

September 15, 2014

The Regular Meeting of the St. John's Municipal Council was held in the Council Chamber, City Hall at 4:30 p.m. today.

Mayor Dennis O'Keefe presided.

There were present also: Deputy Mayor Ellsworth, Councillors Hann, Lane, Puddister, Breen, Hickman, Galgay, Davis, Tilley and Collins.

The City Manager; City Clerk; Deputy City Manager of Public Works; Deputy City Manager of Financial Management; Deputy City Manager of Corporate Services; City Solicitor; Chief Municipal Planner; Director of Engineering; and Senior Legislative Assistant were also in attendance.

Call to Order and Adoption of the Agenda

SJMC2014-09-15/405R

It was decided on motion of Councillor Galgay; seconded by Councillor Davis: That the Agenda be adopted as presented with the following addition:

- **Memorandum dated September 15, 2014 from the City Clerk re: Request for Council's approval for the Deputy Mayor to attend the Canadian Urban Transit Association (CUTA) Fall Conference taking place from November 15, to 19th in Niagara Falls.**

Adoption of Minutes

SJMC2014-09-15/406R

It was decided on motion of Councillor Tilley; seconded by Councillor Puddister: That the minutes of September 8, 2014 be adopted as presented.

Update on Contract Negotiations between the City's Local 569 and 1289 Unions

Mayor O'Keefe announced on behalf of Council that the City and its employees have reached a tentative four year agreement which has been ratified by Council at today's Special Meeting. The employees will also be voting on this tentative agreement prior to a press briefing to be held this Friday morning at 10:00 a.m. Mr. Kevin Breen, Deputy City Manager of Corporate Services, his negotiating team as well as the negotiating teams for each union were also commended for their hard work in reaching the tentative agreement.

Notices Published

Council considered the following:

- Discretionary Use Application has been submitted requesting permission to occupy the basement of 75 Kiwanis Street (St. Michael and All Angels Church) as a Day Care Center. The proposed business will consist of two (2) classrooms which will occupy a floor area of approximately 191.9 m² combined. The Day Care will be operated Monday – Friday, 7:30 a.m. – 6:00 p.m. The business will involve caring for a maximum of 32 children. On-site parking will be provided for the business. No written submissions were received with respect to this application.

SJMC2014-09-15/407R

It was decided on motion of Councillor Davis; seconded by Councillor Tilley: That Council approve the above noted application subject to all applicable City requirements.

Committee Reports

Audit & Accountability Committee Report of September 2, 2014

Council considered the above-noted report as follows:

Present: Deputy Mayor Ron Ellsworth, Chairperson
Councillor Bruce Tilley
Councillor Tom Hann (12:35 pm)
Mr. Neil Martin, City Manager
Mr. Robert Bishop, Deputy City Manager, Financial Management
Mr. Dave Blackmore, Deputy City Manager, Engineering, Planning & Development
Mr. Nathan Barrett, Manager of Accounting Services
Mr. Brendan O’Connell, Director of Engineering
Mr. Sean Janes, City Internal Auditor
Mr. Dave Royle, Senior Internal Auditor
Mr. Boyd Chislett, Citizen Representative
Ms. Maureen Harvey, Legislative Assistant

1. 14-05 Construction and Capital Works Projects

The Committee considered the above-noted draft report which summarizes the pending issues from the review of construction and capital projects.

Discussion took place noting that Section 5.1 should be amended to better reflect the current practice regarding close-out meetings. The revised draft report is available from the Office of the City Clerk.

Recommendation

The Committee recommends acceptance of the Internal Audit Report for Assignment 14-05 entitled “Construction and Capital Projects” with agreement that the recommendations contained therein be implemented.

2. Assignment 14-02 Travel Expense Claims

The Committee considered the above-noted draft report which summarizes the pending issues from the internal audit of travel expense claims. A copy of the report is available from the Office of the City Clerk.

Recommendation

The Committee recommends acceptance of the Internal Audit Report for Assignment 14-02 entitled “Travel Expense Claims” with agreement that the recommendations contained therein be implemented.

3. Three Year Audit Plan

The Committee reviewed a document which set out the current three year plan. Discussion ensued and it was agreed to alter the plan such that the assignment for the review of the Regional Water System be deferred to allow a review to take place regarding Windsor Lake. It was agreed that undertaking this smaller scale audit would be beneficial to the subsequent audit of Regional Water.

