



PUBLIC COUNCIL MEETING MINUTES
April 5, 2022

Minutes of the Regular Meeting of Council held in Council Chambers on April 5, 2022, at 4:30 pm.

MEMBERS PRESENT	STAFF PRESENT
Mayor Dave Aker	Dana Spurrell, Chief Administrative Officer
Deputy Mayor Nicole Kieley	Jason Collins, Director of Community Development
Councillor Jim Locke	Clifford Smith, Manager of Engineering Services
Councillor Isabelle Fry	Cassie Pittman, Director of Corporate Services
Councillor Bill Antle	Stacey Pratt, Legislative Officer/City Clerk
Councillor Chelsea Lane	Arlene Mullins, Executive Assistant
Councillor Mark Rice	Absent - Gerry Antle, Director of Infrastructure and Public Works

Mayor Aker chaired the meeting.

22-04-162 Adoption of Agenda

Motion – Councillor Fry/Councillor Lane

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

22-04-163 Lands Acknowledgement

Read by Mayor Aker

22-04-164 Adoption of Minutes

Motion – Councillor Locke/Councillor Antle

RESOLVED THAT the minutes of the public meeting held March 22, 2022, be adopted.

Errors & Omissions: None noted

Question called. Motion carried unanimously.

BUSINESS ARISING None arising

ACTION REPORT

The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

22-04-165 Green Shirt Day-Organ Donation

Mayor Aker signed a proclamation declaring April 7th as Green Shirt Day for Organ Donation in the City of Mount Pearl.

Councillor Fry noted she is supportive of organ donation program and encouraged others to become organ donors as it saves lives.

CORRESPONDENCE None presented.

COMMITTEE REPORTS

INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE

22-04-166 Smart Accessible Playground Project - MSIS # 17-CCR-20-00000 CPR18005 - Consultant Change Order #2 (Contractor Change Notice #5) Revisions to Play Structure Color Elements

Motion: Councillor Fry/Councillor Rice

RESOLVED THAT, ratification approval of the self-authorization, for TRACT Consultant Change Order #2 (Contractor Change Notice #5) for \$862.50 (HST Included) be given.

Question called – Motion carried unanimously

Council was advised that TRACT is confirming with Modern Paving that revised Contractor Change Notice #5 is a zero cost and zero delay playground equipment change. TRACT and Modern are to advise Engineering Services once confirmed.

22-04-167 St. David's Park – Fence Repairs

Motion: Councillor Fry/Councillor Rice

RESOLVED THAT, approval be given for the required repairs to St. David's Park fence to be carried out by Provincial Fence Products for the amount of \$10,190.15 (including HST), with the work to be carried out in the spring of 2022. As this is an

unanticipated and unbudgeted expense, funding is not available within the budget for fencing repairs; however, available funding has been identified within a capital reserve budget for 2022.

Question called – Motion carried unanimously

22-04-168 Glendale Avenue Project – Change Order – CO # 15 – Dexter Construction Temporary Connections between Work Zones.

Motion: Councillor Fry/Councillor Rice

RESOLVED THAT, approval be given for the Glendale Avenue Project Change Order – CO #15, for labour and materials for the installation of temporary connections (of underground and above ground water, sanitary and storm connections) between the designated five predetermined construction work zones for the amount of \$40,250.00 (HST included)

Question called – Motion carried unanimously

The Mayor inquired about the rationale for the change order. The Manager of Engineering Services explained that this project spanned over two construction seasons and the contract language had to be reviewed in-depth and confirmed.

22-04-169 Utility Terrain Vehicle (UTV) and Groomer Attachment – Request for Approval to Purchase

Motion: Councillor Rice/Councillor Locke

RESOLVED THAT, approval be given for the purchase of the trail groomer unit from The Shop Industrial, as the only trail groomer unit that is suited to the city's needs and specifications, at a price of \$12,477.50 (including HST), as of December 22, 2021, as a sole-sourced purchase as a result of non-compliant product or nonresponsive from other bidders, with funding available within the 2022 Fleet budget.

