



PUBLIC COUNCIL MEETING MINUTES
April 21, 2015

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on April 21, 2015 at 4:15 pm.

MEMBERS PRESENT

Mayor Randy Simms
Deputy Mayor Jim Locke
Councillor Lucy Stoyles
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 John Walsh
Councillor Paula Tessier

Mayor Simms chaired the meeting.

15-04-239 Adoption of Agenda

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

15-04-240 Adoption of Minutes

Motion – Councillor Aker/Deputy Mayor Locke

RESOLVED THAT the minutes of the public meeting held on April 7, 2015 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

15-04-241 Battle of the Atlantic Week

Mayor Simms signed a proclamation declaring April 27 – May 3, 2015 as Battle of the Atlantic Week in the City of Mount Pearl, with the naval ensign to be flown at City Hall to remember those lost and those serving today.

Lieutenant-Commander Shannon Lewis-Simpson was in attendance and spoke to Council on the significance of the commemoration of the Battle of the Atlantic. She was joined by Dave Lythgoe, a member of the Admiralty House Board of Directors. She advised that a church service will be held at the Anglican Cathedral of St. John the Baptist Church at 11:00 on Sunday, May 3, followed by a parade and Service of Remembrance at the National War Memorial at 12:45, to which everyone is encouraged to attend.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

COMMUNITY SERVICES COMMITTEE

15-04-242 Congratulations – Mount Pearl Citizens of the Year 2014

Congratulations were extended to Jim Greenland and Dan Maher, the co-winners of the 2014 Citizen of the Year.

15-04-243 Association for the Arts in Mount Pearl 2015 Operating Grant

Motion – Deputy Mayor Locke/Councillor Stoyles

RESOLVED THAT approval be granted to release the 2015 operating grant, in the amount of \$2,500.00, to the Association for the Arts in Mount Pearl in accordance with their current Memorandum of Understanding.

Question called. Motion carried unanimously.

15-04-244 Family Fun Day – Reid Community Centre
Sunday, April 26, 2015

For the information of the public, a Family Fun Day is scheduled for April 26 at the Reid Community Centre from 2:00 – 4:00 pm. The admission is \$3 and proceeds raised will be used to support the D.A.R.E. Program and Mount Pearl Crime Prevention events. The event is hosted by the Mount Pearl Crime Prevention Committee in partnership with the RNC and City of Mount Pearl.

15-04-245 Summit Centre – Closure of Leisure Pool ONLY
April 27 – May 1, 2015

For the information of the public, the Leisure Pool at the Summit Centre will be closed from Monday, April 27 to Friday, May 1, due to its regular maintenance program. All swims on the recreation swim schedule for the Leisure Pool ONLY will be cancelled during that week. The main pool will remain open for all recreational swims scheduled.

15-04-246 Spring Aquatic Registration

Registration for spring aquatics programs will take place (ON-LINE ONLY) beginning the following dates:

Mount Pearl Residents: Monday, April 27, 2015 beginning 5:00 pm
Open/Non-Residents: Thursday, April 30, 2015 beginning 5:00 pm

For more information on the Summit Centre aquatic programs, check the Winter/Spring Activity Guide, visit the City's website, or call 748-1002.

15-04-247 Find Your Fit – Free Zumba Class
April 30, 2015

For the information of the public, a “Find your Fit” free activity will take place on Thursday, April 30 at 7:00 pm, where residents can participate in a free Zumba class in the Reid Centre gymnasium.

15-04-248 Seniors Awareness, Health and Information Day
May 6, 2015

For the information of the public, a Seniors Awareness, Health and Information Day will be held on May 6 at the Reid Community Centre from 2:00-4:00 pm. Tickets are \$3.00 each and must be purchased in advance at the Summit Centre or Park Place Community Centre (Seniors Independence Group office). This event is coordinated by the Mount Pearl Seniors Independence Group, in partnership

with the City of Mount Pearl. For further information please call 748-6485 or email mtpearlseniors@hotmail.com.

CORPORATE SERVICES COMMITTEE

15-04-249 Tax Deferrals – Low Income Earners

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted to defer taxes as follows in accordance with Council’s policy for low income earners:

Account #	Amount Deferred
7194	\$ 1,835.32
272	\$ 2,025.38

Question called. Motion carried unanimously.

