

**December 16<sup>th</sup>, 2013**

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: Councillors Hickman, Lane, Puddister, Breen, Tilley, Davis and Collins.

Regrets: Deputy Mayor Ellsworth, Councillors Hann and Galgay.

City Manager, Deputy City Manager, Corporate Services & City Clerk, Deputy City Manager, Planning, Development & Engineering, Deputy City Manager, Public Works, Deputy City Manager, Community Services, Deputy City Manager, Financial Management, Director of Engineering, Chief Municipal Planner, City Solicitor and Manager, Corporate Secretariat, were also in attendance.

**Call to Order and Adoption of the Agenda**

**SJMC2013-12169/555R**

**It was decided on motion of Councillor Davis; seconded by Councillor Puddister: That the Agenda be adopted as presented.**

**Adoption of Minutes**

**SJMC2013-12-16/556R**

**It was decided on motion of Councillor Tilley; seconded by Councillor Breen: That the minutes of December 9<sup>th</sup>, 2013 be adopted as presented.**

**Business Arising**

**Council Directive #R2013-12-09/3**

**St. John's Municipal Plan Amendment Number 123, 2013 and St. John's Development Regulations Amendment Number 594, 2013**

**Proposed six (6) storey residential condominium building**

**16 Francis Street, Ward 5- Mr. Sean Kavanagh, Kavanagh Associates**

Under business arising, Council considered a memorandum dated December 11, 2013 from the Chief Municipal Planner regarding the above noted.

**SJMC2013-12-16/557R**

**It was moved by Councillor Collins; seconded by Councillor Hickman: That the following Resolutions for St. John's Municipal Plan Amendment Number 123, 2013 and St. John's Development Regulations Amendment Number 594, 2013 be adopted, which then be referred to the Department of Municipal Affairs with a request for the issuance of a Provincial Release of the amendments in accordance with the provisions of the Urban and Rural Planning Act:**

**RESOLUTION  
ST. JOHN'S MUNICIPAL PLAN  
AMENDMENT NUMBER 123, 2013**

**WHEREAS** the City of St. John's wishes to allow a residential condominium development at Civic Number 16 Francis Street [Parcel ID #352388].

**BE IT THEREFORE RESOLVED** that the City of St. John's hereby adopts the following text amendment to the St. John's Municipal Plan in accordance with the provisions of the Urban and Rural Planning Act.

**Redesignate the land at 16 Francis Street from the Residential Low Density (RLD) District to the Residential High Density (RHD) 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 \_\_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**City Clerk**

\_\_\_\_\_  
**Council Adoption**

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

\_\_\_\_\_  
**Provincial Registration**



**CITY OF ST. JOHN'S  
MUNICIPAL PLAN  
Amendment No. 123, 2013  
[Map III-1A]**

2013 12 11 SCALE: 1:2000  
CITY OF ST. JOHN'S  
DEPARTMENT OF PLANNING,  
DEVELOPMENT & ENGINEERING

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

 AREA PROPOSED TO BE REDESIGNATED FROM  
RESIDENTIAL LOW DENSITY (RLD) LAND USE DISTRICT TO  
RESIDENTIAL HIGH DENSITY (RHD) LAND USE DISTRICT

16 Francis Street & Castle Bridge Drive  
Apartment Building



M.C.I.P. signature and seal

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council Adoption

Provincial Registration

**RESOLUTION  
ST. JOHN'S DEVELOPMENT REGULATIONS  
AMENDMENT NUMBER 594, 2013**

**WHEREAS** the City of St. John's wishes to allow a residential condominium development at Civic Number 16 Francis Street [Parcel ID #352388].

**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 provisions of the Urban and Rural Planning Act.

**Rezone land at Civic Number 16 Francis Street from the Residential Low Density (R1) Zone to the Apartment Medium Density (A2) Zone as shown on Map Z-1A attached.**

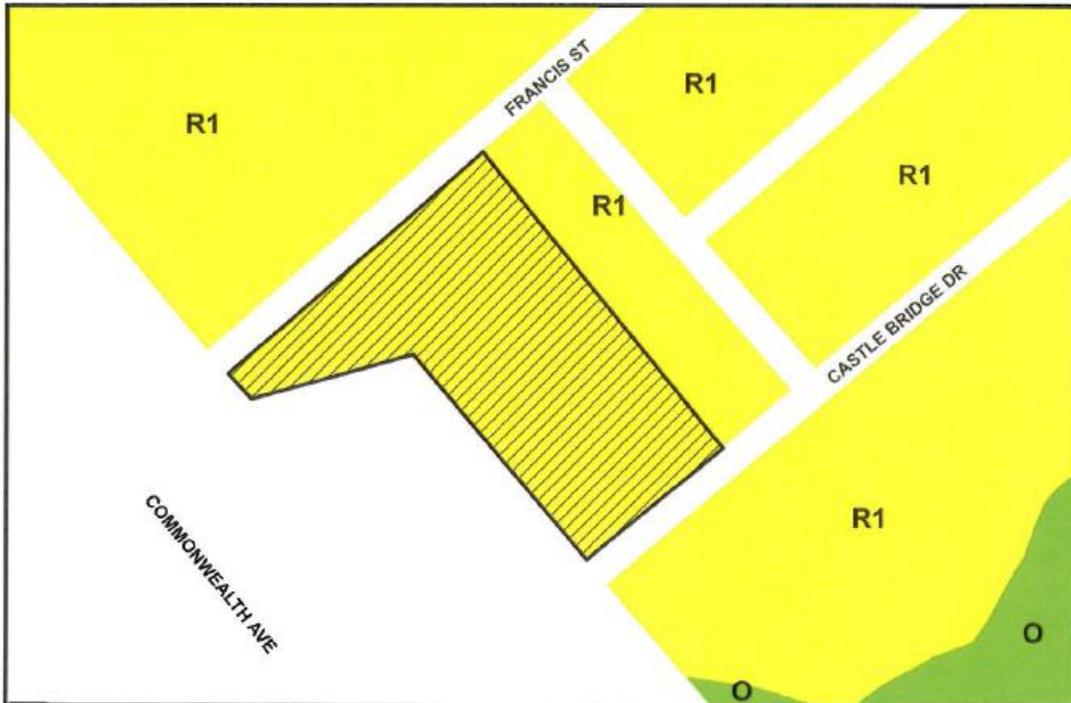
**BE IT FURTHER RESOLVED** that the City of St. John's requests the Minister of Municipal Affairs to register the proposed amendment in accordance with the requirements of the Urban and Rural Planning Act, 2000.

