

**PUBLIC COUNCIL MEETING MINUTES**  
**October 24, 2017**

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on October 24, 2017 at 4:30 pm.

MEMBERS PRESENT

Mayor Dave Aker  
Deputy Mayor Jim Locke  
Councillor Lucy Stoyles  
Councillor Andrew Ledwell  
Councillor Andrea Power  
Councillor Bill Antle

STAFF PRESENT

Steve Kent, CAO  
Jason Silver, Director, Corporate Services  
Gerry Antle, Director, Infrastructure & Public Works  
Jason Collins, Director, Community Services  
Peter Howe, Director, Planning & Development  
Mona Lewis, Deputy City Clerk

MEMBERS ABSENT

Councillor Isabelle Fry

**Mayor Aker chaired the meeting.**

17-10-518     Adoption of Agenda

Motion – Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

17-10-519     Adoption of Minutes

Motion – Councillor Ledwell/Councillor Power

RESOLVED THAT the minutes of the public meeting held on October 10, 2017 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING /ACTION REPORT

17-10-520     5 Montgomery Street – Order to Repair or Remove Fence

It was noted that action has been taken to address the outstanding property (fence) repairs at 5 Montgomery Street.

ACTION REPORT

The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

None presented.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

CORPORATE & COMMUNITY SERVICES COMMITTEE

17-10-521     Invoices for Approval

Motion – Councillor Ledwell/Councillor Power

RESOLVED THAT the following invoices be approved for payment:

1.	Action Car & Truck Accessories Inc. (Upfit MEO Truck as per RFP)	\$ 9,272.27
2.	Alberta Association of M D & C (Vehicle 626, Snow Tires Plus)	\$ 5,964.18
3.	Aviva Insurance Company of Canada (Insurance Claim)	\$ 6,005.59
4.	Bugden Signs (Insurance Claim)	\$ 5,706.30
5.	CBCL Limited (Clean Water & Wastewater Upgrades)	\$ 15,410.00
6.	CBCL Limited (Kenmount Hill Servicing Study)	\$ 8,883.75
7.	City of St. John's (City's Portion of Fire Dept Cost Sep/17)	\$ 410,340.20
8.	City of St. John's (Robin Hood Landfill October 1/17)	\$ 45,901.18
9.	Coastline Specialties Limited (Bleacher Replacement Claim #3)	\$ 66,758.21

10.	DMG Consulting Limited (Topsail/Blackmarsh Upgrading)	\$ 23,438.84
11.	Fairview Investments Limited (Asphalt & Concrete Work Claim #3 Sep 1-30)	\$ 109,043.87
12.	Grand Concourse Authority (Claim #1 Pearlgate Signage)	\$ 45,883.97
13.	JMJ Construction (Library Roofing & Parking Lot PP #3)	\$ 134,490.43
14.	Kelloway Construction Ltd (Cleaning Services Sep 2017)	\$ 31,013.55
15.	Kelloway Construction Ltd (Parking Lot Wall Repairs at City Hall)	\$ 11,500.00
16.	Municipal Assessment Agency (4th Quarter Assessment Fees)	\$ 71,015.00
17.	Murray's Landscaping Services (Landscaping Maintenance Aug 14-18/17)	\$ 7,060.77
18.	Murray's Landscaping Services (Landscaping Maintenance Aug 21-25/17)	\$ 5,988.58
19.	Onx Enterprise Solutions (Cisco MR52 - HW Access Points)	\$ 9,774.89
20.	Onx Enterprise Solutions (Cisco MR52 - HW Access Points)	\$ 9,774.89
21.	Platinum Diesel Inc. (Vehicle 506 Inspection & Maintenance)	\$ 5,301.86
22.	Rona Inc (Playground Equipment 2017)	\$ 40,751.40
23.	SME Limited (Storage Unit for MPMBB)	\$ 7,199.00
24.	Stanley Flowers Limited (Hanging Baskets & Planters Maintenance)	\$ 9,109.55
25.	Stanley Flowers Limited (Hanging Baskets & Planters Maintenance)	\$ 9,116.40
26.	Weir's Construction Ltd (Topsail/Blackmarsh Upgrading PP#1)	\$ 575,775.88
		\$ 1,680,480.56

Question called. Motion carried unanimously.

17-10-522 Tax Deferral – Low Income Earners

Motion – Councillor Ledwell/Councillor Power

RESOLVED THAT the following tax deferrals be approved in accordance with Council's policy for low income earners:

Account #	Amount Deferred
5535	\$1,168.55
15126	\$2,121.23

Question called. Motion carried unanimously.