Question called – Motion carried unanimously

22-04-170 Recommendation for Cost Quotation – CPR22031 Emergency Storm Sewer Repairs - Topsail Road Recommendation for Contract Award – CPR22031

Motion: Councillor Rice/Councillor Fry

RESOLVED THAT, approval be granted to award the contract for Emergency Storm Sewer Repairs - Topsail Road - CPR22031 to Fairview Investments Ltd. for the lowest qualified quote in the amount of \$147,918.75 (HST included), and for the work to be funded through Gas Tax funding.

AND FURTHER THAT that approval be granted for the CAO to submit a Capital Investment Plan for the Gas Tax Capital Investment Application to the Gas Tax Secretariat for Gas Tax funding in the amount of \$147,918.75 (HST included) for Emergency Storm Sewer Repairs - Topsail Road - CPR22031.

Question called – Motion carried unanimously

22-04-171 Status Reports

Councillor Rice provided an update on ongoing repairs on potholes, bridges and trails. He noted routine and ongoing facilities maintenance and improvements. Councillor Rice also reported on the status of capital projects such as the Smart Accessible Playground, the pedestrian underpass, Park Avenue bridge repairs and the ongoing ICIP 2020 and MYCW projects.

COMMUNITY DEVELOPMENT COMMITTEE

22-04-172 Spring 2022 Session Registrations

Councillor Lane noted the registration dates for upcoming spring fitness sessions for the information of the public. These can be found on the City's website, <https://www.mountpearl.ca/recreation/summitcentre/fitness-programs/>

22-04-173 Fitness Centre Preventative Maintenance Program

Motion: Councillor Lane/Councillor Antle

RESOLVED THAT, approval be given to award the preventative maintenance program (delivered and designed to include a comprehensive inspection, cleaning and lubrication of all fitness equipment at the Summit Centre) to Spartan Fitness. Due to the limited availability of fitness equipment service providers locally, one bid only was received:

Spartan Fitness \$43,200 (total bid)	\$14,400 (annual cost)	\$110 (hourly)
--------------------------------------	------------------------	----------------

The service is provided on a regularly scheduled quarterly basis for a three (3) year period with the option to be extended by one year (year 4) provided both parties agree to all the terms and conditions as outlined in the specifications.

Question called: Motion carried unanimously

22-04-174 31 Yetman Drive – Spruce Cottage Designs and Décor DA22-0039, Home Based Business – Discretionary Use

Motion: Councillor Lane/Councillor Antle

RESOLVED THAT, the application submitted by Spruce Cottage Designs and Décor to operate a Home Occupation at 31 Yetman Drive be approved and that a Development Permit be issued subject to Section 7.18 of the Mount Pearl Development Regulations 2010, subject to the applicable conditions as outlined by the following:

- Service NL – Environmental Health
- St. John's Regional Fire Department
- City of Mount Pearl – Inspection Services, Municipal Enforcement Division
- City of Mount Pearl – Finance Division
- City of Mount Pearl – Planning Division, and
- City of Mount Pearl Development Regulations 2010 and related requirements

Question called: Motion carried 6 voting for and Councillor Antle voting against

Councillor Antle noted he was in support home based business, but not when it impacts residents. He noted residents were concerned about the fumes, exhaust and noise as the business would be in operation from 10 am to 8 pm, 7 days a week and would exhaust externally.

22-04-175 Notice of Motion – Amendment – Home Based Business

Councillor Antle gave notice that in accordance with Section 39 of the City of Mount Pearl Act, RSNL, 1990, C-16, and Council's public notification policy, he would, at a regular meeting of Council, move an amendment to the Mount Pearl Development Regulations 2010 that, if enacted, will:

1. In Section 2 – Definitions, add Massage Therapy Use with definition.
2. In Section 2 – Definitions, add Home Occupation – Clinic Use, with definition:
3. Under subsection 7.18.1, add “Home Occupation – Clinic Use”
4. Remove Section 7.18.2
5. Under subsection 7.18.5, remove the wording referencing the floor area.
6. Under subsection 7.19.5, the wording referencing the floor area
7. In Section 11 – Use Zone Schedules, 11.1 to 11.9 Residential, add “Home Occupation” to the list of Discretionary Uses.
8. In Section 11– Use Zone Schedules, 11.10 to 11.15 Commercial, add “Home Occupation - Clinic” to the list of Permitted Uses

The purpose of this amendment is to provide Council with the authority to consider “Personal Service Use” and “Home Occupation – Clinic Use” as a form of Home Occupation in all Residential Use Zones, as well as Commercial – Mixed (CM), Commercial General (CG), Commercial General [Special] (CG-S), and Commercial – Neighbourhood (CN) Use Zones.

