2009.

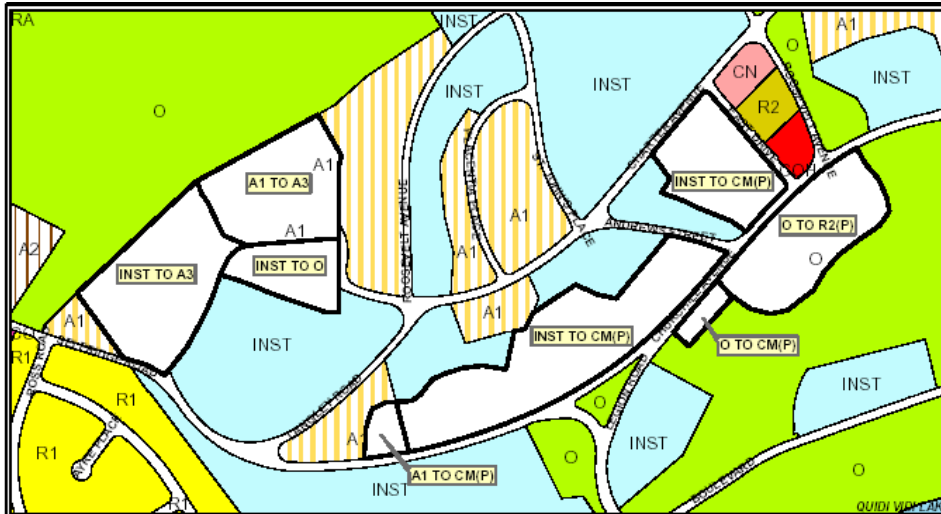
Mayor

**Director of Corporate Services/
City Clerk**

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

MCIP

Provincial Registration



**CITY OF ST. JOHN'S
DEVELOPMENT REGULATIONS
Amendment No. 456, 2009
[Map Z-1A]**

2009 03 03 SCALE: 1:5000
CITY OF ST. JOHN'S
DEPARTMENT OF PLANNING

PLEASANTVILLE, CANADA LANDS COMPANY

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

LEGEND

INST - INSTITUTIONAL

A1 - APARTMENT LOW DENSITY

A3 - APARTMENT HIGH DENSITY

R2(P) - RESIDENTIAL MEDIUM DENSITY
PLEASANTVILLE ZONE

CM(P) - COMMERCIAL MIXED USE
PLEASANTVILLE ZONE

O - OPEN SPACE

M.C.I.P. signature and seal

MAYOR

DIRECTOR CORP. SERVICES/CITY CLERK

COUNCIL ADOPTION

Provincial Registration

Councillor Duff noted that one of the concerns raised at the last public meeting on the Pleasantville Redevelopment Plan was about increased run-off and the impact on Quidi Vidi Lake which is sensitive to flooding. She indicated that a retention structure was proposed to address this issue, and she inquired if this measure had been included in the plan. The Associate

Commissioner/Director of Engineer advised that a water retention structure has been included for this development.

The motion being put was carried unanimously.

Proposed Rezoning of Property – Land Between Civic Number 585 and 599 Southside Road (Ward 5) – Mr. Richard Cook

Council considered as information a memorandum dated March 26, 2009, from the Director of Planning regarding the above noted matter. The public hearing for the above noted application has been scheduled for Thursday, April 23, 2009, at 7:00 p.m.

Conflict of Interest By-Law

Under business arising, Deputy Mayor Ellsworth referenced his comments at last week's meeting regarding the possibility of having a 5 to 4 vote in favour of a particular motion which would be lost despite there being a majority vote if someone declares a conflict of interest and abstains from voting, and he indicated that he had received an email from a Councillor with the Town of Portugal Cove/St. Philips who suggested that the motion would not be lost under this scenario according to the Town's Rules of Procedure.

The Chief Commissioner and City Solicitor advised that he had contacted the Department of Municipal Affairs regarding this matter. He indicated that in accordance with the Municipalities Act, if a Councillor declares a conflict of interest, then they must leave the meeting. As a result, a motion with a vote of 5 to 4 would fail.

