

PUBLIC COUNCIL MEETING MINUTES
November 5, 2013

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on November 5, 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, Community Services
Mona Lewis, Deputy City Clerk

MEMBERS ABSENT

Councillor Paula Tessier

13-11-722 Adoption of Agenda

Motion – Councillor Ledwell/Deputy Mayor Locke

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

13-11-723 Adoption of Minutes

Motion – Councillor Aker/Councillor Walsh

RESOLVED THAT the minutes of the public meeting held on October 22, 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

13-11-724 World Town Planning Day

Mayor Simms signed a proclamation declaring November 8, 2013 as World Town Planning Day in the City of Mount Pearl.

Council was advised that the Pearl Awards for Urban Design is held on the eve of World Town Planning Day, and the theme for 2013 is “Water – The Fluid Challenge”. In addition, the Director and Manager of Planning & Development are participating in an event hosted by the Waterford River Rotary Club on Friday, November 8, 2013. The presentation will highlight information regarding the City.

13-11-725 International Project Management Day

Mayor Simms signed a proclamation declaring November 7, 2013 as International Project Management Day in the City of Mount Pearl. Nicole Strong, Past President of Project Management Institute Newfoundland and Labrador Chapter, was in attendance.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE

13-11-726 Public Works – Update

An update on the preparation for the winter season with respect to staffing and equipment was provided.

COMMUNITY SERVICES COMMITTEE REPORT

No report.

CORPORATE SERVICES COMMITTEE

13-11-727 Professional Development – Councillor Walsh

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be granted, in accordance with the Professional Development & Training Policy, for Councillor Walsh to attend the 3rd Annual Summit on Public Consultation & Engagement being held in Toronto – November 13 – 15, 2013.

Question called. Motion carried unanimously.

13-11-728 Invoices for Approval

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the following invoices be approved for payment:

1.	Bell (IT Equipment & Software)	\$ 61,820.71
2.	City of St. John's (Water Consumption Sept 2013)	\$ 245,599.76
3.	Clearaway Contracting Limited (Temporary Street Markings Spring 2013)	\$ 6,356.25
4.	Clearaway Contracting Limited (Line Painting)	\$ 229,722.76
5.	Clearaway Contracting Limited (Line Painting City Building/Facility Parking Lots)	\$ 20,376.25
6.	Kelloway Construction Ltd. (Cleaning Services September 2013)	\$ 16,432.05
7.	Lighting & Traffic Systems Ltd. (Relocation of Junction Box)	\$ 12,430.00
8.	Lighting & Traffic Systems Ltd. (Repair lights at Centennial Square)	\$ 5,110.08
9.	Marco Services Ltd. (Pearlgate Recreation Multiplex CP3 Progress Payment #17)	\$1,715,727.28
10.	Municipalities Newfoundland & Labrador (Sponsorship of 2013 MNL Convention and Trade Show)	\$ 5,000.00
11.	MVT Canadian Bus Inc. (Para Transit Service - July, August & September 2013)	\$ 86,577.80
12.	Newfound Roofing Ltd. (St. David's Renovations)	\$ 13,158.85
13.	OnX Enterprise Solutions (Wi-Fi Design/Implementation)	\$ 9,605.00
14.	Stanley Flowers Limited (Planting & Maintenance of Baskets and Planters Sept 2013)	\$ 9,310.15

15.	Tennis Universal Inc. (6 Posts and Nets for Tennis)	\$ 5,045.95
	Total	\$2,442,272.89

Discussion: It was clarified that item 15 represented the purchase of nets/posts for the tennis courts not the privacy netting that covered the chain link fence during the playing season. Issues (related to sight lines) with the privacy netting were acknowledged and it was noted that the matter will be addressed prior to the next tennis season.

Question called. Motion carried unanimously.

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

No report.

ENGINEERING SERVICES COMMITTEE

13-11-729 Multiplex - Update

Council was provided with an update on the Multiplex.

In response to an inquiry by council, the Director of Infrastructure & Public Works was requested to clarify whether there were changes to the parking lot with respect to additional parking stalls being installed in the area down from the Glacier towards the Reid Community Centre. It was noted that there was a slight change in the parking stalls configuration on the main lot (an increase of 20 spaces).

PLANNING AND LAND USE DEVELOPMENT COMMITTEE

13-11-730 Proposed Single Family Dwelling Development
28 Mount Carson Avenue

Initial application for a single-family dwelling development at 28 Mount Carson Avenue was refused by Council in January of 2013 on the basis of prohibiting any further accesses onto Mount Carson Avenue. The property owners were so advised, and proceeded to appeal Council's decision. The Appeal Board ordered the following:

- a. *that the decision of the City of Mount Pearl to refuse the property owner's application for a single dwelling at 28 Mount Carson Avenue be vacated;*
- b. *that the City of Mount Pearl pay an amount of money equal to the appeal filing fee of \$113.00 paid by the appellant; and*
- c. *that the City of Mount Pearl revisit the application to construct a single dwelling at 28 Mount Carson Avenue to ensure compliance with the Urban*

and Rural Planning Act, 2001 and the City of Mount Pearl Municipal Plan and Development Regulations, 2010.

The Appeal Board directed Council to consider the application again and make a decision based on the current plans and regulations in effect.

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the application for a single-family dwelling at 28 Mount Carson Avenue be refused, based on:

1. the proposal is contrary to Section 7.6.1 of the Mount Pearl Municipal Plan 2010 as the new access will contribute to adversely affecting the efficiency of Mount Carson Avenue; and
2. pursuant to Regulation 4.5, the proposed access is contrary to the intent of Regulation 6.1.1 which provides Council with the authority to ensure the greatest possible convenience and safety of the street system.