- 17-10-523 Professional Development and Training - Councillor Lucy Stoyles  
Athletic Business Conference  
November 7-11, 2017

Motion – Councillor Ledwell/Councillor Power

RESOLVED THAT approval be granted, in accordance with the Professional Development & Training Policy, for Councillor Stoyles to attend the Athletic Business Conference in Orlando, Florida from November 7-11, 2017.

Question called. Motion carried unanimously.

- 17-10-524 Municipalities Newfoundland & Labrador (MNL) Convention  
November 2 – 4, 2017, Corner Brook, NL

Motion – Councillor Power/Councillor Ledwell

RESOLVED THAT approval be granted, in accordance with the Professional Development & Training Policy, for the Mayor, Councillor Fry, Councillor Antle and the CAO to attend the annual MNL Convention being held in Corner Brook, November 2 – 4.

Question called. Motion carried unanimously.

- 17-10-525 Eastern Regional Service Board (ERSB) - Appointment

Motion – Councillor Power/Councillor Ledwell

RESOLVED THAT approval be granted to appoint Councillor Stoyles as the City's representative on the Eastern Regional Service Board (ERSB).

Question called. Motion carried unanimously.

- 17-10-526 Swimming Pool Chemicals  
Tender Package – TP-17-026

Motion – Councillor Power/Councillor Ledwell

RESOLVED THAT approval be granted to award the swimming pool chemicals contract to the following bidders, based on lowest price:

White's Pools and Spas Ltd. Sodium Bicarbonate at \$27.69/25kg and  
 Calcium Chloride at \$21.40/20kg

Eastchem NL Inc. Muriatic Acid at \$316.25/235kg

Question called. Motion carried unanimously.

**INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE**

17-10-527 Request for Change Order Approval (RCO) - Capital Works  
 2011 Street Upgrading

Motion – Deputy Mayor Locke/Councillor Stoyles

RESOLVED THAT the following change order for the 2011 Street Upgrading project (Donovan Street, Farrell Drive, Keough Crescent, Woodford Place, Woodford Drive, Teasdale Street, Babb Crescent, Bonfoy Place, Croucher Place, Dalhousie Crescent, Giles Place, Graham Place, Lancaster Crescent, McGill Crescent, Murley Drive, Trudeau Place, Wilchris Place, Third Street, Wilcox Place, Edinburgh Drive) be approved:

RCO #	Description	Value (HST Included)
	Original Contract Price	\$715,135.19
04	Materials (asphalt, concrete, soils) testing	\$17,825.82
	Total Change Orders	\$17,825.82
	Previously Approved Change Orders	\$20,954.72
	Revised Contract Price	\$753,915.73

Question called. Motion carried unanimously.

17-10-528 Request for Change Order Approval (RCO) - Capital Works  
 2012 Street Upgrading

Motion – Deputy Mayor Locke/Councillor Stoyles

RESOLVED THAT the following change order for the 2012 Street Upgrading project (Second Street, Winsor Place) be approved:

RCO #	Description	Value (HST Included)
	Original Contract Price	\$226,142.38
02	Additional inspection and contract administration services required due to the extended duration of work	\$45,940.09
	Total Change Orders	\$45,940.09
	Previously Approved Change Orders	\$8,546.51
	Revised Contract Price	\$280,628.98

Question called. Motion carried unanimously.

11-10-529 Request for Change Order Approval – Ross King Memorial Public Library Parking Lot Repaving & Roof Replacement (TP-16-031)

Motion – Deputy Mayor Locke/Councillor Stoyles

RESOLVED THAT the following change order for the Ross King Memorial Public Library project be approved:

RCO #	Description	Value (HST Included)
	Original Contract Price + Contract Allowances	\$278,897.63
CO4	Scarifying existing subgrade	\$3,459.14
CO5	Credit for damaged books during roof installation	-6,382.21
	Total Change Orders	-\$2,923.07
	Previously Approved Change Orders	\$12,302.13
	Revised Contract Price	\$288,276.69

Question called. Motion carried unanimously.

17-10-530 Seeking Council Approval to Fund City Portion, and Accept Federal and Provincial Offer for Provincial-Territorial Infrastructure Agreement (PTIC), Infrastructure Improvements - Street Upgrading – Commonwealth Avenue, Topsail Road/Blackmarsh Road

Motion – Deputy Mayor Locke/Councillor Stoyles

RESOLVED THAT approval be granted to execute the Provincial-Territorial Infrastructure Agreement (PTIC) for Infrastructure Improvements - Street Upgrading – Commonwealth Avenue, Topsail Road/Blackmarsh Road.

Question called. Motion carried unanimously.