22-04-176 Development Permit List March 21 – April 1, 2022

Motion: Councillor Antle/Councillor Lane

RESOLVED THAT, the following development permit be approved as presented for the period of March 21 – April 1, 2022

<u>Development Permit #</u>	<u>Date of Issue</u>	<u>Company/Name</u>	<u>Type of Use</u>	<u>Civic Address</u>
DP22-0041	March 24, 2022	E.C. Boone Ltd.	Changeable Illuminated Message Sign	760 Topsail Road
DP22-0076	March 24, 2022	Fougere Menchenton Architecture Inc.	Interior Renovations to Existing Building Units 3 & 4	26 Beclin Road
DP22-0096	April 1, 2022	River Rascals Spring 2022	Open Air Assembly Use	Power's Pond Park and Various City Trails
DP21-0704	April 1, 2022	The Aesthetic Suite & Wellness Centre	Change of Use & Occupancy	185-195 Commonwealth Avenue

Question called – Motion carried unanimously

22-04-177 Building & Occupancy Permit Listing | March 21 – April 1, 2022

Motion: Councillor Antle/Councillor Lane

RESOLVED THAT, the building permit issued for the period of March 21 to April 1, 2022, showing a total construction value of \$115,000.00 be approved, and further that the occupancy permit list be accepted as presented.

Question called – Motion carried unanimously

CORPORATE SERVICES & ECONOMIC DEVELOPMENT

22-04-178 Invoices for Approval

Motion: Councillor Locke/Deputy Mayor Kieley

RESOLVED THAT, the following invoices be approved for payment:

1	Masterless Men St. Patrick's Day Concert	\$ 5,750.00
2	McInnes Cooper Legal Professional Fees	\$ 16,327.21
3	Newfoundland Power Engineering Services for Summit Centre Parking Lot Lighting Design	\$ 6,256.00
4	Pacific Tier Solutions Book King Annual Billing April 1 2022-March 31 2023	\$ 13,523.45
5	St. John's Transportation Commission February 2022 Transit Fees	\$ 94,024.71
	Total	\$ 135,881.37

Question called – Motion carried unanimously

22-04-179 Payment Register

For the information of Council, the payment register for March 17 to March 20, 2022 totaled \$ 327,527.77.

22-04-180 Request for Tax Consideration

Motion: Deputy Mayor Kieley/Councillor Locke

RESOLVED THAT, approval be given to exempt 2021 business taxes, in accordance with the policy for charitable and non-profit organizations, for the following:

Name	Address	Type	Annual Amount
Skills Canada Newfoundland & Labrador	75-77 Barbour Drive	Business (100%)	\$711.43
Newfoundland and Labrador Employers Council	129 Glencoe Drive	Business (100%)	\$8,042.65
Columbus Centre	25 Moores Drive	Property (60%)	\$3,812.27
St. John Ambulance	8 Thomas Byrne Drive	Business (100%)	\$21,238.56
Co-Operator Housing	75-77 Barbour Drive	Business (100%)	\$1,255.33
CHANAL	878 Topsail Road	Business (100%)	\$4,739.82
Canadian Diabetes Association	860 Topsail Rd	Business (100%)	\$1,671.33
Masonic Park	117 Mount Carson Ave	Property (60%)	\$68,578.33
Mason Lodge	115 Mount Carson Ave	Property (60%)	\$9,627.57
Masonic Park – Freemason Hall	115 Mount Carson Ave	Business (100%)	\$23,441.04
SPCA	1060-1062 Topsail Rd	Business (100%)	\$4,738.69
Metro Business Opportunities	961 Topsail Road	Business (100%)	\$3,095.53
CAMPA Gymnastics	21 Old Placentia Road	Business (100%)	\$27,331.92
Heart & Stroke Foundation	1037 Topsail Rd	Business (100%)	\$10,607.52

Question called – Motion carried unanimously

The Mayor questioned the request for Campa Gymnastics as the facility is city-owned. He referred the question back to CSED to review and bring back to Council.