Development Committee Report – March 24, 2009

Council considered the following Development Committee Report dated March 24, 2009:

RECOMMENATION OF APPROVAL:

- 1. Proposed Accessory Building
Ms. Connie Hilliard
Civic No. 297 Pennywell Road (Ward 2)**

The Development Committee recommends that Council approve a 1.2 metre side yard clearance along the Kitchener Avenue side of the property.

RECOMMENDATION OF REJECTION:

- 2. Discretionary Use Application
Daycare Operation
Carol Goodman (The Children's Centre)
Civic No. 58 Squires Avenue (Ward 3)**

Based on the fact that Squires Avenue is a very narrow street with a substandard turnaround, a no parking anytime restriction, and would require the removal of large mature trees in order to provide the required off-street parking, it is the recommendation of the Development Committee that the application not be advertised for consideration and that Council reject the application.

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

SJMC2009-03-30/181R

Regarding Item #1 - It was decided on motion of Deputy Mayor Ellsworth; seconded by Councillor Galgay: That the Committee's recommendation of approval be accepted.

Regarding Item #2 - It was noted that the applicant had withdrawn her application prior to the Council meeting.

Animal Care and Control Committee Report – March 5, 2009

The Committee considered the following report of the Animal Care and Control Committee dated March 5, 2009:

In Attendance: Councillor Art Puddister, Chairperson
 Councillor Shannie Duff
 Ms. Debbie Powers, SPCA
 Ms. Susan Deir, SPCA
 Mr. Paul Mackey, Director of Public Works & Parks
 Mr. Jim Clarke, Manager of Streets & Parks
 Ms. Linda Bishop, Senior Legal Counsel
 Ms. Cindy McGrath, Supervisor of Humane Services
 Ms. Rose Gillingham, Animal Technician/Receptionist
 Ms. Lisa Janes, Animal Technician/Receptionist
 Ms. Kelly Butler, Recording Secretary

1. Leashing/Muzzling of Dogs in Public – CD# R2008-06-16/40

The Committee considered a memorandum dated December 31, 2008, from the Director of Public Works and Parks regarding the above noted matter.

The Committee recommends that, based on the findings of the survey undertaken by the Supervisor of Humane Services and the negative aspects of mandatory muzzling of dogs, the status quo be maintained with regard to leashing/muzzling requirements. It is further recommended that emphasis be placed on the importance of proper exercise, socialization and control of dogs.

2. Cat Spay and Neuter Programs – CD #R2008-06-16/43

The Committee considered a memorandum dated February 9, 2009, from the Director of Public Works and Parks and a report from the Supervisor of Humane Services regarding the above noted matter.

The Supervisor of Humane Services advised that she has suggested that eligible residents be provided with a voucher to subsidize the spaying or neutering of their cat (\$100 value for spays and \$65 value for neuters) at a participating veterinary clinic. However, during preliminary discussions with the SPCA and local veterinary clinics regarding procedure rates, some veterinarians have proposed offering a reduced rate to the City and the SPCA for these services, with direct billing to the City for eligible residents. To date only one local clinic has provided written support for this program, however, discussions are still ongoing, and there may be other ways that clinics can participate in this program. It was also noted that eligible residents would be required to pay \$10 to have their cat registered for identification purposes.

The Committee recommends that staff develop and implement a cat spay and neuter program based on financial need as per the guidelines outlined in the attached report. It is further recommended that this program be funded from revenues from the sale of dog and cat licenses.

A lengthy discussion ensued regarding the City of St. John's Act and the fact that it requires major changes in order to make the current animal control regulations more enforceable. It was noted that further discussion is required between the City and the Department of Municipal Affairs and the Department of Justice in this regard.

3. Enforcement of New Animal Control Regulations – CD #R2008-06-16/38

The Committee considered as information a memorandum dated February 2, 2009, from the Director of Public Works and Parks and a report from the Supervisor of Humane Services regarding the above noted matter. The Director of Public Works and Parks advised that the new regulations were advertised in the local newspaper during the months of August, September and October.