17-10-531 Seeking Council Approval to Fund City Portion, and Accept Federal and Provincial Offer for Street Upgrading – Second Street between St. Andrew’s Avenue and Sunrise Avenue (New Canada Building Canada Fund-Small Communities Fund, Project No. 17- SCF- 18- 00066, 2017-2020)

Motion – Deputy Mayor Locke/Councillor Stoyles

RESOLVED THAT approval be granted to execute the agreement for street upgrading (Second Street between St. Andrew’s Avenue and Sunrise Avenue) which is the New Canada Building Canada Fund-Small Communities Fund, Project No. 17- SCF- 18- 00066, 2017-2020.

Question called. Motion carried unanimously.

17-10-532 Seeking Council Approval to Fund City Portion, and Accept Federal and Provincial Offer for Glacier 1 (Elevator and HVAC Upgrades) (New Canada Building Fund – Small Communities Fund)

Motion – Deputy Mayor Locke/Councillor Stoyles

RESOLVED THAT approval be granted to execute the agreement for the Glacier 1 (elevator and HVAC upgrades) which is the New Canada Building Fund – Small Communities Fund.

Question called. Motion carried unanimously.

17-10-533 Public Works Maintenance Updates

An update on public works maintenance activities was provided. It was requested that information on the volume of bulk garbage collected be provided for the next IPW Committee meeting.

17-10-534 Project Updates

An update on various ongoing projects was presented. It was noted that the line painting schedule varies in accordance with the weather conditions; it is anticipated that the favorable forecast will assist in having the painting completed as soon as possible. It was further noted that it is planned to have the base course laid on Municipal Avenue this season.

PLANNING AND DEVELOPMENT COMMITTEE

17-10-535 Application for Discretionary Use (General Assembly Use)  
1269 Topsail Road (1261-1271 Topsail Road)

Motion – Councillor Stoyles/Councillor Antle

RESOLVED THAT an application for a discretionary use at 1269 Topsail Road (1261-1271 Topsail Road) be approved and a development permit be issued subject to the following conditions:

1. meeting the conditions of external agencies:
  - Service NL,
  - St. John's Regional Fire Department; and
2. meeting the requirement/conditions of:
  - Finance Services Division
  - City Inspection Services
  - Planning and Development Department
  - Mount Pearl Building Regulations
  - Mount Pearl Development Regulations 2010
3. meeting the *National Building Code* 2015 Edition and ancillary codes
4. clear definition of access / exit into the property from Corisande Drive

5. current approval and parking lot based on current development proposal (capped at 40-60 customers) at one time
6. should there be an increase or intensification of use in the future, a new development application would need to be received for review and approval by the City

Question called. Motion carried unanimously.

17-10-536 Condition of Property / Accessory Building  
54 Mortimore Drive

Motion – Councillor Stoyles/Councillor Antle

RESOLVED THAT an Order be issued to the property owner(s) of 54 Mortimore Drive for the completion or full removal of the accessory building in accordance with the Mount Pearl Development Regulations 2010, the Mount Pearl Building Regulations 2011 and the Occupancy Maintenance Regulations, since the building permit expired March 1, 2017 and the deadline for completion of the accessory building expired June 30, 2017.

Discussion: It was confirmed that a date to have the work completed will be contained in the Order. Should a compliance letter be issued in the interim, reference to the Order would be included.

It was clarified that there currently was no restriction on the time of year a permit would be issued, i.e. would a permit be issued in the winter season for the construction of a fence or accessory building when it most likely couldn't be constructed due to weather conditions?

Question called. Motion carried unanimously.

17-10-537 Request for Further Revision to Civic Numbering Plan  
Development at 16-24 Glendale Avenue

Motion – Councillor Stoyles/Councillor Antle

RESOLVED THAT a request by Gibraltar Development Limited for further revisions to the civic numbering plan for the residential development at 16-24 Glendale Avenue be approved, and a letter be issued to the proponent to amend Condition 6 of DP16-0659 accordingly.

Question called. Motion carried unanimously.



17-10-538 Order Regarding Yard Sale and Condition of Property  
106 Park Avenue

Motion – Councillor Stoyles/Councillor Antle

RESOLVED THAT the Order issued to the property owner of 106 Park Avenue be rescinded as the work has been completed to the satisfaction of the City; and further, given the long-standing history of this matter, that a letter be written to the property owner to thank him for complying with the Order and advising him that the property will continue to be monitored on a regular basis in the future.

Question called. Motion carried unanimously.

17-10-539 Order Regarding Dilapidated Condition of Properties  
18, 41, and 43 Munden Drive

Motion – Councillor Stoyles/Councillor Antle

RESOLVED THAT the Order, approved by Council, not be issued at this time as the property owners of 18, 41, and 43 Munden Drive have addressed the property deficiencies to the satisfaction of the City.

Question called. Motion carried unanimously.

