

November 29, 2010

The Regular Meeting of the St. John's Municipal Council was held in the Council Chamber, City Hall, at 4:30 p.m. today.

His Worship the Mayor presided.

There were present also: Deputy Mayor Duff; Councillors O'Leary, Hickman, Hann, Breen, Galgay, Tilley, Hanlon and Collins.

Regrets – Councillor Colbert.

The City Manager; Deputy City Manager/Director of Corporate Services and City Clerk; Deputy City Manager/Director of Public Works and Parks; Director of Engineering; Director of Planning, City Solicitor, and Manager, Corporate Secretariat were also in attendance.

Adoption of the Agenda

SJMC2010-11-29/646R

It was decided on motion of Councillor Tilley; seconded by Councillor Breen: That the Agenda be adopted as presented with the following additions:

1. Memorandum dated November 26, 2010 from Deputy Mayor Duff re Committee List for Bannerman Park Foundation
2. Phone Poll – Re Special Scene Shooting for Republic of Doyle
3. Tender - 10 Mapleview Place, Quidi Vidi Arts – Visitor Centre

Adoption of Minutes

SJMC2010-11-29/647R

It was decided on motion of Councillor Hann; seconded by Councillor O'Leary: That the minutes of the November 22, 2010 meeting be adopted as presented.

Finance & Administration Standing Committee Report dated November 16, 2010

Council considered the following Finance and Administration Standing Committee Report dated November 16, 2010:

In Attendance: Deputy Mayor Shannie Duff, Chairperson
Councillor Sandy Hickman
Councillor Tom Hann
Councillor Danny Breen
Councillor Bruce Tilley
Councillor Debbie Hanlon
Mr. Ron Penney, City Manager
Mr. Neil Martin, Deputy City Manager/Director of Corporate Services & City Clerk
Mr. Paul Mackey Deputy City Manager/Director of Public Works & Parks
Mr. Bob Bishop, Director of Finance & City Treasurer
Mr. Dave Blackmore, Director of Building & Property Management
Mr. Kevin Breen, Director of Human Resources
Ms. Jill Brewer, Director of Recreation
Mr. Cliff Johnston, Director of Planning
Mr. Bob Bursey, City Solicitor
Mr. Kevin Gushue, Acting Director of Economic Development, Tourism & Culture
Mr. Jason Silver, City Internal Auditor
Mr. Derek Coffey, Manager of Budgetary Services
Ms. Kelly Butler, Recording Secretary

Also in attendance were Mr. Craig Ennis with the St. John's Board of Trade and Ms. Alisha Morrissey with the Telegram.

1. Bell Aliant Wireless Optimization Plan

The Committee considered a memorandum dated October 20, 2010, from the Deputy City Manager/Director of Corporate Services & City Clerk regarding the above noted matter.

The Director of Corporate Services advised that when the City negotiated its current contract with Bell Aliant, a clause was included that states if the Provincial Government contracted rates change and prove to be more beneficial to the City of St. John's, then the City will have the option to move to those contracted rates. The Province recently negotiated a better rates contract, and Bell Aliant has agreed to extend those rates to the City. The new rates will save the City approximately 35-40% during the life of its contract with Bell Aliant.

The Committee recommends, on motion of Councillor Hickman; seconded by Councillor Tilley:

- a. **that the City exercise its option under its current wireless voice and data contract and acquire the NL Provincial Government wireless optimization plan, including the text messaging plan; and**
- b. **that the City's current contract be extended to September 15, 2012.**

2. Annual Lester's Farm Pumpkin Fest - Request for In-Kind Parking Enforcement Services

The Committee considered a memorandum dated October 4, 2010, from the Director of Recreation regarding the above noted matter.

The Committee recommends, on motion of Councillor Hanlon; seconded by Councillor Hickman: That the fee for the Parking Enforcement Officers be provided in kind for the Annual Lester's Farm Pumpkin Fest, given that the fee will ultimately be deducted from the contributions that will be allocated to the REAL Program.

3. Financial Support for Meetings and Conventions

The Committee considered a memorandum dated November 10, 2010, from the Deputy City Manager/Director of Corporate Services & City Clerk regarding the above noted matter.

Councillor Breen expressed concern that funding was being recommended for the Air Traffic Control Hockey Tournament, yet the City did not provide any funding for the Four Nations Cup Tournament recently held at Mile One Centre. The Director of Corporate Services noted that no such request for funding came to the Finance Committee, however, had a request been made, it would have been reviewed under the provisions of the meetings and conventions funding policy and a recommendation made to the Committee. It was agreed that staff would prepare a report for the Committee's next meeting outlining the reason why funding was not provided to the Four Nations Cup.

Councillor Hann suggested that the criteria for getting any kind of grant funding from the City should be reviewed. He also suggested that the City review its policy of funding meetings and conventions given the budgetary shortfall that the City is facing next year. Councillor Tilley indicated that he was not in favour of giving grants to conventions and conferences as they should be fundraising from the private sector.

The Committee recommends, on motion of Councillor Hickman; seconded by Councillor Hanlon, with Councillor Tilley opposed: That the following grants be awarded in accordance with Policy No. 04-09-02:

- a. **Canadian Poultry & Egg Processors Annual Conference** **\$750**
- b. **International Air Traffic Control Hockey Tournament** **\$1,000**
- c. **High Technology Crime Investigation Conference**
\$500

4. Annual Network of International Business School Undergraduates Case Competition (NIBS)

The Committee considered a memorandum dated October 18, 2010, from the Director of Economic Development, Tourism & Culture regarding the above noted matter.

It was moved by Councillor Hanlon: That the City provided \$2,500 in funding towards the Network of International Business School Undergraduates Case Competition.

All other members of the Committee voted against the motion, therefore, the motion failed.

Councillor Hickman noted that the event is only for 75 participants, and the recommendation for \$2,500 in funding is excessive. He suggested that the group be provided with \$500 in funding, which is in keeping with the provisions of the meetings and conventions funding policy.

The Committee recommends, on motion of Councillor Hickman; seconded by Councillor Breen, with Councillor Tilley opposed: That the City provide \$500 in funding towards the Network of International Business School Undergraduates Case Competition.