The Manager of Streets and Parks asked for clarification from the SPCA on its position regarding special constable status for Humane Services staff. He noted that they still have not been designated by the Province as special constables. He inquired if the SPCA, in the interim, might be willing to allow the Supervisor of Humane Services to be designated as a special constable for the SPCA. He noted that this designation had been given to the former Supervisor

of Humane Services. Ms. Powers noted that she was not opposed to Ms. McGrath being named as a special constable, however, she did express concern with respect to the possible conflict between the SPCA’s mandate and the City’s union and human resources requirements.

A lengthy discussion ensued with it being noted that the City has repeatedly written the Province regarding special constable status for Humane Services staff, but to no avail. As a result, the City oftentimes has great difficulty in enforcing its own regulations because it does not have the ability to appoint its own staff as special constables. In order to rectify this situation, an amendment is required to the Provincial Animal Control Act. Councillor Duff suggested that this matter be listed on the agenda for the next joint meeting of Council and the City MHAs. Ms. Powers advised that in the interim, the SPCA can name the Supervisor of Humane Services as a special constable.

Following the discussion, it was agreed that the issue of the designation of Humane Services staff as special constables under the Provincial Animal Control Act be listed on the agenda for the next joint meeting of Council and the City MHAs.

4. Review of Shelter Statistics for 2008

The Supervisor of Humane Services provided the following statistics for the shelter for 2008:

Category	2008	2007
Annual Cat Adoptions	304	284
Annual Dog Adoptions	116	100
Animals Reunited with Owners	254	250
Animals Surrendered for Euthanasia	561	620
Stray Animal Euthanasias	400	422
Dog Tags Issued	710	420
Cat Tags Issued	48	35
Aggressive Cat/Dog Incidents	186	n/a
Estimated Pet Population	28,000	n/a

It was noted that the shelter also receives donations from the general public, and that money is used to pay for a number of projects including animal exams, feline leukemia testing, dog and cat spay and neuters, dentistry, vaccinations, etc.

The Supervisor of Humane Services advised that 5 of the 6 local veterinary clinics have been selling the City’s pet licenses, which makes it easier for some people to register their animals when they take them to visit their local veterinarians. In addition, the SPCA has agreed to sell them as well. Each of the clinics has been provided with information posters about the City’s Licensing By-Law, and copies of the by-law have been provided as well.

The Supervisor of Humane Services also advised that she has had an information brochure designed, which, when finalized, can also be provided to the local animal hospitals to be included in the information kits the clinics provide to new dog and cat owners. She also

suggested that it may be beneficial to do a mass mailing of the brochure to citizens as Humane Services staff have been getting an increasing number of calls from people who do not know much about the City's animal control regulations. The cost for a mass mailing is approximately \$6,000, however, staff advised that currently no funding in their budget to cover this cost. The brochures can also be made available at the City's Access Centre. The final draft of the brochure will be available as soon as some minor revisions and edits are made.

The Committee recommends that Council approve the mass mailing of an information brochure outlining the City's new Animal Control Regulations, at an estimated cost of \$6,000.

5. Off Leash Dog Parks – CD #R2008-06-30/8 and CD #R2009-01-12/20

The Committee reviewed the above noted Council Directives and considered correspondence from Debbie Abbott and Ron Drake.