In reviewing the document, the Committee expressed concern that the plan may be too aggressive and will likely fall behind in the completion of assignments. The Committee felt it was better to have a less aggressive plan that is more realistic and attainable. It was agreed that a new plan be discussed in Committee over the next few months with formal adoption by Council in January 2015.

Recommendation

The Committee recommends adjustment of the current three year audit plan to replace the Regional Water scheduled assignment with the Windsor Lake assignment and further that staff present a new three year audit plan to become effective January 2015.

Deputy Mayor Ron Ellsworth
Chair

SJMC2014-09-15/408R

It was decided on motion of Deputy Mayor Ellsworth; seconded by Councillor Lane: That the report be adopted as presented.

Deputy Mayor Ellsworth advised that the background documentation which was not attached to the report contained in the agenda will be posted to the City's website as soon as possible.

Development Committee Report of September 9, 2014

Council considered the above-noted report as follows:

- 1. Department of Planning, Development File 1300035
Proposed Building Lot
Subdivision of Civic No. 826 Main Road - Ward 5
Rural Residential Infill (RRI) Zone**
-

It is the recommendation of the Development Committee that Council reject the application for this property in accordance with Section 8.3.1 of these Regulations.

- 2. Department of Planning & Development File No. DEV1400247
Proposed Rebuild of Dwelling on Non-Conforming Lot
Discretionary Use Application
Civic Number 421A Empire Avenue
Residential Medium Density (R2) Zone (Ward 3)**
-

It is the recommendation that this application be approved as a Non-conforming lot in accordance with Section 7.12.1(c) of the Development Regulations subject to the following conditions:

1. Compliance with the requirements of the Planning and Development Division;
2. The required Building Permits must be obtained from the City, prior to the commencement of any development;
3. The required Demolition/Building Permits must be obtained from Access St. John's prior to the commencement of any development on the site.
4. The existing dwelling must be removed from the site prior to commencement of construction of the new dwelling, or a security must be deposited with the City to ensure that the older dwelling is removed from the site upon occupancy of the new structure.

David Blackmore, Deputy City Manager
Chair – Development Committee

SJMC2014-09-15/409R

It was decided on motion of Councillor Hann; seconded by Councillor Davis: That the report be adopted as presented.

Development Permits List

Council considered as information the following Development Permits List for the periods September 4, and 10, 2014.

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING
FOR THE PERIOD OF August 28, 2014 TO September 4, 2014**

| Code | Applicant | Application | Location | Ward | Development Officer's Decision | Date |
|------|------------------------------|-------------------------------------------------------------|---------------------|------|--------------------------------|----------|
| COM | Lindsay Construction | Office Building | 45 Hebron Way | 1 | Approved | 14-08-29 |
| OT | Pennecon Limited | Addition of 35 Test Pits to existing area | Incinerator Road | 5 | Approved | 14-09-03 |
| COM | Pinnacle Engineering Limited | Mass Excavation & Earthwork (Galway Commercial Development) | 1025 Southland Blvd | 5 | Approved | 14-09-04 |
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* Code Classification:
 RES- Residential
 COM- Commercial
 AG - Agriculture
 OT - Other

INST - Institutional
 IND - Industrial

** This list is issued for information purposes only. Applicants have been advised in writing of the Development Officer's decision and of their right to appeal any decision to the St. John's Local Board of Appeal.

**Gerard Doran
Development Supervisor
Department of Planning**

**DEVELOPMENT PERMITS LIST
DEPARTMENT OF PLANNING, DEVELOPMENT AND ENGINEERING
FOR THE PERIOD OF September 4, 2014 TO September 10, 2014**

| Code | Applicant | Application | Location | Ward | Development Officer's Decision | Date |
|------|----------------------|-------------------------------------------------------------|-------------------|------|--------------------------------|----------|
| COM | Redwood Construction | Commercial Subdivide, Extend and Renovate Existing Building | 300 Kenmount Road | 4 | Approved | 14-09-10 |
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**Gerard Doran
 Development Supervisor
 Department of Planning**

Building Permits List

Council considered the Building Permits list for the periods of September 4th and September 10th, 2014.

