

PUBLIC COUNCIL MEETING MINUTES
April 16, 2013

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on April 16, 2013 at 4:15 pm.

MEMBERS PRESENT

Mayor Randy Simms
Deputy Mayor Jim Locke
Councillor Lucy Stoyles
Councillor John Walsh
Councillor Paula Tessier
Councillor Dave Aker
Councillor Andrew Ledwell

STAFF PRESENT

Stephen Jewczyk, Director, Planning & Development
Jason Silver, Director, Corporate Services
Gerry Antle, Director, Infrastructure & Public Works
Jason Collins, Director of Community Services
Mona Lewis, Deputy City Clerk

STAFF ABSENT

Michele Peach, Chief Administrative Officer

Mayor Simms chaired the meeting.

13-04-245 Adoption of Agenda

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

13-04-246 Adoption of Minutes

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT the minutes of the public meeting held on April 2, 2013 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING/ACTION REPORT

No business arose from the previous minutes. The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

13-04-247 Proclamation – “Cancer Awareness Month”

Mayor Simms signed a proclamation declaring April as “Cancer Awareness Month” in the City of Mount Pearl. Al Pelley, Canadian Cancer Society NL, and Daffodil Place guests – Gerard and Marie LeClerc were in attendance. Mr. Pelley outlined the focus of the month that being to promote the work of the society and inform the public of the progress being made in the fight against cancer. Mrs. LeClerc expressed appreciation for the presence of Daffodil House.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE REPORT

13-04-248 Public Works Division (Update)

The public was advised that equipment maintenance is ongoing as the winter season concludes and in preparation for the spring/summer seasons.

The street sweeper will soon be activated and will continue throughout the summer to ensure streets are kept free of rocks and debris.

From January 1 to March 31 approximately 6,200 metric tonnes of salt were used. This amount is slightly higher than 2012 with figures dependant on the severity of the winter season.

The diversion rate for recyclables during the first three months of 2013 was 13%, 11% and 12% with April tracking to date at 12%. It was clarified that this percentage represents the amount of waste diverted from the landfill. It was indicated that approximately 80% of residents participate in the recycling program.

Information was also provided on the launching of a grass and leaf composting pilot project (location of Park Avenue from Winston Avenue to Valleyview Avenue) for the period of May 13 to November 18, 2013. In an effort to improve service to residents and divert waste from our landfill site, the City has identified a test area whereby grass clippings & leaves will be utilized to create compost

through the use of worms called 'VermiComposting'. It was noted that the City participated with Troutier's Special Worm Farm in a booth at the Downhome Expo. An information pamphlet and a supply of special biodegradable bags will be delivered to test area residents by early May. It was noted that grass/leaves containing insecticides or pesticides is not acceptable and it was requested that the pamphlet specify this information.

COMMUNITY SERVICES COMMITTEE REPORT

13-04-249 MS Walk, May 26, 2013

Council was advised that the MS Society will be holding their annual walk on May 26, 2013 commencing at the Reid Community Centre (check in 9:30 AM). A certificate of liability insurance has been received from the MS Society of Canada.

13-04-250 Mount Pearl Sport Alliance
Second / Final Installment – 2013 Operating Subsidy

Motion – Councillor Tessier/Deputy Mayor Locke

RESOLVED THAT approval be granted to release the remaining funding (\$80,000) to the Mount Pearl Sport Alliance for minor sport groups as per the Alliance sport funding criteria provided under the current Memorandum of Understanding.

Question called. Motion carried unanimously.

13-04-251 Mount Pearl Sport Alliance
Chair/Past Chair

Congratulations were extended to Jerry Rice on his election as the new Chair of the Sport Alliance. Appreciation was extended to Roy Locke, past Chair, in recognition of his efforts during his term of office. Reference was made to the positive response by members at the recently held AGM. Congratulations and appreciation was also extended to the other new/former executive members as well as the business manager, Mike Bugden.

CORPORATE SERVICES COMMITTEE

13-04-252 Local Government Gas Tax Funding Agreement Financial Statements

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the Local Government Gas Tax Funding Agreement Annual Expenditures and Outcomes Report for the year ended December 31, 2012, as audited by Harris Ryan Chartered Accountants, be approved.

Question called. Motion carried unanimously.

13-04-253 Invoices for Approval

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the following invoices be approved for payment:

1.	Avalon Coal Salt & Oil Limited (Road Salt)	\$ 92,858.82
2.	City of St. John's (Landfill Usage February 2013)	\$ 27,865.77
3.	City of St. John's (Share of Regional Water Operating Deficit 2012)	\$ 79,362.44
4.	Diesel Injection Sales & Service (Winter Snow Storage)	\$ 5,650.00
5.	ESRI Canada (Software & Licensing)	\$ 9,504.43
6.	Lighting & Traffic Systems Ltd. (Service Calls - February 2013)	\$ 5,365.67
7.	St. John's Transportation Commission (Metrobus Service March 2013)	\$ 80,788.47
8.	Nortrax (Fleet Maintenance)	\$ 8,952.24
9.	S & S Supply/Crosstown Rentals (Storage trailer)	\$ 6,385.07
10.	Saunders Equipment Ltd. (Supply & Deliver Multiuse Tractor with Snow Blower)	\$ 134,583.00
	Total	\$ 451,315.91

Question called. Motion carried unanimously.