Councillor Puddister advised that the City has received a number of calls and emails from people regarding the issue of off leash dog parks. He noted that his preference would be for a dedicated fenced off leash area as opposed to allow dogs to roam off leash in specific areas. The Manager of Streets and Parks indicated that the Bowring Park Master Plan includes a provision for a dog park site, however, implementation of the plan will take a number of years. In this regard, he suggested that Wishingwell Park might be another suitable location. A portion of the park could be fenced off for a dog park, which would be at least ten times the size of the park at Quidi Vidi; there is ample parking; and there is staff on site seven days a week from May to October. Councillor Puddister also noted that there are a number of large open space areas around the City which might be suitable for use as off-leash areas, such as the large open space off Gooseberry Lane across from Confederation Building and an area in the vicinity of Tupper Street/Laurier Street. It was suggested that any areas the City designates for unfenced off-leash areas should be remote enough that they don't conflict with public trails and they should have adequate parking

Following the discussion, the Committee agreed that the Manager of Streets and Parks would provide a report on the following items Park;

- ∨ **Identify other areas for possible dog parks; and**
- ∨ **Identify areas to be used as off-leash areas.**

6. Early Intake of Animals for Euthanasia Services

Ms. Powers inquired if the City would consider allowing requests from people who want to leave their pets at the shelter prior to euthanasia day. She recalled a recent incident where an elderly resident of the City did not want to hold his pet until euthanasia day, and subsequently phone the SPCA told them it was a stray and asked them to pick it up. The Supervisor of Humane Services advised that the City would only provide early intake of animals slated for euthanasia in

extenuating circumstances. When people bring their animals to the shelter for euthanasia, they are advised that it is a free service provided only on specific days of the week, and they are instructed to bring their animals back on those days.

The Committee discussed the issue of free euthanasia service provided by the City with it being noted that the program was meant for people who do not have the financial resources to pay for euthanasia, however, the problem is that many people with the ability to pay opt to use this free service rather than pay for it. It was suggested that the City might want to consider instituting a fee for euthanasia service. However, it was noted that if the City went this route, it may lead to a bigger problem with people opting to dump or dispose of their animals in an improper or inhumane manner rather than pay the fee. It was also noted that veterinarians have increased their euthanasia fees in recent years due to the cost of cremations. The City did investigate the possibility of performing the euthanasia and cremation service itself, however, it was determined that the cost was prohibitive and there wasn't enough space to accommodate a crematorium.

Following the discussion, the Committee agreed that the Supervisor of Humane Services would prepare a report on a fee for the euthanasia service and administration of the program.

7. Hours of Operation of Humane Services Shelter

Councillor Puddister raised the issue of the hours of operation for the Humane Services Shelter, noting that on two occasions he had constituents come to his home with lost animals, both of which were unlicensed, when there was no one at the shelter to accept the animals and nowhere else to turn them in. He noted that the shelter should be staffed on the weekends to address similar situations in the future. If people knew there was a place they could bring a lost animal, most of them would be willing to bring the animal to the shelter.

It was noted that there are staff at the shelter Monday to Friday until 6 p.m. and until 5:00 p.m. on the weekends. However, even though someone is in the building, it does not necessarily mean they will be able to respond to calls, unless it is an emergency. Emergency calls are routed through the City's Access Centre to the Supervisor, who will then dispatch staff if required. The Manager of Streets and Parks also noted that the City did put out a tender call for after hours services, but there were no bidders. He indicated that an after hours system can be put in place, but there will be a cost to do so as staff can be asked to take after hours calls on overtime. The Supervisor of Humane Services noted that currently there is limited staff availability for after hours emergency calls.

Following the discussion, the Committee agreed that staff would prepare an estimate on the cost to have the shelter remain open for extended hours during the weekend and submit it for consideration in the 2010 budget process.

Councillor Art Puddister
Chairperson

SJMC2009-03-30/182R

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

Regarding Item #5, Deputy Mayor Ellsworth noted that the issue of dog parks was recently discussed on an Open Line show, and it had been suggested that there be a section cordoned off in the dog park for the use of smaller dogs. Some owners are afraid to put their small dogs in the dog park when there are a lot of larger dogs using it. Councillor Puddister indicated that he would refer this suggestion to staff for consideration. He noted that staff are currently reviewing possible locations for fenced and unfenced dog parks throughout the City. The Bowring Park Master Plan includes a designated area for a dog park and staff have also recommended fencing a portion of Wishingwell Park for this purpose.