SJMC2014-09-15/410R

It was decided on motion of Councillor Collins; seconded by Councillor Breen: That the recommendations of the Director of Planning and Development with respect to the following Building Permits list for the period September 4th and 10th, be approved:

Building Permits List Council's September 15, 2014 Regular Meeting

Permits Issued: 2014/09/04 To 2014/09/10

Class: Commercial

| | | |
|----------------------------|----|----------------------|
| 48 Kenmount Rd, Suite 0207 | Sn | Retail Store |
| 57 Blackmarsh Rd | Ms | Place Of Assembly |
| 44 Crosbie Rd | Ms | Convenience Store |
| 40 Eastland Dr | Sn | Retail Store |
| 10 Elizabeth Ave | Ms | Retail Store |
| 44 Elizabeth Ave | Ms | Eating Establishment |
| 84-86 Elizabeth Ave | Ms | Service Shop |
| 395 Empire Ave | Ms | Club |
| 391-395 Empire Ave | Ms | Retail Store |
| 324 Frecker Dr | Ms | Convenience Store |
| 47 Gleneyre St | Sn | Recreational Use |
| 12-20 Highland Dr | Ms | Retail Store |
| 189 Higgins Line | Ms | Office |
| 29 Howley Ave Exten | Sn | Service Shop |
| 58 Kenmount Rd | Ms | Office |
| 120 Kenmount Rd. Sign #1 | Ms | Car Sales Lot |
| 120 Kenmount Rd., Sign #2 | Ms | Car Sales Lot |
| 274 Kenmount Rd | Ms | Retail Store |
| 409 Kenmount Rd | Ms | Car Sales Lot |
| 461 Kenmount Rd | Ms | Car Sales Lot |
| 475 Kenmount Rd | Ms | Car Sales Lot |
| 479 Kenmount Rd | Ms | Car Sales Lot |
| 90 Logy Bay Rd | Ms | Club |
| 326 Logy Bay Rd | Ms | Convenience Store |
| 484 Main Rd | Ms | Club |
| 10 Messenger Dr | Ms | Retail Store |
| 6 Mullaly St | Ms | Warehouse |
| 34 New Cove Rd | Ms | Place Of Amusement |
| 34 New Cove Rd | Ms | Place Of Amusement |
| 119 New Cove Rd | Ms | Clinic |
| 446 Newfoundland Dr | Ms | Restaurant |
| 87 Old Pennywell Rd | Ms | Convenience Store |
| 60 O'leary Ave | Ms | Retail Store |
| 52 Pippy Pl | Ms | Retail Store |
| 59-61 Pippy Pl | Ms | Retail Store |
| 279 Portugal Cove Rd | Ms | Service Shop |
| 279 Portugal Cove Rd | Ms | Clinic |
| 35 Ridge Rd | Ms | Club |
| 46-50 Robin Hood Bay Rd | Ms | Industrial Use |
| 20 Ropewalk Lane | Ms | Service Shop |
| 45 Ropewalk Lane | Ms | Retail Store |
| 10 St. Clare Ave | Ms | Recreational Use |
| 10 Stavanger Dr | Ms | Retail Store |
| 16 Stavanger Dr | Ms | Restaurant |
| 410 Stavanger Dr | Ms | Retail Store |
| 3 Stavanger Dr | Ms | Restaurant |
| Thorburn Rd | Ms | Retail Store |
| Thorburn Rd | Ms | Convenience Store |
| 430 Topsail Rd, Unit 41/42 | Sn | Retail Store |
| 446 Topsail Rd | Ms | Service Station |
| 681 Topsail Rd | Ms | Place Of Amusement |
| 26 Torbay Rd | Ms | Place Of Amusement |

| | | |
|------------------------------|----|----------------------|
| 10 Elizabeth Ave | Ms | Office |
| 192-194 Torbay Rd | Ms | Eating Establishment |
| 320 Torbay Rd | Ms | Club |
| 426 Torbay Rd | Ms | Retail Store |
| 430 Torbay Rd | Ms | Tavern |
| 585 Torbay Rd | Ms | Retail Store |
| 585 Torbay Rd, Frozu | Sn | Eating Establishment |
| 18 Hebron Way | Nc | Accessory Building |
| 70 Mews Pl | Nc | Accessory Building |
| 25 Hebron Way-Pets Unlimited | Rn | Retail Store |
| 13-15 Pippy Pl | Cr | Commercial Garage |
| 13 George St | Rn | Tavern |
| 120 Stavanger Dr | Rn | Office |
| 48 Kenmount Rd, Charm | Rn | Retail Store |
| 1 Austin St | Rn | Office |
| 235 Water St | Rn | Mixed Use |
| 178 Major's Path | Nc | Office |