15-04-250 Professional Development and Training
Director of Planning and Development
Annual Canadian Institute of Planners (CIP) Conference – 2015 Thrive

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted, in accordance with the Professional Development & Training Policy, for the Director of Planning and Development to attend the Annual CIP Conference taking place in Saskatoon, SK from June 27-30, 2015.

Question called. Motion carried unanimously.

15-04-251 Professional Development and Training
Chief Administrative Officer (CAO)
Federation of Canadian Municipalities (FCM) Annual Conference

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted, in accordance with the Professional Development & Training Policy, for the CAO to attend the Annual FCM Conference being held in Edmonton, AB from June 4-8, 2015.

Question called. Motion carried unanimously.

15-04-252 Invoices for Approval

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the following invoices be approved for payment:

1.	Avalon Coal & Salt (Road Salt)	\$ 246,537.58
2.	City of St. John's (Robin Hood Bay Usage February)	\$ 30,643.17
3.	City of St. John's (Robin Hood Bay Usage March)	\$ 33,499.99
4.	G&M Project Management & Consulting (Data Loggers)	\$ 20,022.24
5.	Harvey & Company Limited (Injectors, Gaskets, Seals)	\$ 8,393.97
6.	Kelloway Construction Ltd (Cleaning - Summit Centre February)	\$ 10,414.06
7.	Kelloway Construction Ltd (Cleaning Services February)	\$ 16,761.63
8.	Municipal Assessment Agency (Second Quarter Assessment Fees)	\$ 70,084.00
9.	Oakland Enterprises Limited (Desk/Floor Summit Centre)	\$ 14,181.50
10.	St. John's Transportation Commission (Service - March)	\$ 101,809.03
	Total	\$ 552,347.17

Question called. Motion carried unanimously.

INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE

15-04-253 Contract Award – Street Markings

Motion – Deputy Mayor Locke/Councillor Ledwell

RESOLVED THAT approval be granted to award the contract for street markings to the lowest compliant bidder, Clearaway Contracting Ltd, in the amount of \$353,955.55 (including HST).

Discussion: It was noted that the contract includes the spring line painting only and some thermoplastic applications. It is planned to complete the spring line painting and then assess conditions of parking lots and if fall line painting is required, it could be managed through a possible change order or additional tender.

Question called. Motion carried unanimously.

15-04-254 Summit Centre Surge Protection - Request for Change Order (RCO # 188)

Motion – Deputy Mayor Locke/Councillor Ledwell

RESOLVED THAT the following change order for the Summit Centre be approved:

RCO # 188	Address the ongoing power surges that have caused controller and sensitive electrical equipment damage at the Summit Centre.	\$53,777.99 (+ HST)
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Question called. Motion carried unanimously.

15-04-255 Appointment of Prime Consultant
Analysis of Capacity in Existing Infrastructure – Olympic Drive

Motion – Deputy Mayor Locke/Councillor Ledwell

RESOLVED THAT a proposal from SNC-Lavalin, BAE-Newplan Group Limited to provide consulting services to study the capacity of the existing infrastructure on Olympic Drive in relation to the proposed development on Olympic Drive and to provide recommendations at a cost of \$11,000.00 (+ HST) be approved.

Question called. Motion carried unanimously.

15-04-256 Contract – Supply & Delivery of a Water Leak Detection Correlator TP-15-010

Approval was previously granted (minute 15-03-137) to award the contract for a water leak detection correlator to Gutermann Leak Detection in the amount of \$20,022.24. The company failed to meet delivery requirements and therefore the contract is defaulted. As a result, it is recommended the contract be awarded to the next compliant bidder.

Motion – Deputy Mayor Locke/Councillor Ledwell

RESOLVED THAT approval be granted to award the contract for the supply and delivery of a water leak detection correlator to the second lowest compliant bidder, Wolseley Canada, in the amount of \$25,990.00 (including HST).

Question called. Motion carried unanimously.

15-04-257 Asphalt and Concrete Works Tender TP-15-004

Motion – Deputy Mayor Locke/Councillor Ledwell

RESOLVED THAT the contract for asphalt and concrete works be awarded to the lowest compliant bidder, Modern Paving, in the amount of \$514,997.50, (including HST).

Question called. Motion carried unanimously.

15-04-258 Summit Centre Emergency Power - Request for Change Order (RCO # 186)

Motion – Deputy Mayor Locke/Councillor Ledwell

RESOLVED THAT change order for the Summit Centre be approved:

RCO # 186	Lutron modifications for emergency power	\$6,470.20
	as directed by Government Services	(+ HST)

Question called. Motion carried unanimously.