5. Bannerman Park Master Plan Committee - Request for Funding - Marketing Launch for Donor and Sponsorship Attraction Strategy

The Committee considered a report dated November 10, 2010, from the Bannerman Park Master Plan Committee regarding the above noted matter.

Deputy Mayor Duff advised that the Bannerman Park Master Plan Committee is looking for some seed money in order to launch their fundraising campaign. The City's Agency of Record, the Idea Factory, has provided a cost estimate of \$15,000 for the campaign, which includes a \$5,000 discount as their contribution towards the project. The money will be used to develop collateral materials and signage and hold a press conference to announce the launch of the fundraising campaign. She indicated that there should be sufficient funds in the current year's budget to cover this cost. The Bannerman Park Committee is aiming to raise \$3 million with this campaign, which is half of the \$6 million budget to implement the Master Plan. Councillor Breen noted that there has been no significant work done on Bannerman Park since the 1970's and it is long overdue for a facelift.

The Committee recommends, on motion of Councillor Breen; seconded by Councillor Hickman: That the City contribute \$15,000 toward the

marketing launch for the Bannerman Park Master Plan fundraising initiative, subject to the availability of funding in the 2010 budget.

6. Request for Continued Sponsorship of the Senior Rose Bowl Award - Kiwanis Music Festival

The Committee considered a letter from Mary Anne Tobin, Kiwanis Music Festival, regarding the above noted matter.

The Committee recommends, on motion of Councillor Breen; seconded by Councillor Hickman: That the City continue its annual sponsorship of the Kiwanis Music Festival Senior Rose Bowl Award, in the amount of \$2,500.

7. Request for Finance and Other Support for the 2016 Dominion Command Convention

The Committee considered a letter dated September 17, 2010, from Elizabeth Casey, Royal Canadian Legion - NL Command, regarding the above noted matter.

The City Manager indicated that this is a large convention and under the City's policy on funding for meetings and conventions, the group would be eligible for \$2,500 in funding. Councillor Hann noted that Metrobus does not provide free bus service for conventions.

The Committee recommends, on motion of Councillor Breen; seconded by Councillor Hickman: That the City provide \$2,500 in funding and souvenir lapel pins for the 2016 Dominion Command Convention. It is further recommended that free bus service not be provided to the convention as it is contrary to Metrobus policy.

8. Request for a Financial Contribution and Waiver of Fees - Ronald McDonald House

The Committee considered a letter dated September 20, 2010, from Gerry Beresford, Ronald McDonald House NL regarding the above noted matter.

The Director of Building and Property Management advised that the permit fees for the project would be approximately \$40,000. Deputy Mayor Duff noted that the City has waived the permit fees for non-profit organizations and groups in the past. It was suggested that given the amount of permit fees the City is being asked to waive, that this be considered to be the City's contribution to the project.

The Committee recommends, on motion of Councillor Breen; seconded by Councillor Hann: That the City waive the permit fees associated with the construction of Ronald McDonald House and encourage City employees to volunteer at Ronald McDonald House as its contribution to the project.

9. Request for the City to Sponsor a Reception for the NL Libraries 75th Anniversary

The Committee considered an email dated September 26, 2010, from Alan Goodridge regarding the above noted matter.

The Director of Corporate Services noted that the City does not provide funding or receptions for provincial meetings or conferences. The policy only allows for grant funding for regional, national or international events.

It was moved by Councillor Hanlon: That the City sponsor a reception for the NL Libraries Association 75th Anniversary.

All other members of the Committee voted against the motion, therefore, the motion failed.

No further recommendation was made by the Committee.

10. Request for Sponsorship of Annual Benefit - Protected Areas Association

The Committee considered a letter dated October 5, 2010, from Ruth French, Protected Areas Association regarding the above noted matter.

It was noted that the City has provided \$600 in funding for the Protected Areas Association's Annual Benefit for the last number of years, however, the City recently adopted a policy that it would no longer contribute to fundraising events or purchase tables at fundraising events.

The Committee recommends that the request for a financial contribution towards the Protected Areas Association's Annual Benefit be denied.

11. Request for the City of St. John's to Host the 2011 Meeting of the NEAJC

The Committee considered an email dated October 13, 2010, from Eileen Hatch regarding the above noted matter.

The Committee recommends, on motion of Councillor Hanlon; seconded by Councillor Hickman: That the City host the June 25, 2011 meeting of the Northeast Avalon Joint Town Councils.

12. Request for Waiver of Permit Fees - St. Teresa's Parish

The Committee considered a memorandum dated October 28, 2010, from Leo English regarding the above noted matter.

The Committee recommends that the permit fees for renovation work at St. Teresa's Parish Church and Hall be waived.

13. Charity Concert Proposal

The Committee considered an email dated November 4, 2010, from William Short regarding the above noted matter.

The Committee recommends that the request to support the Short Circuit Dream Fund Concert be denied as it is contrary to City policy.

14. Financial Statements to September 30, 2010

The Committee considered as information a memorandum dated November 16, 2010, from the Director of Finance regarding the above noted matter.

The Director of Finance advised that the interim financial statements to September 30, 2010, show a positive result for the year to date based on two main factors and the usual timing issue of vacation time and unpaid invoices still in the system as a result. The two factors behind the positive result are Business Occupancy Revenues which were higher than estimated, and the postponement of a planned bond issue. The number of assessment appeals was lower than projected and the resulting abatements were lower than previous years. With respect to the bond issue, the Director of Finance noted that on the advice of the City's fiscal agents, the City delayed the process until it received bond ratings from independent agencies. The process has taken longer than expected and should be completed in early 2011. In addition, the substantial development fees received for the new Canadian Forces Station in Pleasantville also contributed to the positive results. The projected statements to year end show an estimated surplus of approximately \$975,000.

Deputy Mayor Shannie Duff
Chairperson

SJMC2010-11-29/648R

**It was moved by Deputy Mayor Duff; seconded by Councillor Hickman:
That the Committee's recommendations be approved.**

The motion being put was unanimously carried.

Committee to Review Condominium Services, October 28, 2010

Council considered the following meeting report of the Committee to Review Condominium Services dated October 28, 2010.