This Week \$ 4,928,570.00

Class: Industrial

This Week \$.00

Class: Government/Institutional

| | | |
|-------------------|----|---------------------------|
| 120 Mundy Pond Rd | Ms | Place Of Assembly |
| Pleasantville | Sw | Admin Bldg/Gov/Non-Profit |

This Week \$ 10,500.00

Class: Residential

| | | |
|-------------------------|----|--------------------------|
| 10 Beech Pl | Nc | Accessory Building |
| 6 Blackhead Cres | Nc | Single Detached Dwelling |
| 390 Blackmarsh Rd | Nc | Accessory Building |
| 11 Blake Pl | Nc | Accessory Building |
| 16 Braemere St | Nc | Accessory Building |
| 80 Carrick Dr | Nc | Accessory Building |
| 145 Castle Bridge Dr | Nc | Accessory Building |
| 23 Cedar Brae Cres | Nc | Accessory Building |
| 4 Crestview Pl | Nc | Swimming Pool |
| 48 Cypress St | Nc | Accessory Building |
| 54 Cypress St | Nc | Accessory Building |
| 82 Donovan's Rd | Nc | Accessory Building |
| 65 Eastbourne Cres | Nc | Fence |
| 6 Falcon Pl | Nc | Accessory Building |
| 10 First Ave | Nc | Accessory Building |
| 38 Francis St | Nc | Accessory Building |
| 79 Glenview Terr | Nc | Accessory Building |
| 43 Gold Medal Dr | Nc | Accessory Building |
| 34b Gorman Ave | Nc | Fence |
| 22 King's Rd | Nc | Patio Deck |
| 83 Ladysmith Dr | Nc | Accessory Building |
| 21 Mogridge St | Nc | Accessory Building |
| 36 Notre Dame Dr | Nc | Accessory Building |
| 39 Parsonage Dr, Lot 21 | Nc | Single Detached Dwelling |
| 92 Prowse Ave | Nc | Accessory Building |
| 153 Prowse Ave Exten | Nc | Fence |
| 6 Rhaye Place, Lot 6 | Nc | Single Detached Dwelling |
| 10 Rhaye Place, Lot 4 | Nc | Single Detached Dwelling |

| | | |
|-----------------------------|----|---------------------------|
| 7 Rhaye Place, Lot 3 | Nc | Single Detached Dwelling |
| 60 Seaborn St | Nc | Patio Deck |
| 35 Sgt. Craig Gillam Ave | Nc | Accessory Building |
| 4 Stephano St, Lot 232 | Nc | Single Detached Dwelling |
| 15 Stephano St., Lot 225 | Nc | Single Detached & Sub.Apt |
| 80 Sugarloaf Rd | Nc | Accessory Building |
| 70 Sunset St | Nc | Accessory Building |
| 3 Tansley St | Nc | Accessory Building |
| 11 Thistle Pl | Nc | Fence |
| 23 Tigress St | Nc | Accessory Building |
| 28 Triton Pl, Lot D1 | Nc | Condominium |
| 30 Triton Pl, Unit D2 | Nc | Condominium |
| 32 Triton Pl, Unit D3 | Nc | Condominium |
| 34 Triton Pl Unit D4 | Nc | Condominium |
| 12 Tupper St | Nc | Patio Deck |
| 12 Tupper St | Nc | Accessory Building |
| 14 Welland St | Nc | Accessory Building |
| 1009 Main Rd | Co | Home Office |
| 86 Melville Pl | Cr | Subsidiary Apartment |
| 39 Huntingdale Dr | Ex | Patio Deck |
| 81 Ladysmith Dr | Ex | Single Detached Dwelling |
| 67 Linegar Ave | Ex | Single Detached Dwelling |
| 24 Mcneily St | Ex | Patio Deck |
| 20 Portugal Cove Rd | Ex | Single Detached Dwelling |
| 34 Alexander St | Rn | Single Detached Dwelling |
| 97 Bond St | Rn | Townhousing |
| 93 Brophy Pl | Rn | Townhousing |
| 95 Brophy Pl | Rn | Townhousing |
| 97 Brophy Pl | Rn | Townhousing |
| 99 Brophy Pl | Rn | Townhousing |
| 101 Brophy Pl | Rn | Townhousing |
| 103 Brophy Pl | Rn | Townhousing |
| 105 Brophy Pl | Rn | Townhousing |
| 107 Brophy Pl | Rn | Townhousing |
| 104 Casey St | Rn | Semi-Detached Dwelling |
| 13 Catalina Pl | Rn | Single Detached Dwelling |
| 4 Crestview Pl | Rn | Single Detached & Sub.Apt |
| 4 Dunkerry Cres | Rn | Single Detached & Sub.Apt |
| 100 Elizabeth Ave, Unit 810 | Rn | Condominium |
| 24 Hamel St | Rn | Patio Deck |
| 38 Keith Dr | Rn | Single Detached Dwelling |
| 210 Ladysmith Dr | Rn | Subsidiary Apartment |
| 8 Mountbatten Dr | Rn | Single Detached Dwelling |
| 52 Pleasantville Ave | Rn | Single Detached Dwelling |
| 337 Southside Rd | Rn | Semi-Detached Dwelling |
| 6 Aylward Pl | Sw | Single Detached Dwelling |
| 9 Cairo St | Sw | Single Detached Dwelling |
| 14 Cowan Ave | Sw | Single Detached Dwelling |