**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 \_\_\_\_ day of \_\_\_\_\_, 2013.

\_\_\_\_\_  
Mayor

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

\_\_\_\_\_  
City Clerk



**CITY OF ST. JOHN'S  
DEVELOPMENT REGULATIONS  
Amendment No. 594, 2013  
[Map Z-1A]**

2013 12 11 SCALE: 1:2000  
CITY OF ST. JOHN'S  
DEPARTMENT OF PLANNING,  
DEVELOPMENT & ENGINEERING

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



AREA PROPOSED TO BE REZONED FROM  
RESIDENTIAL LOW DENSITY (R1) LAND USE ZONE TO  
APARTMENT MEDIUM DENSITY (A2) LAND USE ZONE

**16 Francis Street & Castle Bridge Drive  
Apartment Building**



M.C.I.P. signature and seal

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Clerk

\_\_\_\_\_  
Council Adoption

Provincial Registration

**The motion being put was unanimously carried.**

### **Notices Published**

A **Discretionary Use Application** has been submitted requesting municipal approval to establish and operate a Jungle Jim's Restaurant and a Shamrock City Restaurant at **Civic No. 355 Main Road (Bidgood's Plaza)**. The total floor area of the Jungle Jim's side is 126.5m<sup>2</sup>, with 71.8m<sup>2</sup> of seating area, and the Shamrock City side has a total floor area of 102.5m<sup>2</sup>, with 25.7m<sup>2</sup> of seating area. Both restaurants will be sharing a kitchen which is 74.7m<sup>2</sup>. The Restaurant has proposed operating hours of seven days a week from 11 a.m. to 9 p.m. The total number of staff employed at the restaurant would be fourteen, with a maximum of eight employees per shift. The applicant is also requesting a Restaurant Liquor serving license for both restaurants. Adequate on-site parking is provided. **(Ward 5)**

#### **SJMC2013-12-16/558R**

**It was moved by Councillor Collins; seconded by Councillor Tilley: That the application be approved subject to all applicable City requirements.**

**The motion being put was unanimously carried.**

### **Committee Reports**

#### **Mayor's Advisory Committee on Affordable Housing – December 9, 2013**

Council considered the following Mayor's Advisory Committee on Affordable Housing – December 9, 2013:

Attendees: Deputy Mayor Ron Ellsworth  
Councillor Danny Breen  
Madonna Walsh, NL Housing Corporation  
Victoria Belbin, Canadian Home Builders Association  
Glenn Furlong, Canada Mortgage & Housing  
Gail Thornhill, Stella Burry Corporation  
Sheldon Pollett, Choices for Youth  
Gord Butler, Provincial Dept. of Advanced Education & Skills  
Dave Blackmore, Deputy City Manager of Planning, Development & Engineering  
Jill Brewer, Deputy City Manager of Community Services  
Judy Tobin, Senior Housing Officer  
Scott Morton-Ninomiya, Affordable Housing Coordinator  
Karen Chafe, Recording Secretary

1. **Make Room in the Boom – Forum Report – 2013**

The Committee reviewed the attached Forum Report and refers it for Council's information.

Scott Morton-Ninomiya  
Acting Chairperson

**SJMC2013-12-16/559R**

**It was moved by Councillor Davis; seconded by Councillor Lane: That the Committee Report be adopted as presented.**

**The motion being put was unanimously carried.**

**Regional Waste Water Committee Report dated December 4, 2013**

Council considered the following Regional Waste Water Committee Report dated December 4, 2013:

**In Attendance:**

City of St. John's: Mr. Bob Smart, City Manager  
Mr. Bob Bishop, Deputy City Manager – Financial Services  
Mr. Paul Mackey, Deputy City Manager, Public Works  
Ms. Lynnann Winsor, Director – Water and Wastewater  
Ms. Deanne Harper, Manager, Riverhead Wastewater Treatment Facility  
Mr. Terry Knee, Manager Regional Water System  
Mr. Derek Coffey, Manager of Budget and Treasury  
Ms. Maureen Harvey , Recording Secretary

City of Mount Pearl: Councillor Lucy Stoyles  
Councillor Dave Aker  
Mr. Jason Silver, Director of Corporate Services  
Ms. Tina O'Dea, Manager of Engineering Services

Town of Paradise: Mayor Dan Bobbett  
Mr. Ron Fleming, Director of Public Works  
Ms. Vanessa Barry, Manager of Engineering Services

**1. ADOPTION OF THE AGENDA**

The Agenda was adopted as presented. Moved by Councillor Aker; seconded by Councillor Stoyles.

**2. ADOPTION OF THE MINUTES**

The Minutes of the meeting held on May 24, 2013 were adopted as presented. Moved by Councillor Aker; seconded by Councillor Stoyles. Motion Carried.

**3. NEW BUSINESS:**

**a. 2013/2014 Wastewater Flow and Cost Projections**

The Committee considered a memorandum and table from the Manager, Riverhead Wastewater Treatment Facility dated November 20, 2013. The memo notes the wastewater rate for municipalities serviced by the Regional Wastewater system in 2013 has been updated based on actual operations and maintenance costs to date. As of October 31, 2013 flow metering and operations budget data, the Riverhead Wastewater Treatment Facility is projected to spend \$3,140,000 to treat 30,747,600 m<sup>3</sup> of wastewater in 2013. The unit cost of wastewater treatment is \$0.102/m<sup>3</sup>.

The 2014 Riverhead operating budget has been set at \$4,496,511 to treat an estimated 54,998,784 m<sup>3</sup> of wastewater. The unit cost of wastewater treatment will be \$0.082/m<sup>3</sup>.

The Committee reviewed a table showing operating costs and wastewater generation volumes by municipality for 2014 and 2014 a copy of which is appended to this report.

It was noted that as the flow for each municipality increases, the unit cost per m<sup>3</sup> reduces.