NEW BUSINESS

22-04-180 BOMA NL

Councillor Antle and the Mayor attended the 13th Annual Real Estate Forum on March 31st at the Holiday Inn and encouraged Council to attend upcoming meetings as they were informative. He stated he would provide Council with the presentation provided at the forum.

22-04-181 Neutron Scooters

Councillor Antle and other members of Council commented on the fun which was had during a recent demonstration from Neutron Scooters, a company considering bringing their business to the City.

22-04-182 O'Donel Boys' Basketball Team

Councillor Rice reported the O'Donel Boys Basketball team won the 4A Basketball Provincial Championship held April 1 -3, 2022 and offered congratulations to the team.

22-04-183 Summer Employment – Students.

Applications are available on the City's website for student summer employment. The deadline for applications is April 8, 2022.

22-04-184 Bulk Garbage

Councillor Rice noted that prescheduled bulk garbage collection would recommence in May and advised that additional pickups could be scheduled for a \$25 fee. He noted the schedule and information for city zones could be found on the city's website or in the pamphlet distributed via mail each year to residents.

22-04-185 Congratulations

Councillor Rice offered congratulations to all 34 athletes who traveled to Vancouver on April 3rd for a one week soccer training camp with Vancouver Whitecaps.

Councillor Lane offered congratulations to Mount Pearl figure skater Aurora Walsh on her silver medal performance at the Provincials.

Councillor Lane offered congratulations to the St. Peter's Junior High Grade 8 Girls Volleyball team on their silver medal win at the SportsNL Regional Championship.

Councillor Lane also offered congratulations to the St. Peter's Junior High Grade 7 A Boys Basketball Team who are the 2022 Newfoundland Basketball Association Champions.

22-04-186 Easter Bunny Breakfast

Councillor Fry noted that the annual Breakfast with the Easter Bunny is Saturday April 16th at

9:00 am. She also noted the success of the event, having been sold-out.

22-04-187 Focus on Youth Awards

Councillor Fry reminded residents the deadline to nominate a youth for the Focus on Youth Awards was Friday April 15, 2022 and encouraged residents to take the time nominate a youth for the award. She noted the many outstanding and deserving youth in the community.

22-04-188 Winter Parking Ban

Councillor Fry noted for the information of residents that the winter parking ban was lifted as of April 1st. The Mayor advised that in the event of a storm, the ban would come back in effect for the duration to the storm and for 12 hours after.

22-04-189 Hackathon

Councillor Fry offered thanks and congratulations to the CD and CSED teams for their organization of the event noting it was well attended with some brilliant presentations.

Councillor Locke offered his congratulations to all staff involved and for the great ideas presented.

22-04-190 Condolences

Councillor Locke offered condolences the Kerrivan family on the passing of their loved one, Brad Kerrivan.

22-04-191 Team Gushue Curling

Councillor Locke congratulated the Gushue rink on their great performance at the World Men's Curling Championship in Las Vegas. He noted that Brad's home city were supporting him and his team.

22-04-192 Association of the Arts – AGM Sunday April 3rd

Deputy Mayor Kieley and Councillor Lane attended the annual general meeting of the Association for the Arts in Mount Pearl and commended the Association's ability to pivot during the pandemic and noting their focus on inclusion and accessibility. Deputy Mayor Kieley advised that the Association is always looking for volunteers and feedback from residents. Deputy Mayor Kieley highlighted the many volunteer opportunities with the association and encouraged residents to volunteer.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:46 pm on a motion by Councillor Rice and seconded by Deputy Mayor Kieley.

Chairperson

City Clerk