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

13-04-254 Value of Development Permits
2011 and 2012

It was noted that reports previously tabled with Council showing the value of development permits issued for 2011 and 2012 did not include the value for the subdivision permits as follows:

<u>Category</u>	<u>2011</u>	<u>2012</u>
Commercial	13,591,770	31,255,098
Residential	24,230,306	32,593,576
Municipal Works	6,190,692	31,300,000
Subdivisions	10,890,136	640,000
Totals	<u>\$54,902,904</u>	<u>\$95,788,674</u>

ENGINEERING SERVICES COMMITTEE

13-04-255 Multiplex - Update

An update on the Multiplex construction was presented. Residents were reminded that the area was a construction site and to be aware of this when on the property. It was noted that occupational health & safety personnel for the contractor and the City monitor the site for safety compliance.

13-04-256 Softball Building Update

An update on the softball building construction was presented. Council was advised that the facility will be ready for the upcoming softball season.

PLANNING AND LAND USE DEVELOPMENT COMMITTEE

13-04-257 Acquisition of Property
29 Forest Avenue

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT approval be granted to purchase the property at 29 Forest Avenue for the amount of \$165,000.

Question called. Motion carried unanimously.

13-04-258 Proposed Change of Use (Health Club Use)
Box Fit - 1069-1073 Topsail Road

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT Council apply its discretionary powers, as per Section 4.5 of the Mount Pearl Development Regulations, and refuse an application by Box Fit to occupy a portion of the existing building at 1069-1073 Topsail Road as a Health Club Use for the following reasons based on observance of a similar use within the past year, on a smaller scale (in terms of maximum class size), regarding the parking requirements:

- Although 27 parking spaces (plus 4 substandard stalls) were provided by the previous use, which exceeded the parking requirements of the Development Regulations, this was still insufficient for the number of patrons observed at the site. This is contrary to the intent of Regulation 9.1 relating to Off-Street Parking and Loading Regulations, which requires that off-street parking spaces sufficient to ensure that the flow of traffic on adjacent streets is not impeded by the on-street parking of vehicles associated with that building, structure, or use.
- Multiple complaints were received from neighbouring commercial business operators that patrons were parking on their lots and impeding traffic flow and parking for their customers.
- Concerns were expressed about patrons parking on commercial lots of businesses on the opposite side of Topsail Road, in terms of safety concerns for patrons crossing Topsail Road in the dark.
- Multiple complaints were received from residents in the area regarding cars parked on their street, impeding traffic flow, reducing sightlines, and creating a safety concern.
- The present proposal constitutes an increase in proposed occupancy load in comparison to previous tenant, thereby posing reasonable concern that parking will not be able to be accommodated on site.

AND FURTHER THAT the City's off-street parking requirements for health club use with group classes be reviewed with a view to proposing amendments to the name and/or definition of the use and/or the parking requirements that would better reflect sufficient parking requirements for this type of use.

Discussion: It was confirmed that the proposed business is not currently operating in the building.

Question called. Motion carried unanimously.

13-04-259 Billboard Application - E. C. Boone Ltd.
27 Corey King Drive

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT an application by E. C. Boone Ltd. to develop a two-sided changeable message/billboard sign on the property at 27 Corey King Drive be approved and a development permit issued subject to the following:

1. Conditions of the City Inspector.
2. Conditions of the Engineering Services Division.
3. Conditions of Bell Aliant.
4. Minimum setback requirements for billboards as per Section 8 of the Development Regulations.

5. A detailed engineering and stamped site plan showing dimensions, setbacks, elevations.

Question called. Motion carried with Councillor Stoyles abstaining from voting due to a conflict of interest.

13-04-260 Proposed New Building and Subdivision of Land – Drive-Through Bank
Sheppard Case Architects
877 Topsail Road

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT a proposal to develop a bank with a drive-through use on a portion of the lands at 877 Topsail Road (herein referred to as “885 Topsail Road”) be approved and a development permit issued subject to meeting the following:

1. execution of subdivision agreement,
2. conditions set out by the Engineering Services Division,
3. conditions set out by Bell Aliant,
4. conditions set out by St. John’s Regional Fire Department,
5. conditions set out by the City Inspector,
6. conditions set out by the Finance Division,
7. a more detailed site plan illustrating:
 - provision of min. 3 metre landscaped buffer toward residential properties,
 - provision of wooden privacy fence along west side of property,
 - parking lot dimensions (stall and aisle widths and depths),
 - turning radii and driveway dimensions,
 - building dimensions and setbacks,
 - landscaped yard dimensions,
 - wooden garbage bin enclosure, and
 - proposed signage
8. elevations and sections for proposed privacy fence and retaining wall stamped and signed by professional Engineer, and
9. landscaping information is to be provided in accordance with Development Regulation 4.11.1(j), and must also comply with Regulations 6.9, 6.19, 7.9.8 and 6.38.