**b. Regional Wastewater 2014 Budget Projections**

The Committee considered a memorandum from the Manager of Budget and Treasury dated November 27, 2013 showing a projection of flows for the period 2013-2015. It is on the basis of these flows that the projected budget expenditure for each municipality for 2014 is set as follows:

St. John's	\$3,914,037
Mount Pearl	388,653
<u>Paradise</u>	<u>193,821</u>
Total	\$4,496,511

A copy of the memorandum is appended to this report.

Discussion took place with agreement that when Temperance Street becomes operational in 2014, volumes for the City of St. John's will increase to 81%. This will not affect the cost for the City of Mount Pearl and the Town of Paradise.

The Committee was reminded that the budget is based on best estimates and adjustments may be required throughout the year as variables change.

The Manager of Riverhead Wastewater Treatment Facility reported that the main changes to the budget over 2013 are as follows:

- a. Reduction of fuel costs on the basis that with an increase flow and the second digester back in operation, the facility will be able to use methane as opposed to furnace fuel.
- b. Salary increase is based on negotiated collective agreement rates and there are two positions approved that have not yet been filled. It was noted that efforts are ongoing to consolidate a lab/compliance position, which may result in the reduction of one new position.
- c. The budget includes a \$415,000 expense which was approved by the Committee in 2013 to be set up as a capital replacement reserve fund.

**Recommendation:**

**Moved by Councillor Dave Aker; seconded by Mayor Dan Bobbett, that approval be given to accept the 2014 budget estimates as presented.**

**c. Capital Replacement Reserve Expenditure**

The Committee considered a memorandum from the Manager, Riverhead Wastewater Treatment Facility dated November 22, 2013 and were reminded of the committee's decision to establish a capital replacement reserve fund. This fund is to be used to mitigate costs for member municipalities in the event of major repairs or new equipment. A list of priority items has been developed which will be reviewed on an ongoing basis.

The memo recommends that the first replacement required is that of a conveyor/compactor unit in the Deep Pump Station at an estimated cost of \$200,000.

**Recommendation:**

**Moved by Councillor Dave Aker; seconded by Mayor Dan Bobbett, that approval be given to move forward with the replacement of the compactor/conveyor unit in the Deep Pump Station.**

**d. Digester 2 Repairs Update**

The Committee considered a memorandum from the Manager, Riverhead Wastewater Treatment Facility dated November 18, 2013 with respect to repair of the gas-proofing coating in Digester 2 at the Riverhead WTF. A copy of the memorandum is appended to this report.

It was noted that work is currently scheduled to be completed by the end of February 2014 and the estimated cost of repairs is \$2.49 m.

Immediately following the completion of repairs, processed sludge will be transferred to Digester 2 from Digester 1 and the repaired digester will be back online. When both digesters are operational and digestion process is stable, Riverhead will be able to accept all wastewater flows from the Temperance catchment area.

While it was agreed that the cost of repairs must be absorbed as they are completed, when asked about the status of legal action ongoing in relation to this matter, the City Manager advised that the claim is slowly making its way through the system. Recognizing the number of parties involved, it is not likely there will be a quick solution, however, discovery meetings may commence in 2014.

**e. Wastewater Systems Effluent Regulations Update**

The Committee considered a memorandum from the Manager, Riverhead Wastewater Treatment Facility dated November 25, 2013 in relation to the above-noted matter.

The memorandum, a copy of which is appended to this report, illustrates the risk ranking for the first three quarters of 2013:

Quarter 1	66.7 points
Quarter 2	89.7 points
Quarter 3	71.7 points

While the average risk factor is 76 places Riverhead as a high risk facility requiring secondary treatment by 2020, it was felt that by emptying Digester 2 in June to facilitate repairs adversely impacted effluent quality and the results were not representative of the normal level of treatment achieved. To this end, negotiations are underway with Environment Canada to adjust the sampling figures to bring Riverhead into the medium risk category which would thereby move the need for secondary treatment from 2020 to 2030.

**f. Mount Pearl Flow Metering Station Update**

The Committee considered a memorandum from the Manager – Riverhead Wastewater Treatment Facility dated November 22, 2013 with respect to the Mount Pearl flow metering station, a copy of which is appended to this report.

The Manager reminded the group that in light of irregular and unrealistic flow reporting at this metering station, Kavanagh Associates were retained to analyse flows and to review the parshall flume to ensure there are no physical issues with the device. The result was that the velocity of flow was too high to be accurately measured using only the depth of the flume. Therefore, an algorithm was developed to use both the velocity and depth in the flume which resulted in flows at this station being much lower than actual flows. Using the algorithm to estimate flows on a retroactive basis to 2010 confirmed the inaccuracies previously suspected.

It was agreed that billings will be adjusted retroactively to 2010 and that, on a go-forward basis, the algorithm will be used until an alternative flow measurement device can be selected and installed.

**4. OTHER BUSINESS**

**5. ADJOURNMENT**

There being no further business, the meeting adjourned at 1:50 pm.

**6. DATE OF NEXT MEETING**

As Deputy Mayor Ellsworth, Chair of the Committee, was not in attendance, it was agreed that setting the date for the next meeting would be deferred pending his consultation.

Councillor Lucy Stoyles  
Acting Chairperson  
Chairperson

**SJMC2013-12-16/560R**

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

**The motion being put was unanimously carried.**

**Audit & Accountability Committee Report – December 3, 2013**

Council considered the following Audit & Accountability Committee Report – December 3, 2013:

**Present:** Deputy Mayor Ron Ellsworth, Chairperson  
Councillor Bruce Tilley  
Mr. Bob Smart, City Manager  
Mr. Harold Squires, Citizen Representative  
Mr. Neil Martin, Deputy City Manager, Corporate Services – City Clerk  
Mr. Robert Bishop, Deputy City Manager, Financial Management  
Derek Coffey, Manager, Budget and Treasury  
Mr. Sean Janes, Senior City Internal Auditor  
Mr. Dave Royle, Internal Auditor  
Mr. Nathan Barrett, Manager – Accounting Services  
Ms. Maureen Harvey, Recording Secretary