This Week \$ 2,797,366.00

Class: Demolition

| | | |
|----------------|----|--------------------|
| 520 Topsail Rd | Dm | Accessory Building |
|----------------|----|--------------------|

This Week \$ 500.00

This Week's Total: \$ 7,736,936.00

Repair Permits Issued: 2014/09/04 To 2014/09/10 \$ 96,400.00

38 Duffy Place - Your Application For A Sign Has Been Rejected As Per Section 15 Of The St. John's Sign By-Law.

118 Old Petty Harbour Road - Your Application For An Accessory Building Has Been Rejected As Per Section 8.3.6(2) (I).

Legend

| | | | |
|----|----------------------|----|------------|
| Co | Change Of Occupancy | Sn | Sign |
| Cr | Chng Of Occ/Renovtns | Sw | Site Work |
| Nc | New Construction | Ex | Extension |
| Rn | Renovations | Dm | Demolition |
| Ms | Mobile Sign | | |

| YEAR TO DATE COMPARISONS | | | |
|----------------------------------------|-------------------------|-------------------------|------------------|
| September 15, 2014 | | | |
| TYPE | 2013 | 2014 | % VARIANCE (+/-) |
| Commercial | \$70,472,000.00 | \$107,573,000.00 | 53 |
| Industrial | \$131,000.00 | \$125,000.00 | -5 |
| Government/Institutional | \$71,991,000.00 | \$77,752,000.00 | 8 |
| Residential | \$117,128,000.00 | \$111,267,000.00 | -5 |
| Repairs | \$3,657,000.00 | \$3,738,000.00 | 2 |
| Housing Units (1 & 2 Family Dwellings) | 331 | 243 | |
| TOTAL | \$263,379,000.00 | \$300,455,000.00 | 14 |

Respectfully Submitted,

Jason Sinyard, P. Eng., MBA
Director of Planning & Development

Requisitions, Payrolls and Accounts

Council considered the requisitions, payrolls and accounts for the week ending September 10, 2014:

SJMC2014-09-15/411R

It was decided on motion of Councillor Collins; seconded by Councillor Breen: That the following Payrolls and Accounts for the week ending September 10, 2014 be approved.

**Weekly Payment Vouchers
For The
Week Ending September 10, 2014**

Payroll

| | |
|----------------------------------|------------------------|
| Public Works | \$ 419,043.81 |
| Bi-Weekly Administration | \$ 800,822.37 |
| Bi-Weekly Management | \$ 787,252.82 |
| Bi-Weekly Fire Department | \$ 696,836.46 |
| | |
| Accounts Payable | \$7,046,434.61 |
| | |
| Total: | \$ 9,750,390.07 |

Tender 2014075 – Vohl Snowblower Parts

Council considered the memorandum dated September 5, 2014 from the Department of Corporate Services regarding the above noted.