Question called. Motion carried unanimously.

- 13-04-261 Non-Compliance re Operating Without an Occupancy Permit
Memories Forever (Axtion Climb Inc.) & LJP Holdings Inc.
8 Trout Place

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT approval be granted to issue a Cease and Desist Order to LJP Holdings Inc., as the property owner of 8 Trout Place, and copied to Memories Forever (Axtion Climb Inc.), as the tenant, in accordance with the Urban and Rural Planning Act, the Mount Pearl Development Regulations and the Mount Pearl Building Regulations, and requiring the current use and occupancy of the space cease until such time as issuance of a building permit and occupancy permit for a portion of the building and operation of the business by Axtion Climb Inc.

Discussion: Clarification was provided on the type of business. Reference was also made to the outstanding issues to be resolved prior to the issue of the required permit(s).

Question called. Motion carried with Councillor Stoyles abstaining from voting due to a conflict of interest.

- 13-04-262 Referral from the Town of Paradise
Proposed Amendment to the St. John's Urban Regional Plan No. 1, 2013
Rural to Urban – St. Thomas Line

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT a response be forwarded to the Town of Paradise that the City of Mount Pearl has no commentary regarding their proposed amendment to the St. John's Urban Region Regional Plan No. 1, 2013, as outlined in the Town of Paradise (undated) letter and attachments received by the City on March 25, 2013.

Question called. Motion carried unanimously.

- 13-04-263 Application for Accessory Building Variance
49 Ashford Drive

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT an application and variance request for an accessory building in the rear yard of the property at 49 Ashford Drive with a floor area of 38.41 m² be approved and a development permit issued subject to the conditions identified by the City Inspector and the Finance Division.

Question called. Motion carried unanimously.

13-04-264 Development Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT development permits issued for the period of April 1- 12, 2013 be accepted as presented.

Question called. Motion carried unanimously.

13-04-265 Building Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT building permits issued for the period of March 30 – April 12, 2013, showing a total construction value of \$2,331,200.00, be approved as presented.

Question called. Motion carried unanimously.

NEW BUSINESS

13-04-266 Sport Alliance

Members of council extended congratulations to the new executive, appreciation to the outgoing executive, and commented on the revitalized interest in the Alliance by its members.

13-04-267 Citizen of the Year

Councillor Aker extended congratulations to the Citizen of the Year nominees.

Councillor Ledwell also extended congratulations as well as appreciation to the Kinsmen Club and Community Services staff for organizing the event.

13-04-268 Downhome Expo

Councillor Tessier commented on the success of the Downhome Expo held this past weekend at the Glacier.

13-04-269 Parking on Lawns

Councillor Tessier spoke of a recent complaint about the parking of vehicles on lawns, noting that it was against regulations and a ticketable offence.

Councillor Stoyles noted that the complainant also referenced the conditions of the neighbouring properties which were rental units. It was noted that the landlord is

responsible for the upkeep of the property. It was also indicated that municipal enforcement had addressed this particular complaint.

13-04-270 Garbage Collection & Active Transportation

Deputy Mayor Locke commented on his observations during a recent trip to Amsterdam regarding the use of carts for garbage collection as well bicycling. He will be following up with the respective committees for their consideration.

13-04-271 Operation Kidsafe Program

Councillor Stoyles advised that she attended the recent opening of a fingerprint station at Toyota Plaza and provided information on the Operation Kidsafe Program. She extended appreciation to the sponsor, Toyota Plaza.

13-04-272 Eastern Regional Service Board

Councillor Stoyles extended congratulations to former councillor Ed Grant on his appointment as Chairperson of the Eastern Regional Service Board.

13-04-273 Removal of Dwelling – 50 Jersey Avenue

Councillor Stoyles noted that the dwelling has been removed from 50 Jersey Avenue and a new development is anticipated.

13-04-274 Garbage Carts

Councillor Walsh suggested two solutions to prevent garbage carts from being overfilled (and therefore not collected). 1) Try not to miss a collection and 2) add the extra to a neighbour's cart (subject to no objection by neighbour).

13-04-275 Dogs – Leash

Councillor Walsh reminded residents that dogs are to be tethered at all times.

13-04-276 Northeast Avalon Joint Council (NEAJC)

Councillor Ledwell advised that he would be attending the NEAJC meeting scheduled for April 17, 2013 in Avondale.

13-04-277 Fiscal Framework for Municipalities

Mayor Simms advised that a meeting of the Mayors and City Managers/CAO's of the seven municipalities (that lost their MOG during recent provincial budget) will be held in the near future to discuss a fiscal municipal provincial proposal prior to

meeting with Municipal Affairs. He also advised that the President of Municipalities Newfoundland & Labrador will be attending the meeting.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:30 pm on a motion by Councillor Walsh and seconded by Councillor Ledwell.

Chairperson

Deputy City Clerk