In Attendance: Councillor Debbie Hanlon, Chairperson
Councillor Shannie Duff
Councillor Danny Breen

Councillor Bruce Tilley
Mr. Geoffrey Penney, Canadian Condominium Institute – Nfld. &
Labrador Chapter
Dr. Art May, Bonaventure Condominium Corporation
Mr. Reg Reid, Clovelly Condominium Corporation
Mr. Ron Penney, City Manager
Mr. Paul Mackey, Deputy City Manager/Director of Public Works
& Parks
Mr. Walt Mills, Director of Engineering
Mr. Bob Bishop, Director of Finance
Ms. Kelly Butler, Recording Secretary

Councillor Hanlon called the meeting to order. She noted that she had been appointed as Chair of the Committee following the by-election in April. Councillor Hanlon indicated that the City sent out a letter to Committee members in April to advise that the City is not prepared to assume responsibility for costs for various services, such as snow clearing, garbage collection and street lighting. She advised that the purpose of this meeting is to offer Committee members the opportunity to discuss the City's decision.

Dr. Art May – Bonaventure Condominium Corporation

Dr. May referenced the minutes of the September 2, 2009, and asked that they be amended. He noted that his condominium corporation has no issue with snow clearing or street lighting, as indicated in the minutes. The corporation's only issue is with garbage collection as this is the only service that it must pay for itself. The Recording Secretary will amend the minutes as requested.

Dr. May expressed his disappointment in the position that Council has taken with respect to providing services to condominium developments. He indicated that condominium owners are paying more taxes than ordinary homeowners. He noted that while it is impractical for Council to pick up the garbage from the Bonaventure Condominiums, Council could reimburse the Corporation for the costs it incurs to have garbage picked up. The City is saving money by not having to provide garbage collection, so it is only fair that condominium owners are reimbursed for having to pay for a service that is provided to other homeowners.

Mr. Reg Reid – Clovelly Condominium Corporation

Mr. Reid also expressed his disappointment with Council's position on servicing condominium developments, noting that condo owners are simply asking to be provided with the same level of service as ordinary homeowners all over the City. The Clovelly Condominium development has two standard sized streets and the condominium corporation pays to have the streets cleared, the garbage collected and the street lights lit. The City's large equipment could easily manoeuvre on these streets to provide City services. He indicated that the letter sent out in April makes it appear as though the City is abandoning its earlier commitment to looking into ways of making things more equitable for condominium owners. The whole purpose of forming this Committee was

to discuss the servicing issues and try and find solutions that would bring some equity to the situation.

Geoffrey Penney – Canadian Condominium Institute (NL Chapter)

Mr. Penney noted that while he represents the condominium industry, CCI cannot speak for individual condominium members, as each group has different styles of condominium developments and their issues and concerns may not all be the same. At the meeting last September, each condominium representative laid out their particular issues with respect to servicing. At that time, it was noted that the servicing issue goes back to 2001. In 2001, Council had discussions on some of the servicing issues, and it agreed to accept responsibility for certain expenses. Subsequent to that, Council reversed its decision.

During the meeting in September, the Committee agreed that City staff would conduct research on the various taxation issues, and Deputy Mayor Duff asked for information on how other municipalities have dealt with similar issues. Out of the blue in April, a letter is sent out to Committee members saying that a new Council had been elected, and they decided not to proceed with the Committee. Mr. Penney suggested that the decision was premature as the new Council did not have the necessary information required to make that decision. He further suggested that Council needs to recognize and accept the inequity and come up with ways to address it.

Mr. Penney noted that this issue is not unique to the City or the Province, and he indicated that he would be willing to provide additional information from his colleagues in that regard. There has to be a willingness by municipalities to discuss condominium related issues, and some municipalities have agreed to start providing services or subsidies to condominiums. He suggested that the decision of Council not to take any further steps to investigate the situation and find a solution is premature. A more detailed review is in order before a final decision can be made.

Councillor Hanlon advised that Council did some investigating and listened to the opinions of staff. She noted that Council clearly understands the substantial costs that it would have to pass onto the taxpayers if it accepted responsibility for condominium servicing. Council agreed to advise Committee members of their decision so as to ensure that their position was clear and not encourage any false expectations.

A lengthy discussion ensued with it being noted that while the City contends that the cost of taking on condominium servicing would have to be passed onto the taxpayers, condominium owners are taxpayers too. Condominium owners are just looking for equity. Councillor Breen commented that it was his understanding that a commitment was made to review the servicing issue, and Council has an obligation to follow through on that commitment. There are different types of condominium developments in this City – some on regular streets and others in multi-storey buildings, with more and more condominium developments planned for the future. He noted that the issue will not go away and Council should be prepared to face more questions from future condominium owners. Dr. May and Mr. Reid both agreed with Councillor Breen's assessment that the matter is not going to die and will only become more prevalent in the future. They

suggested that it would be in Council's best interest to deal with it sooner rather than later.

The City Manager indicated that while he understood the position of condominium owners, should Council decided to provide servicing to condominiums, there would be an expectation that other property owners, i.e. apartment building owners, private laneway owners, would want the same consideration. He also noted that when people purchase condominiums, they are fully aware of what they are getting themselves into. Dr. May reiterated that even though Council has decided not to accept responsibility for servicing condominium developments, the issue is not going to go away. He suggested that there will come a time when the number of condominium owners is so great that Council will not be able to ignore them.

Mr. Penney stated that just because condominium ownership is a style of ownership, whereby people own their own unit and a share of the common elements. Condominium fees are used to pay for these common elements, and it is unfair for the City to make condominium owners use these fees to pay for services that other ordinary homeowners in the City are getting through the payment of property tax, which condominium owners also pay. The Director of Finance indicated that property tax is not a fee for service. The City provides a wide variety of services that people use and continue to use that other people paying the same taxes do not have access to, i.e. daycare programs, public transit.

Deputy Mayor noted that Council has made its decision in this matter, and while it may not have been a unanimous decision, it is a policy of Council. Regarding the matter of inequity, she indicated that according to staff research, the non-provision of servicing is reflected in the appraised values of condominium properties. The Director of Finance noted that staff reviewed the information provided by the Clovelly Condominium Corporation to the City's Finance Committee, and it clearly shows the lack of servicing is reflected in the appraised values of the condominium units. Mr. Reid asked for a copy of the information which supports this position.