SJMC2014-09-15/412R

It was decided on motion of Councillor Collins: seconded by Councillor Breen: That the tender be awarded to the lowest bidders, as shown below, meeting specifications for various Vohl Snowblower Parts, as per the Public Tendering Act:

| Vohl Snowblower Parts | |
|-------------------------------------------------|---------------------|
| TENDER #2014075 – Aug 28, 2014 - 1:00 PM | |
| Vohl Inc. | \$39, 128.88 |
| Saunders Equipment Ltd. | \$4, 281.57 |
| Parts for Trucks Inc. | \$5,207.93 |

This contract is for a one year period with the option to extend for two additional one year periods.

Notice of Motion

Councillor Hann gave the following Notice of Motion for referral to the September 22nd regular meeting of Council:

TAKE NOTICE that I will at the next Regular Meeting of the St. John's Municipal Council move to enact an amendment to the St. John's Plumbing By-Law so as to include provisions to allow a qualified plumber to undertake work at his/her residence without obtaining a Plumbing Contractor's license.

Kilbride Waterline Easement

Council considered a memorandum dated September 5, 2014 from the City Solicitor regarding the above noted matter.

SJMC2014-09-15/413R

It was decided on motion of Councillor Collins; seconded by Councillor Pudister: That Council compensate Balnafad Co. Ltd. in the amount of \$1,000.00 plus legal fees for their waterline easement that was expropriated in May 2014.

Travel Request – Deputy Mayor Ellsworth

Council considered a memorandum dated September 15, 2014 from the City Clerk requesting Council's approval for Deputy Mayor Ellsworth to attend the 2014 Fall Conference for the Canadian Urban Transit Association (CUTA) from November 15 to 19, 2014 in Niagara Falls.

SJMC2014-09-15/414R

It was decided on motion of Councillor Puddister; seconded by Councillor Lane: That approval be given to a travel request by the Deputy Mayor to attend the 2014 Fall Conference for the Canadian Urban Transit Association (CUTA) from November 15 to 19, 2014 in Niagara Falls.

Deputy Mayor Ellsworth

- Provided an update on the status of Council's court action against the owners of 12 Cashin Avenue for their lack of compliance with the minimum standards of the City's building codes which placed tenants of the property in physical danger. Tenants were eventually moved and were found alternate accommodations thanks to the assistance of the Department of Advanced Education & Skills who worked cooperatively with the City of St. John's. The court eventually fined the owners \$90,000 which is less than what the City had anticipated; however, the decision does send a strong message to the general public that people should not have to live in substandard housing and that such should be reported to the City so that corrective action may be taken.

Councillor Puddister

- Noted that he has received a number of calls from residents in the Kenmount Terrace area enquiring about the status of the large tract of land designated for a large scale park. The Deputy City Manager of Public Works advised that it is his understanding the land has been acquired and funding is available in the City's Open Space Reserve fund to contract a consultant to oversee the detailed planning and public consultation process. He also referenced the Open Space Master Plan which will be coming to Council for review and approval within the next month. In addition, it is his understanding that the study being conducted to review the lands above the 190 meter contour has identified additional lands for open space. He anticipated that the timeframe for such work to be done is in late 2015 or early 2016.

Councillor Galgay

- Reminded the general public about the public meeting scheduled to take place on September 30, 2014 with respect to the Quidi Vidi draft overlay plan. He encouraged residents to access the background information related to this issue which is available on the City's website.

Councillor Davis

- Received complaints from residents of Alice Drive and Gloucester Street with respect to the proliferation of parking on these streets by students attending the nearby Marine Institute. He requested that parking enforcement be dispatched to monitor the area and issue tickets for infractions as necessary.

Mayor O'Keefe

- Relayed concerns from a school bus driver who picks up and drops off school children from the Holy Heart High School. Specifically, the ability to access and egress the parking lot in an orderly manner is made difficult because of the congestion caused by vehicles exiting and entering the parking lot at various points or stopped along the road. Pedestrians travelling along this stretch are also at risk. He requested that the Traffic Division investigate the problem/monitor the area.

Adjournment

There being no further business the meeting adjourned at 5:18 p.m.

MAYOR

CITY CLERK