



**PUBLIC COUNCIL MEETING MINUTES
July 23, 2013**

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on July 23, 2013 at 4:15 pm.

MEMBERS PRESENT

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

STAFF PRESENT

Michele Peach, Chief Administrative Officer
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

MEMBERS ABSENT

Councillor Paula Tessier

Mayor Simms chaired the meeting.

13-07-522 Adoption of Agenda

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

13-07-523 Adoption of Minutes

Motion – Councillor Stoyles/Councillor Ledwell

RESOLVED THAT the minutes of the public meeting held on July 9, 2013 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING/ACTION REPORT

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

PROCLAMATIONS/PRESENTATIONS

None noted.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE

13-07-524 Water Level – Bay Bulls Big Pond

Council was advised that the water level at Bay Bulls Big Pond is at a reasonably good level (approximately 2 ft lower than this time last year). The public was requested to continue to conserve water and comply with the (year-round) water conservation order. It was noted that the municipal enforcement division patrols for infractions of this order.

13-07-525 Summer Maintenance (update)

Council was advised that street cleaning; lawn repairs (due to snowclearing damages); asphalt/curb repairs and playground maintenance are ongoing.

It was also noted that the second bulk garbage collection is into the third week (Route 3) and should be completed at the scheduled time (end of July). The final bulk garbage collection will take place in September.

COMMUNITY SERVICES COMMITTEE REPORT

13-07-526 Tely 10 Road Race
 Sunday, July 28, 2013

The public was advised that the Tely 10 Road Race (July 28) will impact City streets whereby Topsail Road (area through Mount Pearl) will be closed from 8:00 – 10:00 AM.

13-07-527 Holy Sepulchre – Cemetery Mass

The public was advised that the Holy Sepulchre Cemetery Mass is scheduled for July 30 at 7:00 PM which may result in traffic congestion in adjacent streets. It was suggested that a “shuttle service” may alleviate traffic congestion and it was requested that the suggestion be referred to the organizers.

13-07-528 Association for the Arts in Mount Pearl (AAMP)
Arts in the Park – August 5, 2013

The public was advised that AAMP will be hosting an “Arts in the Park” event on August 5, 7:00 pm, Centennial Park (adjacent to City Hall).

CORPORATE SERVICES COMMITTEE

13-07-529 Invoices for Approval

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the following invoices be approved for payment:

1.	Afonso Group Limited (Water Sampling - June 2013)	\$ 7,571.00
2.	Bae Newplan Group (Professional Services - Former Landfill Site Olympic Drive)	\$ 5,650.00
3.	City of St. John's (Water Consumption - May 2013)	\$ 263,689.78
4.	City of St. John's (Water Consumption - June 2013)	\$ 246,279.88
5.	City of St. John's (Regional Fire Services - July 2013)	\$ 342,526.00
6.	Gaze Seed Co. 1987 Limited (Ornamental Nursery Stock)	\$ 10,625.67
7.	kAp Consulting Inc. (Consulting Services - Emergency Management Plan)	\$ 6,780.00
8.	Kelloway Construction Ltd. (Cleaning Services - June 2013)	\$ 11,959.16
9.	Municipal Assessment Agency (Third Quarter Assessment Fees)	\$ 69,258.00
10.	MVT Canadian Bus, Inc. (Para Transit Service - April, May & June 2013)	\$ 84,614.85
11.	St. John's Transportation Commission (Metrobus Service - June 2013)	\$ 80,134.62

12.	Stanley Flowers Limited (Flower Planting & Maintenance)	\$ 28,212.58
13.	Terra Nova Motors Limited (New 2013 Pickup Truck)	\$ 29,500.91
14.	Terra Nova Motors Limited (New 2013 Pickup Truck)	\$ 32,099.91
15.	Terra Nova Motors Limited (New 2013 Pickup Truck)	\$ 30,743.91
16.	Traffic Logix Inc. (Supply 6 Traffic Calmers)	\$ 17,289.00
17.	Tucker Electronics Ltd. (2 Wall Mounted TVs with installation)	\$ 6,183.35
18.	William S. Kennedy Law Office (Legal Fees - Development Appeal)	\$ 8,026.67
19.	Marco Services Ltd (Pearlgate Recreation Multiplex CP3 Progress Payment #14)	\$1,123,282.14
20.	Modern Paving Limited (Street Upgrading, Asphalt and Concrete Works)	\$ 232,548.03
	Total	\$2,636,975.46

Question called. Motion carried unanimously.