Dr. May indicated that while he understood that Council has made its decision regarding condominium servicing, he asked that it be reconsidered. He further suggested that Council also consider offering a lower mil rate to condominium owners who do not receive City services. The City Manager advised that Council does not have the legal right to do such a thing.

Mr. Reid inquired about the future of the Committee given Council's position on the servicing issue. Councillor Breen expressed his support for the continuation of the Committee given that condominium ownership will continue to increase in the future. Mr. Penney noted that even though Council has indicated it will not conduct any further research, individual condominium owners or associations might want to undertake further research. In this regard, he asked if Council would be open to reviewing additional material if it was submitted. The City Manager indicated that the City would be open to reviewing any additional information provided.

Following the discussion, Mr. Reid formally requested that Council consider continuing on with the Committee to allow for further research and discussion to be conducted on the issue of condominium servicing. Councillor Hanlon indicated that she would bring this matter to Council for consideration.

Adjournment

There being no further business, the meeting adjourned at 1:00 p.m.

Councillor Debbie Hanlon

Chairperson

SJMC2010-11-29/649R

It was moved by Councillor Hanlon; seconded by Councillor Tilley: That Council support the continuation of the Committee to Review Condominium Services, to allow for further research and discussion to be conducted on the issue of condominium services; and that new Terms of Reference and Action Plan for the Committee be developed.

The motion being put was unanimously carried.

Regional Water Services Committee Report dated November 9, 2010

Council considered the following Regional Water Services Committee Report dated November 9, 2010:

In Attendance:

City of St. John's

Councillor Tom Hann

Councillor Danny Breen

Mr. Ron Penney, City Manager

Mr. Walt Mills, Director of Engineering

Mr. Bob Bishop, Director of Finance

Mr. Kevin Breen, Director of Human Resources

Mr. Terry Knee, Manager - Regional Water System

Mr. Derek Coffey, Manager - Budgetary Services

Ms. Diane Winsor, Manager - Employee Relations

Ms. Kelly Butler, Recording Secretary

City of Mount Pearl

Councillor John Walsh, Co-Chair

Mr. Gerard Lewis, Chief Administrative Officer

Mr. Dale Robinson, Assistant Manager of Engineering Services

Town of Paradise

Deputy Mayor Alllan English
Mr. Ron Fleming, Director of Engineering

Town of Conception Bay South

Councillor Stephen Tessier

Town of Portugal Cove-St. Philips

Councillor Joe Duggan
Mr. Chris Neary, Public Works Department

Regional Water System 2011 Water Rate and 2011 Budget

The Committee considered a memorandum dated November 1, 2010, from the Director of Engineering regarding the above noted matter.

The Director of Engineering advised that the annual operating budget for 2011 is estimated to be \$7,277,643.00, with a projected water consumption in the region of 26,661,924 m³. The water rate for municipalities serviced by the Regional Water System for 2011 has been determined to be \$0.2730/m³. He noted that the budget contains a small increase in salaries and wages as well as \$40,000 for advertising to cover the communications strategy.

Deputy Mayor English inquired about the proposed expenditure of \$50,000 for motor vehicles. The Director of Engineering explained that the amount is slated to cover the cost of two new pick-up trucks as there are two pick-up trucks in the fleet that are scheduled for replacement in 2011. Mr. Lewis referenced the \$12,000 figure for construction contracts and inquired what that item entailed. The Director of Engineering advised that the funding was for the construction of isolated sampling ports which are required to ensure that regular water sampling is done at locations that are not suspect.

Councillor Hann referenced the consumption data for each municipality, and he noted that the consumption rates for St. John's and CBS were down. The Manager of the Regional Water System noted that Winsor Lake had a higher yield this year, therefore, the City purchased less water from the Regional System. With respect to CBS, he noted that after the projections were done, a leak was discovered and subsequently repaired, which led to less water consumption for that municipality.

The Manager of the Regional Water System advised that the budget for chlorine was lower than last year as the result of a public tender. The savings in the cost of chlorine was allocated to the budget for diesel. Mr. Lewis referenced the budget for land acquisition, and he asked about the status of remaining lands in the watershed to be purchased. The Director of Engineering advised that the land acquisition budget is allocated in case land in the watershed becomes available for sale. He indicated that he was unsure about the amount of land that could be purchased in the future. The City Manager suggested that the information could be provided by the Manager of Real Estate Services.

Councillor Duggan noted that only \$31 of the \$10,000 budget for negotiating expenses had been used. The Director of Engineering indicated that contract negotiations are normally held at outside facilities, however, negotiations were held at City facilities and only a small portion of the budget was required as a result.

(Deputy Mayor Duff entered the meeting at 2:35 p.m.)

Mr. Lewis asked if information could be provided for projected water rates in the next five years as was done in 2007 when a number of capital projects were scheduled to be carried out. The City Manager indicated that a five year projection could be compiled following the November 24th meeting with the Federal Government representatives, which may provide more clarity with respect to their intentions regarding the March 31st deadline for capital works spending. Mr. Lewis inquired about the timeline for the Petty Harbour Long Pond supply to come on-line. He noted that there will be a potential shift in cost allocation, and he wondered what the impact would be on other users when this water resource becomes available. The Director of Engineering noted that staff had not prepared such an analysis, however, he indicated that the 190 meter contour issue needs further review before a full report can be provided on the Petty Harbour Long Pond supply.

Following the discussion, the 2011 budget and 2011 water rates were recommended for approval on motion of Deputy Mayor English; seconded by Councillor Hann.

Deputy Mayor Shannie Duff
Co-Chair

Councillor John Walsh
Co-Chair

SJMC2010-11-29/650R

It was moved by Deputy Mayor Duff; seconded by Councillor Tilley: That the Committee's recommendations be approved.

The motion being put was unanimously carried.