**1. 2012 Financial Statements and Audit Results Report 2012**

The Committee considered and reviewed the Year-end communication results of the 2012 audit which were presented by the Deputy City Manager – Financial Services and Sherry Walsh and Geoff Cochrane of Deloitte & Touche. The documents included:

- i. Audit scope and findings
- ii. Audit risks
- iii. Draft version of Auditor’s Report
- iv. Draft independence letter
- v. Management letter
- vi. Draft management representation letter

In addition, the Committee reviewed the draft consolidated financial statements for the year ending December 31, 2012 which included:

- i. Independent Auditor’s Report
- ii. Consolidated Statement of Operations and Accumulated Surplus
- iii. Consolidated Statement of Financial Position
- iv. Consolidated Statement of Changes in Net Debt
- v. Consolidated Statement of Cash Flows
- vi. Notes to the Consolidated Financial Statement
- vii. Consolidated Schedule of Tangible Capital Assets
- viii. Consolidated Schedule of Debenture Debt
- ix. Consolidated Schedule of Long-Term Debt
- x. Consolidated Schedule of Mortgages – Urban Living Non-Profit Housing
- xi. Consolidated Schedule of Revenues
- xii. Consolidates Schedule of Expenditures.

Discussion took place during the presentation of the material with points of clarification made.

**Recommendation**

**On a motion put forth by Councillor Tilley; seconded by the Harold Squires the Committee recommends that the attached Draft Consolidated Financial Statements for the year ending December 31, 2012 and accompanying report of audit findings as prepared by Deloitte & Touche be approved as presented.**

Deputy Mayor Ron Ellsworth  
Chair

**SJMC2013-12-16/561R**

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

Councillor Breen advised that the financial statements will be presented to Council in the New Year.

**The motion being put was unanimously carried.**

**Environmental Advisory Committee Report – December 5, 2013**

Council considered the following Environmental Advisory Committee Report – December 5, 2013:

In Attendance: Councillor Dave Lane, Chairperson  
Deputy Mayor Ron Ellsworth  
Kieran Hanley, NL Environmental Industry Association  
Rick Kelly, Food Security Network NL  
Arvo McMillan, Individual Representative  
Jonas Roberts, Individual Representative  
Marvin Barnes, Individual Representative  
Rick Comerford, Individual Representative  
Bill Stoyles, Northeast Avalon ACAP  
Karen Chafe, Recording Secretary

**Municipal Food Policy Council Proposal.**

The Committee considered background information related to the proposed Municipal Food Policy Council including a draft letter inviting various organizations to participate in a food policy council. Also included in the agenda was the report: *Municipal Food Policy Entrepreneurs: A preliminary analysis of how Canadian cities and regional districts are involved in food system change.*

Mr. Kelly updated the Committee on the discussions which took place during the sub-committee meeting wherein an extensive list of prospective groups were identified to participate in a food policy council. The above referenced report outlines the general four functions of a food policy council:

1. To discuss food issues – balancing the interests of different actors (government, business, non-profits), and ultimately the mechanisms of regulatory pluralism.
2. To create opportunities for sectors in the food system to collaborate across the full range of sectors (silos) and rural/urban divides.
3. To analyze, influence, and create policy.
4. To create or support existing programs and services that address local needs, including helping with fundraising, program design and execution, and advocacy.

Given the food systems challenges faced by the Province because of physical isolation and dependence on outside food sources which make us vulnerable to food shortages, the Committee agreed that there is a need to develop a local food policy council. It was of particular concern to the Committee to discover that only 10% of the vegetables available through wholesalers are produced in the province, resulting in an estimated 2-3 day supply of fresh vegetables in the event of a disruption to our food supply, i.e. delays in ferry service, major hurricanes, etc. The Province also has the highest rate of food bank usage in Canada.

Given the aforementioned, the Committee recommends the following for Council's approval:

**That the City of St. John's support the Food Security Network NL in its development of a food policy council which would bring together citizens, community organizations, industry and government to discuss issues of local relevance and provide ideas and recommendations for new and/or improved policies, programs and civic-society interventions to strengthen the regional food system and improve food security.**

**The Committee further recommends that Council appoint as its representative to the food policy council the Chairperson of the Environmental Advisory Committee as well as a staff advisor.**

Councillor Dave Lane  
Chairperson

**SJMC2013-12-16/562R**

**It was moved by Councillor Lane; seconded by Councillor Davis: That the Committee's recommendations be approved.**

**The motion being put was unanimously carried.**

**Development Committee Report – December 10, 2013**

Council considered the following Development Committee Report dated December 10, 2013:

The following matters were considered by the Development Committee at its meeting held on December 10, 2013. A staff report is attached for Council's information.

- 1. Department of Planning, Development File No. DEV1  
Proposed Accessory Building  
121 Cuckold's Cove Road – Ward 2  
Open Space (O) Zone**

The Committee recommends that Council reject the proposed accessory building as it is contradictory to section 10.33.1 of the Development Regulations, and defer any further applications until the outstanding issues on the property have been resolved.

- 2. Department of Planning, Development File No. DEV1100053  
Proposed Construction of Deck in the Floodplain Buffer  
Civic No. 74 Old Bay Bulls Road, Ward 5  
Residential Low Density (R1) Zone**

The Committee recommends that Council approve the deck within the floodplain buffer.



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Robert F. Smart, City Manager  
Chair – Development Committee

**SJMC2013-12-16/563R**

**It was moved by Councillor Tilley; seconded by Councillor Collins:  
That the Committee's recommendations be approved.**

**The motion being put was unanimously carried**

**Resolutions:**

**Borrowing Resolution**

**SJMC2013-12-16/564R**

**It was moved by Councillor Breen; seconded by Councillor Puddister:  
That the following Resolution be adopted:**

**Bond Resolution - \$60,000,000.00**

**WHEREAS** The St. John's Municipal Council (the "Council") is empowered under the provisions of *The City of St. John's (Loan) Act, 1978*, Chapter 9 of the Revised Statutes of Newfoundland and Labrador, 1978, as amended (the "said Act") to borrow upon the credit of the City of St. John's (the "City") by the issue and sale of bonds subject to the prior approval, in writing, of the minister, as defined in the said Act;