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

No report.

ENGINEERING SERVICES COMMITTEE

13-07-530 Multiplex - Update

An update on the Multiplex construction was presented.

PLANNING AND LAND USE DEVELOPMENT COMMITTEE

13-07-531 Proposed Family Child Care Use
44 Frontenac Avenue

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the application for a family child care at 44 Frontenac Avenue be refused for the following reasons:

1. The property does not meet the minimum off-street parking requirements as outlined in Section 9 of the Mount Pearl Development Regulations 2010
2. Pursuant to Regulation 4.5, Discretionary Powers, of the Mount Pearl Development Regulations 2010, the location of the property is situated in close proximity to an intersection, and there are safety concerns for the dropping off and picking up of children on the street due to a lack of on-site parking, especially in light of the increased traffic in the area

Discussion: It was noted that this site has insufficient parking for both the existing uses and the additional family child care use. The required number of parking stalls is not being proposed by the applicant and cannot be accommodated on the property due to landscaping requirements.

Question called. Motion carried unanimously.

13-07-532 Request to Acquire City Land – Seaforce Properties Inc.
Land off Clyde Avenue to Permit Access to Clyde Avenue

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT approval be granted to proceed with the proposed sale of City-owned land to Seaforce Properties Inc. at a value of \$10,500, with all costs associated with the sale of the land, including but not limited to the appraisal, survey, legal costs, etc., to be paid by the Seaforce Properties Inc AND FURTHER THAT a condition of sale be that all improvements to the property would be at the expense of the new property owners, Seaforce Properties.

Question called. Motion carried unanimously.

13-07-533 Request for Variance – Maximum Accessory Building Floor Area
31 Michener Avenue

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT approval be granted to issue a Development Permit for the construction of a 25.72 m² accessory building in the rear yard of the subject property at 31 Michener Avenue subject to the development meeting the City of Mount Pearl Development Regulations 2010, and the City of Mount Pearl Building Regulations.

Question called. Motion carried unanimously.

13-07-534 Proposed Mount Pearl Development Regulations 2010 Amendment No. 21, 2013
Add “Open Air Assembly Use” to Use Zones: CC, IL, PB and OS
(Open Air Assembly Amendment)

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the proposed Mount Pearl Development Regulations No. 21, 2013 (Open Air Assembly Use Amendment) be adopted by Council and submitted to the Department of Municipal Affairs for registration.

Discussion: The purpose of this amendment is to provide Council with the authority to permit outdoor worship services in the land use zones specified above, subject to meeting the conditions for this type of use as specified in Section 7 – Special Developments, Regulation 7.20 relating to Open Air Assembly Uses.

Question called. Motion carried unanimously.

13-07-535 Donovan Homes – 22 Lots – Residential Subdivision
Pinnacle Engineering Limited (on behalf of Donovan Homes Limited)
Proposed Mount Carson Terrace Subdivision Development – Phase 6

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the proposed Mount Carson Terrace Phase 6 Subdivision Development be approved subject to the following conditions:

- Kenmount Hill Infill Comprehensive Development Scheme goals, objectives and policies,
- RMD Land Use Zone requirements,
- Receipt of Department of Environment & Conservation Certificate of Approval,
- Newfoundland Power & Bell Aliant conditions,
- Canada Post conditions,
- Finance Department requirements,
- Community Services Department requirements,
- Planning & Development Department requirements,
- Engineering Services Division / Public Works & Infrastructure Department requirements,
- issuance of a Development Permit, and
- signing of a Subdivision Development Agreement.

Conditions in development permit and agreement shall reference:

- City’s commentary provided by email on June 27, 2013 and July 16, 2013 shall be reflected in receipt of revised engineering drawings and information.