Regional Waste Water Services Committee Report dated November 10, 2010

Council considered the following Regional Waste Water Services Committee Report dated November 10, 2010:

In Attendance:

City of St. John's

Councillor Tom Hann, Chairperson
Mr. Ron Penney, City Manager
Mr. Walt Mills, Director of Engineering
Mr. Kevin Breen, Director of Human Resources
Ms. Deanne Kincade, Manager - Riverhead Waste Water Treatment Facility
Mr. Derek Coffey, Manager - Budgetary Services
Mr. John Barry, Senior Project Engineer
Mr. Cory Hoddinott, Supervisor – Riverhead Waste Water Treatment Facility
Ms. Kelly Butler, Recording Secretary

City of Mount Pearl

Mr. Gerard Lewis, Chief Administrative Officer
Ms. Michelle Peach, Director of Corporate Services

Town of Paradise

Deputy Mayor Allan English
Mr. Ron Fleming, Director of Public Works and Engineering

1. Regional Waste Water System - 2011 Waste Water Rates

The Committee considered a memorandum dated November 3, 2010, from the Director of Engineering regarding the above noted matter.

The Director of Engineering advised that the waste water rate for municipalities serviced by the Regional Waste Water System for 2011 has been determined to be \$0.0903/m³. He noted that the facility is still not in full operation, therefore, some assumptions were required in the calculation of the rate.

Deputy Mayor English inquired as to what percentage of the operating cost was attributed to Paradise. The Director of Engineering indicated that he was unable to provide that information as staff no longer had access to the flow meter data between Paradise and Mount Pearl. The only data that staff was able to gather was from the flow meter on the boundary of Mount Pearl and St. John's. Mr. Lewis noted that the problem with access was likely related to a recent reorganization of Mount Pearl's Engineering Department. He indicated that he would have the access issue resolved as soon as possible, and he would ensure that flow information was provided to Paradise and St. John's on a monthly basis. The City Manager suggested that it would be beneficial for staff to have real time access to the flow meter data.

The Director of Engineering referenced Page 3 of the December 2009 minutes which discussed the waste water flow coming out of Mount Pearl. There are two pipes coming out of Mount Pearl at Dunn's Bridge - one for the Waterford Valley Trunk Sewer (WVTS) and the other for the Waterford Valley Relief Trunk Sewer (WVRTS). Flow measurements are being taken from the main pipe. Staff used two portable flow meters downstream earlier this year to measure waste water flows, and this data was added to the metered data in order to get the flow estimates for Mount Pearl and Paradise. The letter from Kavanagh and Associates, which was tabled at the beginning of the meeting, recommends putting in a diversion to the main pipe, at an estimated cost of \$172,000. Staff are recommending that the work be undertaken and cost shared, as per the accepted formula, by the user municipalities as part of the Harbour Clean Up Project. The Committee's approval is requested for this expenditure.

It was decided on motion of Deputy Mayor English; seconded by Councillor Hann: That the diversionary work for the Dunn's River trunk sewer outfall be recommended for approval.

It was decided on motion of Deputy Mayor English; seconded by Councillor Hann: That the 2011 Waste Water Rates be recommended for approval.

2. 2011 Operating Budget

The Committee reviewed the proposed 2011 operating budget for the Riverhead Waste Water Treatment Plant.

Ms. Peach noted that only a small amount of money was spent on chlorine in 2010, in comparison to the budgeted amount of \$1.05 million. Ms. Kincade advised that the 2010 estimates were based on the amount of chlorine that would have been required had the plant been in full flow. There is a dramatic difference between estimated and actual usage, but the plant is still not in full flow. It was also noted that the price of chlorine has decreased for 2011 because the City is now getting a quantity cost discount from the supplier.

(Mr. Lewis retired from the meeting at 11:50 a.m.)

The Director of Engineering advised that the plant has not had a full year of normal operation. For that reason, much of the budgetary costs are estimated. When the plant is operating at full flow, then staff will have a much better idea of actual operating costs.

It was decided on motion of Deputy Mayor English; seconded by Councillor Hann: That the 2011 Budget for the Riverhead Waste Water Treatment Plant be approved.

Councillor Tom Hann
Chairperson

SJMC2010-11-29/651R

It was moved by Councillor Hann; seconded by Councillor Galgay: That the Committee's recommendations be approved.

The motion being put was unanimously carried.

Animal Care and Control Committee Report dated November 18, 2010

Council considered the following Animal Care and Control Committee Report dated November 18, 2010:

In Attendance: Councillor Sheilagh O'Leary, Chairperson
 Mr. David Buffett, SPCA
 Ms. Debbie Powers, SPCA
 Ms. Susan Deir, SPCA
 Dr. Hugh Whitney, Provincial Veterinarian – Dept. of Natural Resources
 Ms. Candace King, Animal Welfare Consultant – Dept. of Natural Resources
 Mr. Paul Mackey, Deputy City Manager/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. Cindy Cullimore, Humane Services
 Ms. Kelly Butler, Recording Secretary

1. CD# R2010-02-22/14 – Euthanasia for Service Fees

The Committee considered a report prepared by the Supervisor of Humane Services regarding the above noted matter.

Councillor O'Leary noted that this matter had been a topic of discussion at the most recent budget meetings of Council, and given the projected deficit for 2011, Council is trying to make a decision as to whether to continue to offer the service or discontinue it. If Council opts to continue the service, they will likely want it to be a fee for service offered to the public.

A lengthy discussion ensued amongst Committee members regarding the pros and cons of keeping or discontinuing the euthanasia service, with the following points being raised:

- Of the six municipalities researched, four do not offer euthanasia service to the public. Two municipalities offer the service but at a cost to the resident.

- The City spent \$ 112,476.86 in 2009 for euthanasia and cremations for both public and shelter animals. Public euthanasia's were estimated to be \$65,000 on this amount. The City currently contracts out the service to a local veterinary clinic, and the recent tender for this service indicates that the cost to provide this service will increase in 2011 by \$ 47,000.00. If the City is going to continue to offer this service, it will be as a cost-recovery fee for service. It should be noted that this will be the contract amount to euthanize shelter animals regardless if public euthanasia are offered. If public euthanasia is offered at a fee, the City can do some cost recovery on the contract amount

- Research in the local veterinary community revealed that only three out of the six veterinary hospitals in the City will perform euthanasias on healthy animals, and only after counselling pet owners on other options such as re-homing.

- If the City discontinues the service, there will be negative implications on local animal shelters in terms of increased animal intakes due to the fact that pet owners have limited options. There could be repercussions for the City as well in terms of an increase in abandoned pets, which will have an impact on the operations and workload of the Humane Services division.

- If the City is going to starting charging a fee for euthanasia services, there should be some provision for pet owners who genuinely cannot afford the fee, but have no other option for their pets.