**AND WHEREAS** by resolution passed at a meeting held on November 12, 2013 (the "Resolution") the Council deemed it advisable to issue and sell bonds in the amount of Sixty Million Dollars (\$60,000,000.00) under the said Act for the purpose of repayment of loans of the City used as interim financing for the City's share of the 2012-2013 Multi-Year Capital Works Program, projects constructed under the 2012-2013 Building Canada Fund, City costs on the Bay Bulls Big Pond and Petty Harbour Long Pond Water Treatment facilities, land acquisition and other City costs related to the new Metrobus depot and the new West End Fire Station and to seek an approval of the minister (referred to in the Resolution as the "Minister of Municipal Affairs") to issue and sell bonds in the said amount for the said purpose;

**AND WHEREAS** the Minister of Municipal and Intergovernmental Affairs, Government of Newfoundland and Labrador, Department of Municipal Affairs, by a letter of approval to borrow dated November 19, 2013 (the "Approval"), gave approval to the City to borrow money on the credit of the City of St. John's by the issue and sale of bonds of the City in the amount of Sixty Million Dollars (\$60,000,000.00). The Approval provides that the proceeds of the sale of the bonds are to be used for the repayment of loans of the City used as interim financing for the City's share of the 2012-2013 Multi-Year Capital Works Projects, projects constructed under the 2012-2013 Building Canada Fund, City costs on the Bay Bulls Big Pond and Petty Harbour Long Pond Water Treatment facilities, land acquisition and other City costs related to the new Metrobus Depot and the new West End Fire Station, referred to in the Approval;

**AND WHEREAS** the proceeds of the sale of the bonds to be issued pursuant to this resolution are immediately required by the Council for the purpose of "the repayment of loans of the City used as interim financing for the City's share of the

2012-2013 Multi-Year Capital Works Projects, projects constructed under the 2012-2013 Building Canada Fund, City costs on the Bay Bulls Big Pond and Petty Harbour Long Pond Water Treatment facilities, land acquisition and other City costs related to the new Metrobus Depot and the new West End Fire Station”, referred to in the Approval (the “Purpose”), in accordance with Section 3 of the said Act, and the Purpose constitutes the “repayment of those loans of the City” that the Council, pursuant to the Resolution, designated as the purpose in respect of which the proceeds of the sale of the bonds are required to be applied;

**AND WHEREAS** Scotia Capital Inc. has been appointed as the City’s Lead Fiscal Agent and RBC Dominion Securities Inc. has been appointed as the City’s Co-Lead Fiscal Agent for the purposes of facilitating the City’s issue and sale of the Bonds, as defined below (Scotia Capital Inc. and RBC Dominion Securities Inc. are collectively referred to as the “Fiscal Agents”);

**AND WHEREAS** the City’s Fiscal Agents offered to assist the City in issuing and selling the bonds and in registering the Bonds, as defined below, in the name of CDS & CO. as nominee of CDS Clearing and Depository Services Inc. (“CDS”);

**AND WHEREAS** the City deems it advisable to issue and sell bonds for the Purpose, in the aforesaid amount;

**NOW THEREFORE BE IT RESOLVED:**

**THAT** the City, under and by virtue of the authority of and pursuant to the provisions of the said Act, borrow Sixty Million Dollars (\$60,000,000.00) on the credit of the City by the issue and sale of sinking fund bonds in global and definitive forms for the Purpose, not exceeding in total the amount of \$60,000,000.00 (the “Bonds”). The Bonds shall initially be issued in global fully registered form as two certificates, each in the principal amount of \$30,000,000.00 (in the aggregate principal amount of \$60,000,000.00) each in the name of CDS & CO. with provision for payment of principal and interest electronically in final and irrevocable same-day funds (the “Global Bonds”);

**THAT** the Global Bonds will be payable as to principal on the 20th day of December, 2033 in lawful money of Canada and in this connection, the City shall, subject to the provisions hereof, make or cause to be made the payment of principal to the registered holders thereof electronically in final and irrevocable same-day funds. The Bonds shall rank as obligations of the City *pari passu* with all existing bonds or debentures of the City. The Bonds shall bear interest at the rate of 4.50% per annum (from the 20th day of December, 2013), shall be dated the 20th day of December, 2013, and shall mature on the 20th day of December, 2033.

**THAT** in limited circumstances (as agreed to by both the City and CDS) the Global Bonds shall be exchangeable for bonds in definitive fully registered form in minimum denominations of \$1,000.00 upon surrender of the Global Bonds to the

Treasurer of the City. The definitive bonds shall aggregate the same principal amount as the principal outstanding balance of the Global Bonds as at the date of exchange, shall bear the same interest rate and maturity date, shall bear all unmatured interest obligations and shall be the same substantially in every respect to the Global Bonds. In issuing definitive bonds no change shall be made in the amount which would otherwise be payable under the Global Bonds.

**THAT** interest on the Bonds will be payable semi-annually in arrears (in the aggregate annual amount of \$2,700,000.00, in semi-annual amounts of \$1,350,000.00) on 20th day of June and the 20th day of December in each year of the currency of the Bonds in lawful money of Canada commencing on the 20th day of June, 2014. The first interest period shall commence on the 20th day of December, 2013. In this connection, the City shall, subject to the provisions hereof, make or cause to be made the payment of interest to the registered holders thereof electronically in final and irrevocable same-day funds as at the close of business at least two (2) business days prior to the day such interest becomes due.