Councillor Colbert indicated that while he can understand people wanting to have different dog parks for different sized dogs, he stated that the main purpose of dog parks is for socialization. He noted that he has a small dog and he is quite comfortable using the dog park when there are larger dogs there as well.

Regarding Item #3, Councillor Duff noted that because the City is unable to designate its Humane Services staff as Special Constables under the Animal Protection Act, it makes it difficult for them to apprehend animals on private property that are being mistreated. She indicated that the City had written the Province repeatedly on this matter, but to no avail. Therefore, she has requested that the matter be put on the agenda for the next joint meeting of City MHAs and Council. The Chief Commissioner and City Solicitor advised that it is his understanding that the appointment of Special Constables does not require a change to the Animal Protection Act and can be approved by the Minister.

Councillor Duff requested that the Chief Commissioner and City Solicitor bring forward copies of correspondence sent to the Minister regarding this matter and provide a recommendation for any further action that Council should take.

Regarding Item #2, Councillor Hann inquired if the Cat Spay and Neuter Program would be extended to dogs as well. Councillor Puddister advised that staff are looking at this on a go-forward and as necessary basis.

Regarding Item #4, Councillor Hanlon advised that she had some concerns about a mass mail-out, noting that sending out 6,000 brochures is not environmentally friendly, and she suggested that it would be better to provide the information to the local animal hospitals rather than do the mail-out. Councillor Puddister indicated that mailing out the brochure to all households would ensure maximum exposure and make certain that people are aware of the City's animal control regulations.

Regarding Item #1, Councillor Coombs referenced the new animal control regulations and inquired about provisions relative to dogs that pose a danger to the general public. Councillor Puddister advised that prior to the adoption of the new regulations, there was some discussion about breed specific bans, however, it was felt that this would not work and it would be better to identify dangerous dogs based on their history. Councillor Coombs inquired about possible fines or other consequences in cases where there has been a biting incident. Councillor Puddister noted that the Committee has asked staff to prepare a report on additional controls and measures to be implemented for owners whose dogs are considered a high safety risk to the general public. The Committee will review the report and make a recommendation to Council in this regard.

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

Development Permits List

Council considered as information the following Development Permit List for the period March 20, 2009 to March 26, 2009:

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF March 20, 2009 TO March 26, 2009**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
COM	Drapes Etcetera	Retail/Show Room	221 Major's Path	1	Approved	09-03-24
RES	Michelle Smith	14 Townhouse Dwelling Units	31-33 Golf Avenue	2	Rejected – Insufficient Lot Frontage	09-03-26

*	Code Classification: RES - Residential COM - Commercial AG - Agriculture	INST - Institutional IND - Commercial 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**

Building Permits List

SJMC2009-03-30/183R

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

2009/03/25

Permits List

CLASS: COMMERCIAL

SPIN	2 GEORGE ST, SPIN	OC TAVERN
MEMORIAL UNIVERSITY OF NFLD.	194 ELIZABETH AVE	MS SCHOOL
DICKS AND COMPANY LIMITED	385 EMPIRE AVE	MS OFFICE
FORTIS PROPERTIES CORPORATION	180 PORTUGAL COVE RD	MS HOTEL
HILLCREST CTR FOR CHILDREN	10 PATON ST	RN DAY CARE CENTRE
FORTIS PROPERTIES CORPORATION	136-140 WATER ST, 6TH FLOOR	RN OFFICE
RON ROCKWOOD	16-72 HAMLYN RD, PORTFOLIO	CR SERVICE SHOP
SEAMUS DOOLEY	371-373 DUCKWORTH ST	CR TAVERN
CARRICK ENTERPRISES LIMITED	312 WATER ST	RN TAVERN
TOYOTA PLAZA LIMITED	73 KENMOUNT RD	EX CAR SALES LOT