Following the discussion, the Committee recommends the following:

- a. **that the City continue to offer a euthanasia and cremation service for privately owned animals at the same cost as the veterinary hospital average - \$105.00 for cats and \$145.00 for dogs, which includes cremation;**

- b. **that the City charge owners of animals dropped at the shelter for cremation or owners of animals at the shelter that are deceased and identified by their owners a cremation fee of \$24.00 for cats and \$36.00 for dogs; and**

- c. **that the Supervisor of Humane Services be granted the authorization to accept privately owned animals at no charge if the owner has no financial means to pay the fee and the animal is suffering or going to be abandoned.**

Councillor Sheilagh O'Leary
Chairperson

SJMC2010-11-29/652R

It was moved by Councillor O’Leary; seconded by Councillor Hann: That the Committee’s recommendations be approved.

Discussion ensued during which His Worship the Mayor asked how the financial status is determined for those who cannot afford the fee. It was agreed that the Committee develop a specific criteria.

Following discussion, the motion being put was unanimously carried.

Development Permits List

Council considered as information the following Development Permits List for the period of November 19 to November 25, 2010

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING
FOR THE PERIOD OF November 19, 2010 TO November 25, 2010**

Code	Applicant	Application	Location	Ward	Development Officer's Decision	Date
AG	Lester Farms Inc.	Extension of Food Processing & Storage Building	92 Pearltown Road	5	Approved	10-11-19
AG	Lester Farms Inc.	Construction of Greenhouse	92 Pearltown Road	5	Approved	10-11-19
RES	York Developments	4 lot subdivision	Empire Ave./Jensen Camp Road	3	Approved	10-11-25
COM	Summit Builders	Commercial Building	Lot No. 9 Mews Place	4	Approved	10-11-24
RES	Parkdale Properties Ltd	Building Lot	1 Howlett Avenue	4	Approved	10-11-19

* 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.

**Gerard Doran
Development Officer
Department of Planning**

Building Permits List

SJMC2010-11-29/653R

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

2010/11/24

Permits List

CLASS: COMMERCIAL

JOHN CUMMINGS	61 JAMES LANE	CO WAREHOUSE
REITMANS (CANADA) LIMITED	95D ABERDEEN AVE	MS RETAIL STORE
MURRAY'S ANTIQUES	414 BLACKMARSH RD	MS RETAIL STORE
HAYLEY PENNEY	211 KENMOUNT RD	SN CAR SALES LOT
CAPITAL PRE OWNED	229 KENMOUNT RD	MS CAR SALES LOT
CABOT HOLDINGS	309 KENMOUNT RD	SN RETAIL STORE
STATE OF MIND	57 OLD PENNYWELL RD	MS OFFICE
NFLD. LIQUOR COMMISSION	474 TOPSAIL RD	SN ADMIN BLDG/GOV/NON-PROFIT
SEAMUS DOOLEY	377 DUCKWORTH ST	RN RESTAURANT
CHIMO CONST MGMT LTD	420 LOGY BAY RD	RN INDUSTRIAL USE
CONCRETE PRODUCTS LIMITED	260 EAST WHITE HILLS RD	NC ACCESSORY BUILDING
ELDON W. BESSEY	581 THORBURN RD, E. BESSEY	NC WAREHOUSE
SOBEY'S/LAWTON	496 TOPSAIL RD	RN CLINIC
55731 NEWFOUNDLAND & LABRADOR	50 TIFFANY LANE	RN OFFICE
NLL RECYCLING LTD.	340 EAST WHITE HILLS RD	SW ADMIN BLDG/GOV/NON-PROFIT
HATCH MOTT MACDONALD	192-194 TORBAY RD	SW SERVICE STATION
PIPERS SUPER STORES	33-37 ELIZABETH AVE	NC RETAIL STORE
PHB GROUP INC.	10 FORT WILLIAM PL	RN OFFICE

THIS WEEK \$ 6,309,900.00

CLASS: INDUSTRIAL

SISTERS OF MERCY	WATERFORD BRIDGE ROAD	SN CHURCH
SCOTSBURN DAIRY GROUP	314-316 LEMARCHANT RD	RN LIGHT INDUSTRIAL USE

THIS WEEK \$ 83,500.00

CLASS: GOVERNMENT/INSTITUTIONAL

R.C.A.F.A. NO. 150	CHARTER AVE	RN ADMIN BLDG/GOV/NON-PROFIT
R.C. BASILICA	200 MILITARY RD	RN CHURCH
CITY OF ST. JOHN'S	340 EAST WHITE HILLS RD, 4A	SW ADMIN BLDG/GOV/NON-PROFIT

THIS WEEK \$ 7,296,150.00

CLASS: RESIDENTIAL

DON TUCKER	9 ALLANDALE RD	NC PATIO DECK
ANDREW SMITH	117-119 BOND ST	NC PATIO DECK
PRO TECH CONST LTD	92 CASTLE BRIDGE DR	NC ACCESSORY BUILDING
BARRY ANTLE	12 CORNWALL AVE	NC ACCESSORY BUILDING