**THAT** in the event that the Global Bonds are exchanged for Bonds in definitive fully registered form, the Bonds will be payable as to the principal on or after maturity in lawful money of Canada upon presentation and surrender at the City Hall in the City of St. John's, Newfoundland and Labrador, or at any specified branch of the bank designated in the Bonds otherwise, with provision for payment of interest electronically in final and irrevocable same-day funds;

**THAT** in the event that the Global Bonds are exchanged for Bonds in definitive fully registered form, the City will appoint a registrar in respect of such definitive fully registered Bonds and any such definitive fully registered Bonds may be exchanged for fully registered Bonds of an equal aggregate principal amount bearing the same rate of interest and maturity date without charge at a specified office of the appointed registrar (the City, in respect of the Global Bonds, and, in the event that the Global Bonds are exchanged for Bonds in definitive fully registered form, such registrar as the City may from time to time appoint, being hereafter referred to as the "Registrar");

**THAT** a register will be kept by the City at the City's Office in the City of St. John's in respect of the Global Bonds and in the event that the Global Bonds are exchanged for Bonds in definitive fully registered form, a register will be kept for and on behalf of the City by the Registrar at a specified office of the Registrar. The names and addresses of the holders of fully registered Bonds without coupons and particulars of the Bonds held by them respectively, shall be entered in the register and all transfers shall be recorded in the register;

**THAT** after the initial issue and registration of the Bonds, no transfer shall be valid unless made in the said register by the Registrar and unless such transfer is noted on such bonds by the Registrar upon the request of the registered holder or the registered holder's attorney, duly appointed by an instrument in writing in form and

execution satisfactory to the Registrar, or by the executors or administrators of such holder and upon compliance with the reasonable requirements which the Registrar may prescribe and upon surrender of any such bond for cancellation;

**THAT** the said register shall be closed for periods not exceeding thirty days immediately preceding any payment date;

**THAT** no notice of any trust shall be entered in the said register or otherwise recognized, but the Bonds may be registered in the name of a trustee or trustees, and in such case, neither the City nor the Registrar (if other than the City) shall be deemed to have notice of the trust represented by such trustee or trustees or be bound to see to the execution of any trust whether expressed, implied or constructive in respect of Bonds registered in the name of a trustee or trustees;

**THAT** the registered holder for the time being of any Bond shall be entitled to the principal moneys and interest represented thereby, free from all equities or rights of set-off or counterclaim between the City and the original or any intermediate holder thereof and all persons may act accordingly, and the receipt of any such registered holder for such principal moneys and interest shall be a good discharge to the City for the same and the City shall not be affected by notice of or be bound to see to the execution of any trust or equity affecting the ownership of any Bond or the principal moneys or interest owing upon it, or save as required by statute, be bound to enquire into the title to any Bond;

**THAT** in the case of joint registered holders of fully registered Bonds, the principal moneys and interest thereon shall be deemed to be owing to them, upon joint account, and may be paid to the holder whose name first appears in the said register and who shall be treated as the absolute owner of the Bonds by the City for all purposes, and whose receipt thereof shall constitute a valid discharge to the City;

**THAT** a sinking fund (hereinafter called the "Sinking Fund") for the redemption or retirement of the Bonds shall be established and that the Sinking Fund shall be under the control of RBC Investor Services Trust, which trust company is hereby appointed as trustee for the holders of the Bonds; that the Council shall pay into the Sinking Fund by the 20th day of December, for each of the years of 2014 to 2033, both inclusive, an amount of \$1,500,000.00 which is the prescribed amount of two and one-half percent (2 ½ %) of the aggregate principal amount of the Bonds issued, which prescribed amount is referred to in the said Act. In addition, the Council will pay into the Sinking Fund by the 20th day of December in each of the years of 2014 to 2033, both inclusive, an amount equivalent to the yearly interest on all Bonds retired through the operation of the Sinking Fund;

**THAT** in the event, however, that the amount in or the fair market value of the Sinking Fund, on the 20th day of December for any of the years 2014 to 2033, both inclusive, together with any amount required to be paid into the Sinking Fund for any such year, would be in excess of the aggregate principal amount of the Bonds then

outstanding, then in such event, the amount required to be paid into the Sinking Fund on the 20th day of December for that year may be reduced by the amount of any such excess, and any such excess funds in the Sinking Fund are to be returned to the City;

**THAT** the Council may, pursuant to the said Act, provide for the application of moneys in the Sinking Fund from time to time to the reduction of the principal amount of the Bonds by the retirement of any of the Bonds, either by drawing or by purchase in the market or both, and all Bonds so retired shall be cancelled and in this connection the Council empowers RBC Investor Services Trust, as trustee, to apply so much of the moneys in the Sinking Fund as it shall think proper to carry out such purposes and the Council shall take all appropriate actions to ensure that such purposes are fulfilled;

**THAT** the Council hereby empowers the trustee for the holders of the Bonds, to invest moneys in the Sinking Fund from time to time in any trustee investments authorized by the *Trustee Act*, Chapter T-10 of the Revised Statutes of Newfoundland and Labrador, 1990, as amended;

**THAT** subject to the immediately preceding two provisions, the Sinking Fund shall be applied towards the payment of the Bonds on maturity;

**THAT** the Bonds shall not be redeemable by the City prior to the maturity date except for Sinking Fund purposes, provided that nothing herein contained shall prevent the City from purchasing the Bonds in the market, and any Bonds so purchased shall be cancelled;

**THAT** the principal moneys payable under the Bonds and the interest thereon are charged upon and payable out of the assets and revenue of the City;

**THAT** the Council hereby orders that the annual amount to be paid into the Sinking Fund in respect of the Bonds and the annual amount to be paid for interest in respect of the Bonds are to be paid each year in full and in this connection the Council has the power to raise, collect and receive the rates, assessments, taxes, rents, fees, duties and appropriations and other money provided for in the *City of St. John's Act*, RSNL 1990, c C-17 (the "City Act") from which receipts the council will ensure that such annual Sinking Fund contribution and annual interest will be paid, in accordance with the provisions of this Bond Resolution, the said Act and the City Act;

**THAT** the proceeds from the issue and sale of the Bonds shall be used for the Purpose;

**THAT** the Deputy City Manager, Financial Management entered into an agreement dated December 11, 2013 with Scotia Capital Inc. and RBC Dominion Securities Inc. for the issue and sale of the Bonds on the terms and conditions set out therein (the "Agreement"), which terms and conditions include the interest rate in respect of the

Bonds and the price at which the Bonds will be sold and that the Agreement is hereby confirmed, ratified and approved;

**THAT** the Bonds shall be signed by the Mayor and the City Clerk or a trustee authorized by resolution of the Council pursuant to the said Act, that the City Clerk and the Deputy City Manager, Financial Management are hereby authorized to execute a BEO Acknowledgement and deliver the same to CDS, that one or more of the Deputy City Manager, Financial Management and the City Clerk are hereby individually authorized to generally do all things and to execute all other documents and papers in the name of the City in order to carry out the issue and sale of the Bonds and that the City Clerk is authorized to affix the seal of the City to any of such documents and papers;

**THAT** the City reserves the right to issue additional bonds of the same maturity, interest rate and terms and conditions.