THIS WEEK \$ 3,203,500.00

CLASS: INDUSTRIAL

THIS WEEK \$.00

CLASS: GOVERNMENT/INSTITUTIONAL

ST. BONAVENTURE'S SCHOOL BONAVENTURE AVE MS SCHOOL

THIS WEEK \$ 500.00

CLASS: RESIDENTIAL

PRO TECH CONSTRUCTION	29 CASTLE BRIDGE DR, LOT 126	NC SINGLE DETACHED DWELLING
PHYLLIS FLEMING	16 FIRDALE DR	NC SINGLE DETACHED DWELLING
JOHN DUFFETT	106 HIGHLAND DR	NC ACCESSORY BUILDING
KENNY'S POND RETIREMENT	135 MACDONALD DRIVE	NC APARTMENT BUILDING
WAYNE & SANDRA PYE	38 MARK NICHOLS PL LOT 5-197	NC SINGLE DETACHED DWELLING
GARY MITCHELL	59 MARK NICHOLS PL, LOT 220	NC SINGLE DETACHED DWELLING
JIM MARNELL	24 MARSLAND PL, LOT 28	NC SINGLE DETACHED DWELLING
JIM MARNELL	37 MARSLAND PL, LOT 29	NC SINGLE DETACHED DWELLING
GUARDIAN HOMES	26 MIKE ADAM PL, LOT 250	NC SINGLE DETACHED DWELLING
CHRIS MARNELL	31 PETITE FORTE DRIVE, LOT 301	NC SINGLE DETACHED DWELLING
CHRIS MARNELL	33 PETITE FORTE DRIVE, LOT 302	NC SINGLE DETACHED DWELLING
WAYNE SPURRELL	4 PLOVER ST LOT 20	NC SINGLE DETACHED DWELLING
ERCO HOMES	11 SGT.CRAIG GILLAM AVE.LOT 67	NC SINGLE DETACHED DWELLING
DEAN BURTON	83 GREAT EASTERN AVE	CR SUBSIDIARY APARTMENT
ROBERT & LAURA TRISKA	22 ROBINSONS PL	EX SEMI-DETACHED DWELLING
VLASTAMIL MASEK	16 WARREN PL	EX SINGLE DETACHED DWELLING
GEORGE DURNFORD	9 FORDE DR	RN SINGLE DETACHED DWELLING
RANDOLPH & J.M. ROCHE	29 GOODVIEW STREET	RN SINGLE DETACHED DWELLING
TERRY WALSH CONTRACTING	103 MACBETH DR	RN SINGLE DETACHED DWELLING
MARK NEWELL	9 OSBOURNE ST	RN SINGLE DETACHED DWELLING
GERRY COLBERT	164 PATRICK ST	RN TOWNHOUSING
KEN SNELGROVE	54 SMITHVILLE CRES	RN SINGLE DETACHED DWELLING
GERALD & AMY PIERCEY	63 NEPTUNE RD	SW SINGLE DETACHED DWELLING

THIS WEEK \$ 3,517,488.00

CLASS: DEMOLITION

GARY HOLDEN 31 COCHRANE ST DM TOWNHOUSING

THIS WEEK \$ 300.00

THIS WEEK'S TOTAL: \$ 6,721,788.00

REPAIR PERMITS ISSUED: 2009/03/19 TO 2009/03/25 \$ 47,000.00

LEGEND

CO	CHANGE OF OCCUPANCY	MS	MOBILE SIGN
CR	CHNG OF OCC/RENOVTNS	SN	SIGN
EX	EXTENSION	TI	TENANT IMPROVEMENTS

NC	NEW CONSTRUCTION	CC	CHIMNEY CONSTRUCTION
OC	OCCUPANT CHANGE	DV	DEVELOPMENT FILE
RN	RENOVATIONS	DM	DEMOLITION
SW	SITE WORK		

Payrolls and Accounts

SJMC2009-03-30/184R

It was decided on motion of Councillor Hann; seconded by Councillor Duff: That the following Payrolls and Accounts for the week ending March 26, 2009 be approved as presented:

**Weekly Payment Vouchers
For The
Week Ending March 26, 2009**

PAYROLL

Public Works	\$ 415,515.68
Bi-Weekly Casual	\$ 12,934.55

ACCOUNTS PAYABLE

Cheque No. 144898 - 145204	\$ 2,729,490.81
Total:	\$ 3,157,941.04

Tenders

- a. Tender - Towing Services
- b. Tender – Tandem Dump Truck Sanders
- c. Tender – Dooling’s Line Street Upgrading
- d. Tender – Bennett’s Brook Storm Sewer Replacement

SJMC2009-03-30/185R

It was moved by Councillor Hickman; seconded by Councillor Duff: That the recommendations of the Director of Finance and City Treasurer and the Associate Commissioner/Director of Engineering be approved and the tenders awarded as follows:

- | | | |
|----|---------------------------|-------------------------------------|
| a. | Peter’s Auto Works Inc. | \$23,750.00 (taxes not included) |
| b. | Harvey & Co. | \$1,194,664.00 (taxes not included) |
| c. | Cabot Ready Mix | \$2,160,780.35 |
| d. | Pyramid Construction Ltd. | \$2,234,579.01 |

Councillor Collins noted that he was pleased with the outcome of the tender for Dooling's Line, and he commended the work of the Associate Commissioner/Director of Engineering and his staff in this regard. He indicated that when the tender was called last year for this work, the bid came in at twice the estimated cost. Mayor O'Keefe noted that when the tender was delayed last year, Council took some flack. However, staff's recommendation was correct and as a result the City saved almost \$1 million on the project.

The motion being put was carried unanimously.

Capital Investment Plan – Solid Waste Management Plan

Council considered a memorandum dated March 27, 2009, from the Director of Finance and City Treasurer regarding the above noted matter.

SJMC2009-03-30/186R

It was decided on motion of Councillor Hann; seconded by Councillor Hickman: That the Capital Investment Plan for the Solid Waste Management Plan be approved and adopted as presented.

Downtown Street Cleaning Schedule – Daily Email Reminders

Council considered as information a memorandum dated March 24, 2009, from the Director of Public Works and Parks regarding the above noted matter. It was noted that there will be an enhanced notification process this year, including a daily email reminder program to which residents can subscribe via the City's website. Deputy Mayor Ellsworth noted that the email notification process was suggested by the Chair of the Downtown Development Commission, Peter Belbin.

Councillor Hickman noted that the street sweepers were out cleaning the streets earlier this month before the latest snowfall, and he inquired if they would be continuing to sweep the streets and sidewalks once the remaining snow has melted. The Associate Commissioner/Director of Engineering advised that the sweepers would be deployed again once the remaining snow has gone.

Snow Clearing Report

Council considered as information the Snow Clearing Report for the period January 1 to March 27, 2009.

Letter of Sympathy from the Governor General of Canada re: Cougar Helicopter Crash

Council acknowledged the above noted letter.

Rescission of On-Street Parking Ban

Council considered a notice from the Director of Public Works and Parks regarding the above noted matter, which stated that effective Wednesday, April 1st, the on-street parking ban will no longer be in effect.

Bid for Canadian Urban Forest Conference (CUFC)

Council considered a memorandum dated March 27, 2009, from the Director of Public Works and Parks regarding the above noted matter.

SJMC2009-03-30/187R

It was moved by Councillor Duff; seconded by Councillor Puddister: That the City submit a bid for the 2010 Canadian Urban Forest Conference (CUFC) and hire a Conference Coordinator for a six-month period at an estimated cost of \$25,000.

Deputy Mayor Ellsworth and Councillors Colbert, Hann, and Coombs spoke against the motion, noting that the City is being asked to assume the risk for any financial shortfall from the conference which would be setting a precedent as other small organizations may want the same consideration; spending \$25,000 on a conference coordinator to attract 250 delegates to the City seems like a rather large investment on the part of the City; and the Province has not been approached about possible sponsorship or partnership with the City to host this conference.