J & P CONTRACTING	EMPIRE AVENUE, LOT 55	NC SINGLE DETACHED & SUB.APT
DAVE PEET SIDING	62 FRANCIS ST., LOT 88	NC SINGLE DETACHED DWELLING
PRO TECH CONST	59 FRANCIS ST, LOT 51	NC SINGLE DETACHED DWELLING
PERMA BUILT HOMES	3 GEORGINA ST, LOT 382	NC SINGLE DETACHED DWELLING
ERCO DEVELOPMENTS INC.	405 HAMILTON AVE, 6 UNITS	NC APARTMENT BUILDING
RUDY NEWELL	54 HOPEDALE CRES	NC ACCESSORY BUILDING
RUDY NEWELL	54 HOPEDALE CRES	NC FENCE
SKYMARK CONTRACTING	58 ICELAND PL, LOT 25	NC SINGLE DETACHED DWELLING
PAUL MURPHY CONSTRUCTION LTD	6 JUDGE PL	NC FENCE
CORRIE DAVIS & DENEEN CULL	16 MARIGOLD PL	NC FENCE
SKYMARK CONTRACTING	23 MURPHY'S LANE	NC SINGLE DETACHED DWELLING
KAREN YETMAN	19 MYRICK PL	NC FENCE
CURT CLARK	312 NEWFOUNDLAND DR	NC PATIO DECK
RICHARD & DONNA LAWES	5 OAKMOUNT ST	NC FENCE
AIDEN FLYNN	108 PLEASANT ST	NC FENCE
EST MOSES BLUNDON	211 PORTUGAL COVE RD	NC ACCESSORY BUILDING
PRO-TECH CONSTRUCTION	7 ROSE ABBEY STREET, LOT 148	NC SINGLE DETACHED DWELLING
PETER DWYER	40 ROTARY DR, LOT 73	NC SINGLE DETACHED & SUB.APT
PETER DWYER	42 ROTARY DR, LOT 74	NC SINGLE DETACHED & SUB.APT
WAYNE ROCHE	62 SMITH AVE	NC PATIO DECK
ERCO HOMES INC	245 STAVANGER DR, LOT 2	NC SINGLE DETACHED DWELLING
60996 NEWFOUNDLAND & LABRADOR	24 COLVILLE ST	CO HOME OFFICE
LEAH BLUNDON	19 DIANA RD	CO HOME OFFICE
DWIGHT FRENCH	79 GREENSPOND DR	CO HOME OFFICE
KEITH HICKMAN	234 HAMILTON AVE	CR SINGLE DETACHED & SUB.APT
RICHARD & TINA TULK	43 COCHRANE ST	EX SEMI-DETACHED DWELLING
DAVID WOOLRIDGE	381 HAMILTON AVE	EX SINGLE DETACHED DWELLING
DOUGLAS W BROWN AND	11 BRAEMERE ST	RN SINGLE DETACHED DWELLING
CHARLIE POPE	15 DUBLIN RD	RN ACCESSORY BUILDING
R. TROY POLLETT	1 DUMBARTON PL	RN FENCE
SHAWN & TINA SMITH	153 ELIZABETH AVE	RN SUBSIDIARY APARTMENT
NFLD & LABRADOR HOUSING CORP	526-528 EMPIRE AVE	RN SEMI-DETACHED DWELLING
ROCKET CONSTRUCTION	9-11 EMPIRE PL	RN SEMI-DETACHED DWELLING
BRADLEY BOLAND	59 GAIRLOCK ST	RN SINGLE DETACHED DWELLING
DARCY JOSEPH WARD	93 HAMILTON AVE	RN TOWNHOUSING
DAVID WOOLRIDGE	381 HAMILTON AVE	RN SINGLE DETACHED DWELLING
BRADLEY ROGERS &	64 SEABORN ST	RN SINGLE DETACHED DWELLING
WAYNE ROCHE	62 SMITH AVE	RN SINGLE DETACHED DWELLING
LIAM T. WICKENS &	31 SMITHVILLE CRES	RN SINGLE DETACHED DWELLING
DENNIS DILLON	59 STIRLING CRES	RN SINGLE DETACHED DWELLING
CAPITAL HOLDINGS	MARGARETS PL -GRUBBING	SW CONDOMINIUM
DAVID BURT & KRISTA STEVENSON	9 PETITE FORTE DR	SW SINGLE DETACHED DWELLING
DAVID BURT & KRISTA STEVENSON	9 PETITE FORTE DR	SW SINGLE DETACHED DWELLING
JOSHUA HEWITT	14 BUTTERWORTH PL	WS ACCESSORY BUILDING

THIS WEEK \$ 2,699,971.00

CLASS: DEMOLITION

SHUBAYOGA HOMES INC.	135 CASEY ST	DM SINGLE DETACHED DWELLING
		THIS WEEK \$ 1,000.00

THIS WEEK'S TOTAL: \$ 16,390,521.00

REPAIR PERMITS ISSUED: 2010/11/18 TO 2010/11/24 \$ 61,400.00

LEGEND

CO	CHANGE OF OCCUPANCY	SN	SIGN
CR	CHNG OF OCC/RENOVTNS	MS	MOBILE SIGN
EX	EXTENSION	CC	CHIMNEY CONSTRUCTION
NC	NEW CONSTRUCTION	CD	CHIMNEY DEMOLITION
OC	OCCUPANT CHANGE	DV	DEVELOPMENT FILE
RN	RENOVATIONS	WS	WOODSTOVE
SW	SITE WORK	DM	DEMOLITION
TI	TENANT IMPROVEMENTS		

Payrolls and Accounts

SJMC2010-11-29/654R

It was decided on motion of Councillor Hann; seconded by Councillor Collins: That the following Payrolls and Accounts for the weeks ending November 25th, 2010 be approved:

**Weekly Payment Vouchers
For The
Week Ending November 25, 2010**

PAYROLL

Public Works	\$	348,700.03
Bi-Weekly Management	\$	600,612.35
Bi-Weekly 1289	\$	647,781.25
Bi-Weekly Regional Fire	\$	555,501.84

ACCOUNTS PAYABLE \$ 3,883,988.60

Total: \$ **6,036,584.07**

Tenders

a. Tender – 10 Mapleview Place, Quidi Vidi Arts – Visitor Centre

SJMC2010-11-29/655R

It was moved by Councillor Galgay; seconded by Deputy Mayor Duff: That the recommendation of the Director of Building and Property Management be approved and the tender awarded as follows:

- a. **Coastal building Products & Services Ltd. in the amount of \$2,106,252.00 which includes HST**

120 Portugal Cove Road (William Trickett)

Council considered the following memorandum dated November 25, 2010 from the City Manager regarding the above noted.

SJMC2010-11-29/656R

It was moved by Councillor Hanlon; seconded by Councillor Hickman: That the owners of property at 120 Portugal Cove Road (William Trickett) be compensated in the amount of \$500.00 (the value determined by the City Arborist) for a tree, bush and a flower bed that had to be removed by the City as a result of water line works on Portugal Cove Road, as recommended by the City Manager.

The motion being put was unanimously carried.

100 Portugal Cove Road (William Doyle & Cindy Osmond)

Council considered a memorandum dated November 25, 2010 from the City Manager regarding the above noted.