17-10-540 Order Regarding Matters Outstanding  
11 Mount Carson Place

*Background*

*Since the issuance of the Order, the property has changed ownership at least once, and follow up has been carried out with subsequent owners. Outstanding matters were addressed over time; however, rescinding of the Order did not occur. The current property owner is now selling the property and the outstanding Order was noted in relation to the request for a compliance letter.*

Motion – Councillor Stoyles/Councillor Antle

RESOLVED THAT that the Order issued to the property owner of 11 Mount Carson Place, dated October 23, 2012, be rescinded.

Question called. Motion carried unanimously.

17-10-541 Municipal Enforcement  
Quarterly Statistics Report for July to September 2017

The municipal enforcement quarterly report for July to September, 2017 was presented for the information of Council and the public. It was requested that clarification on the “no parking” tickets issued be provided to Council.

17-10-542     Development Permits

Motion – Councillor Stoyles/Councillor Antle

RESOLVED THAT development permits issued for the period of October 10 - 20, 2017 be approved.

Question called. Motion carried unanimously.

17-10-543     Building Permits

Motion – Councillor Stoyles/Councillor Antle

RESOLVED THAT building permits issued for the period of October 10 - 20, 2017, showing a total construction value of \$5,818,500.00, be approved.

Question called. Motion carried unanimously.

NEW BUSINESS

17-10-544     Christmas at the Glacier – Olympic Drive

Deputy Mayor Locke noted that the “no parking” signs erected on Olympic Drive during the Christmas at the Glacier craft show were effective for area residents.

17-10-545     Accessibility Issues

Deputy Mayor Locke referenced the CBC series “Access Denied”, noting that the City is cognizant of the issue and continues to address accessibility issues, i.e. during street upgrades; sidewalk upgrades; location of crosswalk buttons and some principles of universal design.

17-10-546     Condolences

Councillor Stoyles extended condolences to the family and friends of Demetrios “Jim” Kourtis, the original “Mr. Jim” of Mr. Jim’s Pizza.

17-10-547     Condolences

Councillor Stoyles extended condolences to the family and friends of Alexandra May Sears, mother of resident, Don Pollard.

17-10-548     Employee Recognition Awards

Members of council extended congratulations to all employees who received awards at the recently held Employee Recognition event. Appreciation was extended to staff who organized the event.

17-10-549 Credit Unions – EasternEdge and Reddy Kilowatt

Councillor Stoyles extended congratulations to the EasternEdge and Reddy Kilowatt Credit Unions for receiving the Credit Union Coady Award for community-action.

17-10-550 Branch 36, Royal Canadian Legion – Appreciation Evening for Veterans

Councillor Stoyles advised that she recently attended an appreciation evening for veterans hosted by Branch 36, Royal Canadian Legion, noting that it was an honour to be in attendance.

17-10-551 Laydown Yard – Team Gushue

Discussion ensued regarding the Commonwealth Avenue upgrading project, in particular, the use of the Team Gushue gravel parking area by the contractor as a temporary laydown yard and the communication of the project with residents and business owners.

It was indicated that direction has been provided to the contractor to suspend all activity related to stockpiles of gravel. Only the storage of materials, i.e. pipe, catchbasins, manholes, etc. is permitted. The site will be monitored for compliance. It was noted that activity will continue until the winter shutdown and that May 31 is the deadline for the storage of materials.

Council was advised that action has also been taken to address the issue of communicating information on the project, i.e. social media, City website and through The Pearl newspaper.

Councillor Stoyles voiced her disapproval of using this site given its location to residential properties and would like the contractor to relocate the yard to another site.

Motion: Councillor Stoyles/Councillor Antle

RESOLVED THAT the use of the Team Gushue Complex as a laydown yard by the contractor cease immediately and be relocated to another site.

Question called. Motion defeated as Mayor Aker, Deputy Mayor Locke, Councillor Ledwell and Councillor Power voted against the motion.

17-10-552 Solid Rock Wesleyan Church

Councillors Ledwell and Power extended appreciation to the congregation of the Solid Rock Wesleyan Church as they recently hosted a civic appreciation service.

17-10-553     Fundraiser – Sport Alliance

Councillor Ledwell advised that the Sport Alliance is holding a “chase the ace” fundraiser on Monday evenings at the soccer building. Further details are available on the Sport Alliance website.

17-10-554     Appreciation

Councillor Power extended appreciation to staff who have provided assistance in her transition as a councillor.

17-10-555     Welcome/Appreciation

Councillor Antle spoke of the campaign and his pleasure at being elected in a place that he has lived in all his life.

17-10-556     Councillor Orientation – Training

Councillor Antle advised that he attended a councillor orientation session organized by the Department of Municipal Affairs and Environment which was very informative. Appreciation was also extended to staff for their guidance.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:40 PM on a motion by Councillor Stoyles.

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Chairperson

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Deputy City Clerk