Councillor Puddister noted that while he initially seconded the motion, he also had some reservations about the \$25,000 cost to hire a coordinator and the financial risk the City would be assuming if it agreed to host the conference. He indicated that it might be best to defer a decision on this matter in order to request an extension to the bid submission deadline and allow staff an

opportunity to gather further information on the financial risk to the City and to contact the Province about partnership or sponsorship possibilities.

SJMC2009-03-30/188R

It was moved by Councillor Puddister; seconded by Councillor Hickman: That a decision on the request to bid on the 2010 Canadian Urban Forest Conference be deferred and that Tree Canada be asked to extend the conference bid deadline in order to allow staff the opportunity to gather more information on the possible financial risk to the City and to investigate partnership/sponsorship possibilities with the Province.

Deputy Mayor Ellsworth inquired why this matter was only just coming before Council when the initial request was received in mid-February. He noted that the City had ample opportunity to consider the request and make any necessary inquiries. Mayor O'Keefe advised that when he received the request, he forwarded it to staff to review it and prepare a report for Council's consideration. Councillors Hanlon and Hann spoke against the motion, noting that the City should not be getting involved in conference planning or assuming any kind of financial risk.

The motion being put there voted for it the mover, seconder, Mayor O'Keefe, and Councillors Duff, Colbert, Galgay, and Collins, with Deputy Mayor Ellsworth, and Councillors Hann, Coombs and Hanlon voting against. The motion to defer was passed.

The main motion was lost.

Councillor Debbie Hanlon

- ∇ Councillor Hanlon advised that the deadline for having residential oil tanks upgraded and certified has been extended to July 31, 2009.
- ∇ Councillor Hanlon referenced the recent Earth Hour event, and noted that according to Newfoundland and Labrador Hydro, there was a 1% decrease in energy use for the City.
- ∇ Councillor Hanlon referenced the recent news story on the seagull deaths in the Quidi Vidi Lake area, noting that the deaths were determined to be caused by caffeine overdose. She noted that seagulls are scavengers by nature and likely got into some garbage in the area.

- ∇ Regarding the tender for Tandem Dump Truck Sanders, Councillor Hanlon inquired if the trucks would be fitted with side guards. The Association Commissioner/Director of Engineering indicated that they would not be fitted with guards.

Councillor Keith Coombs

- ∇ Councillor Coombs advised that he had recently attended a meeting of the Waterford River Anglers Association. This group recently brought the issue of sewage outfall into the Waterford River to Council's attention. He noted that the group would like to work with the City to identify outfalls and assist in addressing the matter if possible. Councillor Coombs indicated he would be arranging a meeting between the Association and City staff to review the steps that the City has already taken to eliminate the problem.
- ∇ Councillor Coombs congratulated Mr. Brad Forward on his achievement in winning the National Canadian Driver's Championship, and he noted that Mr. Forward will be competing in the World Driver's Championship in Norway.

Councillor Frank Galgay

- ∇ Councillor Galgay advised that the Downtown Development Commission will be celebrating its 20th birthday and will be holding an event at City Hall on Tuesday.

Councillor Sandy Hickman

- ∇ Councillor Hickman referenced the recent Earth Hour event, noting that more than 80 countries and 4,000 cities participated, with the number of participants being estimated at 1 billion, versus 50 million for last year's event.
- ∇ Councillor Hickman referenced an article in the Toronto Star which stated that the City of Toronto has pledged to patch potholes within five days. The program aims to target small potholes before they grow, as the cost to fix them grows exponentially the larger the potholes get.
- ∇ Councillor Hickman noted that the deadline for submission of nominations for the City's Tourism Awards is Wednesday, April 1st at 4:30 p.m.

- ∇ Councillor Hickman tabled a copy of the Provincial Department of Tourism, Culture and Recreation's Community Capital Grant application, noting that the deadline for submission is April 24th. He asked that the information be forwarded to the Department of Recreation and Parks Division staff to see if there are any City projects that might be eligible for funding under this program

Adjournment

There being no further business, the meeting adjourned at 5:55 p.m.

MAYOR

CITY CLERK