SJMC2010-11-29/657R

It was moved by Councillor Hanlon; seconded by Councillor Tilley: That the owners of property at 100 Portugal Cove Road (William Doyle & Cindy Osmond) be compensated in the amount of \$990.00 (the value determined by the City Arborist) for the removal by the City of a tree and hedging as a result of water line works, as recommended by the City Manager.

The motion being put was unanimously carried.

102 Kenmount Road (City Hostels Ltd.) Storm Sewer Easement

Council considered a memorandum dated November 25, 2010 from the City Manager regarding the above noted.

SJMC2010-11-29/658R

It was moved by Councillor Hickman; seconded by Councillor O’Leary: That the owner of property at 102 Kenmount Road (City hostels Ltd.) be compensated in the amount of \$450.00 plus legal fees, for a storm sewer easement, required by the City, as recommended by the City Manager.

The motion being put was unanimously carried.

Ratification of Email Polls

SJMC2010-11-29/659R

It was decided on motion of Councillor Tilley; seconded by Councillor Breen: That the following email polls be ratified:

- i. Section of Barrows Road closed to facilitate an emergency watermain repair on Thursday November 25 from 9:00 am to 5:00 pm while the work is being completed.**
- ii. Section of New Cove Road from Argyle Street to Elizabeth Ave closed to facilitate service connections to the new Piper's store at the corner of Elizabeth Ave and New Cove Road, Sunday November 27 from 8:00 am to 5:00 pm while the work is being completed.**
- iii. Special Scene Shooting for Republic of Doyle**

Republic of Doyle

His Worship the Mayor noted that the cast of Republic of Doyle were very grateful to the City for granting permission to them to film part of an episode at City Hall and noted that Allan Hawco offered to provide the City with some panoramic views, shot during the show, which could be of benefit in the development of the Municipal Plan. The Mayor noted that the publicity and tourism potential given the City through the Republic of Doyle is “priceless”. He suggested that the City consider hosting a reception for the cast towards the completion of filming the episodes.

SJMC2010-11-29/660R

It was then moved by Deputy Mayor Duff; seconded by Councillor Galgay: That the City host a reception at City Hall for the cast of Republic of Doyle towards completion of filming the episodes for the show.

The motion being put was unanimously carried.

Copy of Letter to Ms. Melanie Chaulk, Foreperson, Parks Department from the City Manager thanking her and Parks staff for their work towards making the repairs to the Beaumont Hamel Memorial, Bowring Park in time for November 11th.

Council acknowledged the above noted letter.

Committee List for Bannerman Park Foundation

Council considered a memorandum dated November 26, 2010 from Deputy Mayor Duff regarding the above noted.

SJMC2010-11-29/661R

It was moved by Deputy Mayor Duff; seconded by Councillor Breen: That the following Committee list for Bannerman Park Foundation be approved:

- Jennifer Guy, Chairperson
- Deputy Mayor Shannie Duff
- Councillor Danny Breen
- Councillor Sheilagh O'Leary
- Councillor Frank Galgay
- Bobbie Redpath
- Mr. Kevin Nolan
- Sheila Devine
- Dr. William Pryse Phillips
- Sonia Dawe-Ryan
- Bill Parsons, P.Eng.
- Jerry Dick, Provincial Government Rep. (Ex-officio)

Staff Resources:

- Ron Penney, City Manager
- Paul Mackey, Deputy City Manager/Director of Public Works & Parks
- Brian Head, Operations Assistant, Parks Services Division
- Jim Clarke, Manager of Streets & Parks
- Karen Chafe, Recording Secretary

Discussion ensued during which Councillor Hann asked why there are four members of Council on the Bannerman Park Committee, as well, Councillor Collins, who is the sole Council member on the Bowring Park Committee, expressed concern that too many members could affect decisions. Deputy Mayor Duff as well as Councillor Breen noted

that the Committee membership is a result of interest in the Park and certainly the intent was not to “stack” the committee.

Following discussion, the motion being put was unanimously carried.

Councillor Breen

Councillor Breen tabled a letter from Mr. Jim Case, on behalf of the residents of the Boulevard who are disturbed over the noise from the refrigerated trailers at the Dominion Supermarket. Councillor Breen noted other residents are concerned as well, and pointed out that the City’s Noise By-Law permits the operation of the reefer trailers to avoid the possibility of food loss. Councillor Breen indicated that he will continue to work with staff as well as Loblaws to find a solution to the situation.

Councillor Galgay

Councillor Galgay advised residents of Bonaventure Avenue that their concerns relative to the proposed development of a three storey condominium on Bonaventure Avenue will be brought forward during discussions on the application at tomorrow’s Development Committee meeting.

Councillor Galgay congratulated the DDC and all parties involved in another successful downtown Santa Claus Parade.

Councillor Hann advised that 20,000 pounds of food and \$10,000 cash was collected thanks to Newfoundland Power volunteers .

Councillor Tilley

Councillor Tilley advised that he attended an open house on the Team Gushue Highway extension and noted he intends to request a meeting in the new year in order that the residents are better informed of the construction details.

His Worship the Mayor alluded to the fact that the maintenance and snow clearing will be the City's responsibility at an approximate cost of \$750,000.00 annually, which he felt is unfair to the residents of the City since it is a highway to serve the region, which he noted points to the issue of amalgamation. He asked the City Manager to revisit the concept of a road toll, exclusive of residents of St. John's.

Councillor Hanlon

Councillor Hanlon welcomed the MNL Board of Directors who are attending meetings in the City this week and indicated she will report to Council in this regard next week.

Councillor O'Leary

Councillor O'Leary advised that she has received complaints from residents of Pennywell Road upset over the noise from Capital Hyundai Arena and noted she will continue to follow-up on the matter with staff on how to proceed to address the issue.

Councillor O'Leary congratulated Robert Chafe on receiving the Governor General's Literacy Award and "The Once" on their Canadian Folk Music Award.

Deputy Mayor Duff

Deputy Mayor Duff noted that Poet Laurette, Mr. Tom Dawe has been short listed for the 2010 Newfoundland and Labrador Book Awards.

Deputy Mayor Duff reminded residents that the deadline for submission of application for the City's Grants and Subsidies Program is December 16, 2010 .

Adjournment

There being no further business, the meeting adjourned at 5:45 p.m.

MAYOR

CITY CLERK