- Provision of temporary emergency access road is required.
- Privacy Fencing is required.
- Revised engineering plans are required to be submitted responding to City's commentary.

Question called. Motion carried unanimously.

13-07-536 Pardy's Waste Management
Proposed Fence Relocation
30 Kyle Avenue

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT, in relation to the proposed fence relocation, Pardy's Tire be permitted to reduce the required setback of ten (10) metres from the property boundary for the chainlink fence to seven (7) metres in the immediate area of the large light pole on the property, to avoid the necessity of relocating the large light pole to keep it inside the fence, and with the remainder of the fence to be located the required ten (10) metres from the property boundary.

Question called. Motion carried unanimously.

13-07-537 Variance Request – Accessory Building
12 Eriksson Crescent

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT a Development Permit be issued for the construction of a 60.2 m² accessory building in the rear yard of the subject property at 12 Eriksson Crescent for the purposes of a combined residential garage and storage shed subject to the development meeting the City of Mount Pearl Development Regulations 2010, and the City of Mount Pearl Building Regulations.

Question called. Motion carried unanimously.

13-07-538 Development Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT development permits issued for the period of July 8 - 19, 2013 be accepted as presented.

Question called. Motion carried unanimously.

13-07-539 Building Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT building permits issued for the period of July 5 - 19, 2013, showing a total construction value of \$901,250.00, be approved as presented.

Question called. Motion carried unanimously.

NEW BUSINESS

13-07-540 Condolences – Percy McDonald

Councillor Stoyles extended sympathy to the family and friends of the late Percy McDonald.

13-07-541 Multi-Materials Stewardship Board (MMSB)
Used Beverage Container Recycling Program

Councillor Stoyles commented on the MMSB announcement of the milestone in the Used Beverage Container Recycling Program - the diversion of more than two billion beverage containers from the province's landfills.

13-07-542 City Days

Members of council commented on the success of the City Days activities and extended appreciation to the City Days Committee, volunteers and staff.

13-07-543 Special Olympics Provincial Summer Games

Members of council commented on the recently held Special Olympics Summer Games and extended congratulations to all the athletes as well as appreciation to the volunteers.

13-07-544 Retirement – Employee Frank Stoyles

Councillor Stoyles extended congratulations to employee Frank Stoyles who recently retired from the City with over 33 years of service.

13-07-545 St. Peter's Elementary School

Councillor Walsh advised of a preliminary report from the Director of Regional Fire Services stating that following an inspection of St. Peter's Elementary School, from a life safety perspective, the building is compliant and enrollment is within the acceptable capacity. He noted that September enrollment is anticipated to be 765 (15 more than last year) and the school can accommodate this number of

students. He acknowledged that parents were also concerned with their children getting a quality education and questioning whether this was being impacted. He advised that the School Council plans on holding a “march” on Friday, July 26, at 8:00 AM on the School parking lot.

13-07-546 Park Bench

Councillor Aker extended appreciation to staff on behalf of a resident who had requested the return of a park bench at a bus stop.

13-07-547 Physically Challenged Residents
Motorized Wheelchairs/Scooters

Deputy Mayor Locke advised that he had accompanied (on scooter) a resident who uses a scooter to move throughout the City. As a result of this, he advised of areas that were challenging to residents who use wheelchairs and scooters as follows:

- Sidewalks that have dips
- Dip between sidewalk/curb (not a smooth transition)
- The “walk light push buttons” are not always accessible because of the surrounding area.
- Using asphalt instead of concrete

It was also suggested that blue zone parking stall should be a standard size (which is larger than current) and that pathways should be cleared, widened.

Deputy Mayor Locke advised that the resident requested Council consider mobility issues when doing planning and street upgrading.

Mayor Simms advised of a recent meeting with the Coalition of Persons with Disabilities, noting that the City is committed to work with the Coalition to address issues of mutual concern.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:20 pm on a motion by Councillor Ledwell and seconded by Councillor Walsh.

Chairperson

Deputy City Clerk