**The motion being put was unanimously carried.**

**Building Permits List – December 16, 2013**

**SJMC2013-12-16/565R**

**It was decided on motion of Councillor Hickman; seconded by Councillor Lane: That the recommendation of the Director of Planning and Development with respect to the following building permits, be approved:**

**Building Permits List  
Council’s December 16, 2013 Regular Meeting**

Permits Issued: 2013/12/05 to 2013/12/11

**Class: Commercial**

585 Torbay Rd	Co	Retail Store
525 Water St	Co	Warehouse
50 Aberdeen Ave	Ms	Retail Store
57 Blackmarsh Rd	Ms	Place Of Assembly
44 Crosbie Rd	Ms	Convenience Store
10 Elizabeth Ave	Ms	Retail Store
10 Elizabeth Ave	Ms	Retail Store
84-86 Elizabeth Ave	Ms	Service Shop
92 Elizabeth Ave	Ms	Office
391-395 Empire Ave	Ms	Retail Store
324 Frecker Dr	Ms	Convenience Store
9 Hallett Cres	Ms	Retail Store
10 Hebron Way	Ms	Eating Establishment

12-20 Highland Dr	Ms	Retail Store
58 Kenmount Rd	Ms	Office
120 Kenmount Rd	Ms	Car Sales Lot
120 Kenmount Rd	Ms	Car Sales Lot
81 Kenmount Rd	Ms	Retail Store
193 Kenmount Rd	Ms	Retail Store
409 Kenmount Rd	Ms	Commercial Garage
461 Kenmount Rd	Ms	Car Sales Lot
475 Kenmount Rd	Ms	Car Sales Lot
479 Kenmount Rd	Ms	Car Sales Lot
541 Kenmount Rd	Ms	Retail Store
90 Logy Bay Rd	Ms	Club
326 Logy Bay Rd	Ms	Convenience Store
484 Main Rd	Ms	Club
431-435 Main Rd	Ms	Take-Out Food Service
219 Major's Path	Ms	Retail Store
10 Messenger Dr	Ms	Retail Store
110 Mundy Pond Rd	Ms	Church
119 New Cove Rd	Ms	Clinic
57 Old Pennywell Rd	Ms	Office
22 O'leary Ave	Ms	Restaurant
22 O'leary Ave	Ms	Restaurant
60 O'leary Ave	Ms	Retail Store
31 Peet St	Ms	Retail Store
36 Pearson St	Ms	Office
52 Pippy Pl	Ms	Retail Store
279 Portugal Cove Rd-Envy Hair	Ms	Service Shop
279 Portugal Cove Rd	Ms	Clinic
35 Ridge Rd	Ms	Club
46-50 Robin Hood Bay Rd	Ms	Industrial Use
20 Ropewalk Lane	Ms	Service Shop
45 Ropewalk Lane	Ms	Retail Store
16 Stavanger Dr	Ms	Restaurant
410 Stavanger Dr	Ms	Retail Store
3 Stavanger Dr	Ms	Restaurant
3 Stavanger Dr	Ms	Retail Store
397 Stavanger Dr	Ms	Retail Store
415 Stavanger Dr	Ms	Restaurant
88 Thorburn Rd	Ms	Convenience Store
390 Topsail Rd	Ms	Retail Store
390 Topsail Rd	Ms	Retail Store
446 Topsail Rd	Ms	Service Station
26-34 Torbay Rd	Ms	Tavern
10 Elizabeth Ave	Ms	Retail Store
192-194 Torbay Rd	Ms	Restaurant
320 Torbay Rd	Ms	Club
340 Torbay Rd	Sn	Service Shop
430 Torbay Rd	Ms	Tavern
660 Torbay Rd	Ms	Service Station
141 Torbay Rd	Ms	Restaurant
141 Torbay Rd	Ms	Service Shop
Torbay Road-Torbay Rd Mall	Ms	Retail Store
Torbay Road-Torbay Rd Mall	Ms	Communications Use
611 Torbay Rd	Ms	Retail Store
215 Water St-2nd Floor	Sn	Office
209 Blackmarsh Rd	Nc	Accessory Building
45-60 Cochrane Pond Road	Sw	Agriculture
48 Kenmount Road - The Nflder	Rn	Retail Store
18-28 Mews Pl Hilti Canada	Cr	Retail Store
351-353 Water St-Level 6	Rn	Office
121 Kelsey Drive, Lot 4/Bldg D	Nc	Office

This Week \$ 4,735,200.00

**Class: Industrial**

This Week \$ .00

**Class: Government/Institutional**

This Week \$ .00

**Class: Residential**

22 Antelope St	Nc	Accessory Building
48 Spruce Grove Ave	Nc	Accessory Building
122 Blackmarsh Rd	Nc	Patio Deck
140 Cashin Ave Exten	Nc	Patio Deck
4 Cherrybark Cres., Lot 209	Nc	Single Detached Dwelling
10 Cherrybark Cres., Lot 212	Nc	Single Detached Dwelling
4 Dunkerry Cres, Lot 288	Nc	Single Detached Dwelling
513 Empire Ave	Nc	Single Detached Dwelling
49 Fleming St	Nc	Single Detached Dwelling
13 Kenai Cres	Nc	Accessory Building
216 Ladysmith Dr, Lot 505	Nc	Single Detached & Sub.Apt
32 Parsonage Dr	Nc	Accessory Building
75 Penney Cres	Nc	Patio Deck
27 Stephano St, Lot 219	Nc	Single Detached Dwelling
11 Lunenburg St	Ex	Single Detached Dwelling
120 Bay Bulls Rd	Rn	Single Detached Dwelling
15 Brooklyn Ave	Rn	Single Detached Dwelling
106 Casey St	Rn	Semi-Detached Dwelling
41 Dunkerry Cres	Rn	Single Detached Dwelling
124 Empire Ave	Rn	Single Detached Dwelling
59 Fort Amherst Rd	Rn	Single Detached Dwelling
283 Hamilton Ave	Rn	Semi-Detached Dwelling
148 Pearltown Rd	Rn	Single Detached Dwelling
75 Penney Cres	Rn	Single Detached Dwelling
73 Waterford Bridge Rd	Rn	Single Detached Dwelling
315 Blackmarsh Rd	Sw	Single Detached Dwelling
9 Hatcher St	Sw	Single Detached Dwelling
40 Weymouth St	Sw	Single Detached Dwelling

This Week \$ 2,225,950.00

**Class: Demolition**

This Week \$ .00

This Week's Total: \$ 6,961,150.00

Repair Permits Issued: 2013/12/05 To 2013/12/11 \$ 39,000.00

10 Powell Place - porch extension is rejected as per Section 10.3.3(1)(c) of the St. John's Development regulations as it does not meet the required building line setback of 6.0 meters in the residential Low Density (R1) Zone.