Discussion: It was noted that the applicants had been advised prior to purchasing the property of the issue with respect to gaining access on Mount Carson Avenue. Council was advised that the applicant would be willing to work within the proposed development plan provided a temporary access to one of the lots off Mount Carson Avenue would be provided – to be closed upon Macroom Place being developed. Council reiterated their position not to have an access from Mount Carson Avenue and questioned the status of the development of Macroom Place. (Director to follow up with developer.)

Question called. Motion carried unanimously.

13-11-731 Proposed Mount Pearl Municipal Plan 2010 Amendment No. 6, 2013; and Mount Pearl Development Regulations 2010 Amendment No. 22, 2013 (Worrall Crescent Amendment)

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the Mount Pearl Municipal Plan 2010 Amendment No. 6, 2013 and Mount Pearl Development Regulations 2010 Amendment No. 22, 2013 be adopted; the public hearing proceed on November 26, 2013 and Gerard Lewis be appointed the Commissioner.

Discussion: The intention of this proposed amendment is to provide Council with the authority to consider a multi-unit residential development fronting onto Worrall Crescent.

Question called. Motion carried unanimously.

13-11-732 Proposed Mixed Use Building (Apartment Building and Commercial Uses)
Kavanagh Associates - 137-141 Commonwealth Avenue

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the application by Kavanagh Associates proposing a six (6) storey mixed use building consisting of mixed commercial uses on the first level and 49 residential condos on the above five levels at 137-141 Commonwealth Avenue be approved and a development permit issued subject to the conditions of the City departments and external authorities (as outlined in the Committee report dated October 22, 2013).

Question called. Motion carried unanimously.

13-11-733 Pearl Awards for Urban Design and Gardens 2013
Awards Presentation Ceremony – November 7, 2013

Information was presented on the 2013 Pearl Awards for Urban Design and Gardens taking place on Thursday, November 7, 2013, at 7:00 pm, in the Council Chambers.

13-11-734 Notice of Motion
Amendment – Mount Pearl Development Regulations 2010

Councillor Aker gave notice that in accordance with Section 39 of the City of Mount Pearl Act, 1988 and in accordance with Council's public notification policy, he will, at a regular meeting of Council, move an amendment to the Mount Pearl Development Regulations 2010, that, if enacted, will:

Amend Map 1 – Land Use Zoning Map, as follows:

Relocate the boundary between the Conservation (CON) and Commercial Mixed (CM) use zones at 959 and 963 Topsail Road to coincide with the top of the slope of the subject properties.

The purpose of this proposed amendment is to relocate the designation and zoning boundary to fully include the rear yards of these properties up to the limit of the top of the slope into the Commercial Mix use zone for the purpose of bringing the designation and zoning boundary in line with the existing topography of these properties and to provide the Council with the authority to consider the proposed expansion of an existing gravel equipment and storage yard.

13-11-735 Development Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT development permits issued for the period of October 21 – November 2, 2013 be accepted as presented.

Question called. Motion carried unanimously.

13-11-736 Building Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT building permits issued for the period of October 19 – November 1, 2013, showing a total construction value of \$634,900.00, be approved as presented.

Question called. Motion carried unanimously.

COMMUNITY SERVICES COMMITTEE

13-11-737 Mount Pearl Marlins

Congratulations were extended to members of the Marlins Swim Team in recognition of their success at recent meets.

NEW BUSINESS

13-11-738 Gymnastics Facility – Funding Announcement

In recognition of the recent funding announcement for the gymnastics facility, Councillor Aker extended congratulations to Campia Gymnastics and appreciation to the Provincial Government.

13-11-739 Condolences – Meeker Family

Members of Council acknowledged the passing of former councillor Ken Meeker and extended condolences to his family. Mr. Meeker's contributions while a councillor as well as his appreciation for the environment was acknowledged.

13-11-740 Condolences – Careen Family

Deputy Mayor Locke acknowledged the passing of a former student, Steven Careen, and extended condolences to his family.

13-11-741 Condolences – Crane Family

Councillors Stoyles and Walsh acknowledged the passing of Gene Crane and extended condolences to his family. Mr. Crane’s musical talent was acknowledged.

13-11-742 MNL Convention

Councillor Stoyles advised that the MNL Convention takes place commencing on November 7 in St. John’s.

13-11-743 Northeast Avalon Joint Council

Councillor Stoyles advised that the next meeting of the NEAJC takes place on November 20 in Paradise. She noted that their AGM would be held at that time.

13-11-744 O’Donel High

Councillor Walsh advised that he would be representing Council at the O’Donel High School graduation ceremony.

He also extended congratulations to the O’Donel High boys & girls soccer teams for winning the 4A Soccer Championships.

13-11-745 Remembrance Day Parade & Ceremony

Councillor Ledwell advised of concerns by a resident of Park Avenue regarding on-street parking during the annual Remembrance Day Ceremony with respect to parking too close to the crosswalk in that area. It was requested that the municipal enforcement division be requested to monitor the area.

13-11-746 Council Standing Committees – Revised Structure

Mayor Simms advised of the revised committees and structure as follows:

<u>Committee</u>	<u>Chair</u>	<u>Member</u>
Community Services	Deputy Mayor Jim Locke	Councillor Lucy Stoyles
Corporate Services	Councillor Dave Aker	Councillor Paula Tessier
Infrastructure & Public Works	Councillor John Walsh	Deputy Mayor Jim Locke
Planning & Development	Councillor Andrew Ledwell	Councillor John Walsh
Regional Services & Environment	Councillor Lucy Stoyles	Councillor Dave Aker
Transportation & Public Safety	Councillor Paula Tessier	Councillor Andrew Ledwell

A complete description of each committee and responsibilities is available on the City’s website.

ADJOURNMENT

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

Chairperson

Deputy City Clerk