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		

YEAR TO DATE COMPARISONS			
December 16, 2013			
TYPE	2012	2013	% VARIANCE (+/-)
Commercial	\$213,900,300.00	\$103,200,700.00	-52
Industrial	\$5,000,000.00	\$2,300,000.00	-54
Government/Institutional	\$16,200,900.00	\$79,800,000.00	393
Residential	\$185,000,600.00	\$157,600,500.00	-15
Repairs	\$5,100,500.00	\$4,700,100.00	-8
Housing Units (1 & 2 Family Dwellings)	598	440	
<b>TOTAL</b>	<b>\$425,202,300.00</b>	<b>\$347,601,300.00</b>	<b>-18</b>

Respectfully Submitted,

Jason Sinyard, P. Eng., MBA  
Director of Planning & Development

**Payrolls and Accounts**

**SJMC2013-12-16/566R**

**It was decided on motion of Councillor Hickman; seconded by Councillor Lane: That the following Payrolls and Accounts for the week December 11, 2013 be approved:**

**Weekly Payment Vouchers  
For The  
Week Ending December 11, 2013**

Payroll	
Public Works	\$ 463,954.88
Bi-Weekly Casual	\$ 24,118.78
Accounts Payable	\$6,545,899.25
Total:	\$7,033,972.91

**New Business**

**Memorandum dated December 13, 2013 from the Deputy City Manager, Corporate Services & City Clerk Re: Travel by Councillor Breen – Gander, Urban Municipalities Committee Meeting, Jan 10-11, 2014**

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**SJMC2013-12-16/567R**

**It was moved by Councillor Collins; seconded by Councillor Puddister: That travel by Councillor Breen to Gander, to attend the Urban Municipalities Committee Meeting, Jan 10-11, 2014, be approved.**

**The motion being put was unanimously carried.**

**Memorandum dated December 13, 2013 from the Deputy City Manager, Corporate Services & City Clerk Re: Travel by Councillor Hickman to Ottawa, Canadian Capital Cities Meeting, January 29, 2013 to February 1, 2014**

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**SJMC2013-12-16/568R**

**It was moved by Councillor Collins; seconded by Councillor Puddister: That travel by Councillor Hickman to Ottawa, to attend the Canadian Capital Cities Meeting, January 29, 2013 to February 1, 2014, be approved.**

**The motion being put was unanimously carried.**

**St. John's Homelessness Partnering Strategy Community Entity 2014-2019**

Council considered a memorandum dated December 12, 2013 from the Deputy City Manager regarding the above noted.

**SJMC2013-12-16/569R**

**It was moved by Councillor Lane; seconded by Councillor Davis: That the City agree to become the Community Entity for the Homelessness partnering Strategy from April 1, 2014 to March 31, 2019.**

**The motion being put was unanimously carried.**

**372 Duckworth Street**

Council considered a memorandum dated December 11, 2013 from the City Solicitor regarding the above noted.

**SJMC2013-12-16/570R**

**It was moved by Councillor Breen; seconded by Councillor Hickman: That City owned land at the corner of Duckworth and Henry Streets be sold at a price to be based at \$45.00 per square foot (approximately \$40,000.00).**

**The motion being put was unanimously carried.**

**Demolition Order – 48 Spencer Street**

Council considered a memorandum dated December 9, 2013 from the Director of Planning and Development regarding the above noted.

**SJMC2013-12-16/571R**

**It was moved by Councillor Tilley; seconded by Councillor Collins: That a Demolition Order be issued under Section 375 of the City of St. John's Act directing the removal of the building at 48 Spencer Street and the repair of the adjoining party wall failing which the City will arrange to have the work completed and the cost of same charged to the property owner.**

**The motion being put was unanimously carried.**

**Councillor Hickman**

Councillor Hickman noted that nominations are open for renovated heritage buildings and encouraged residents to submit their nominations to recognize property owners who have carried out restoration work on buildings in the City's heritage areas as well as the construction of buildings that blend into heritage areas.

**Councillor Lane**

Councillor Lane noted that business owners in the downtown have expressed concern with respect to the snow pileup in the downtown and the impact this has on their businesses. The Deputy City Manager explained the snow clearing and snow removal protocol, noting that once immediate priorities are looked after, downtown becomes a priority, noting however, that generally snow removal in the downtown takes place several days after a storm. In the meantime, the Deputy City Manager noted that crews take every opportunity to take care of the downtown.

**Councillor Davis**

Councillor Davis advised residents that the new parking meter devices will be installed in January.

**His Worship the Mayor**

His Worship the Mayor expressed concern over the recent announcement by Canada Post that it will be phasing out door-to-door delivery of regular mail to urban residents and increasing the cost of postage.

**SJMC2013-12-16/572R**

**It was moved by Councillor Davis; seconded by Councillor Puddister: That His Worship the Mayor forward a letter to Canada Post, the President and CEO, and the Minister Responsible for Canada Post, requesting a re-evaluation and reconsideration of a decision by Canada Post to cut door to door delivery of regular mail to urban residents and increasing the cost of postage.**

During discussion Councilor Puddister noted, on behalf of consumers, that the amount of money the Government of Canada will raise as general revenue throughout the country through its 5% portion of the 13% HST charge on mail should be entered into the equation

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

**Adjournment**

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

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**MAYOR**

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**CITY CLERK**