15-04-259 Winter/Spring Operations

For the information of the public, winter operations are winding down and action is ongoing to reactivate equipment for the spring. It was noted that bulk garbage collection starts the week of April 27 in accordance with the schedule. Litter pickup has commenced and a review of snow clearing damages will be carried out when weather conditions permit.

15-04-260 Water and Sewer

For the information of the public, spring/summer season work will soon commence that includes repairs on private property; hydrant flushing, and other UTM activities.

PLANNING AND DEVELOPMENT COMMITTEE

15-04-261 St. John's Urban Region Regional Plan 1976 Amendment No. 3, 2014
Digital Map Consolidation

For the information of the public, the above-noted amendment was published in the Gazette and brought into effect on Thursday, April 3, 2015. The electronic map is available at http://miga.gov.nl.ca/consultations/sjplan/sjrrp_amend_3_nov.pdf.

As a result of this amendment, all lands above the 190 m contour within the City of Mount Pearl are now redesignated as Urban Development on the regional plan map. This designation allows a full range of urban uses.

This amendment also provides the regional planning framework to accommodate the City's current Municipal Plan and Development Regulations Amendment effort, the Kenmount Hill Amendment.

15-04-262 Proposed Amendments to the City's Noise Regulations
Regarding Regulation of Fireworks

Motion – Councillor Ledwell/Deputy Mayor Locke

RESOLVED THAT the following amendments to the City's Noise Regulations be adopted:

- (a) to add the definition "*Fireworks* means a combustible or explosive device for producing a striking display of light or a loud noise, used for signaling or as part of a celebration";
- (b) to restrict the discharge of fireworks or explosive devices on any day with the exception of New Year's Eve and Canada Day; and
- (c) on New Year's Eve and Canada Day, to restrict the discharge of fireworks or explosive devices to: between dusk on December 31 and 12:30 am on January 1, more commonly known as New Year's Eve; and between dusk and 11:00 pm on Canada Day.

Discussion: It was clarified that the intent of the amendment was to prohibit fireworks from being discharged within the City with the exception of specified days (New Year's Eve and Canada Day). It was acknowledged that the Noise Regulations do not regulate fireworks from a safety perspective but rather from a nuisance perspective. The Regional Fire Department addresses the safety concerns of discharging fireworks by issuing permits to vendors for the sale of consumer fireworks and requires such vendors to obtain certification on the proper use and handling of fireworks. The vendors are then responsible to review safety information with the purchaser at the time of the sale.

It was confirmed that the change in the regulations will be communicated to residents.

Councillor Stoyles questioned the enforcement of the regulations and indicated that it was pointless to put a policy in place that couldn't be enforced. It was acknowledged that the regulation may be difficult to enforce in some instances, but the City's municipal enforcement officers and other peace officers have the authority to issue a violation notice for noncompliance nevertheless.

Question called. Motion carried with Councillor Stoyles voting against the motion.

15-04-263

Notice of Motion

Amendment – Mount Pearl Development Regulations 2010

Councillor Ledwell 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 text of the Mount Pearl Development Regulations 2010 that, if enacted, will:

- 1) In Section 2, Definitions, immediately after "Health Club Use", add "“HEALTH CONSULTATION USE” means a use that accommodates a meeting between a health or lifestyle professional and a client, but does not include a clinic.”
- 2) In Section 7, Special Developments; Subsection 7.16, Home Occupation; Subsection 7.16.1, immediately after "educational use", add "health consultation use”.
- 3) In Section 7, Special Developments; Subsection 7.17, Home Office; Subsection 7.17.1 (a), change "the use is restricted to one person who is a resident of the dwelling unit" to "the use is carried out by individuals who reside in the dwelling”.

The purpose of this proposed amendment is to permit health consultation uses as discretionary uses in residential zones and to permit any resident of a dwelling to participate in a home office use associated with the same dwelling.

15-04-264

Development Permit List

Motion – Councillor Ledwell/Councillor

RESOLVED THAT development permits issued for the period of April 6 - 17, 2015 be approved as presented.

Question called. Motion carried unanimously.

15-04-265 Building Permits

Motion – Councillor Ledwell/Councillor

RESOLVED THAT building permits issued for the period of April 6 - 17, 2015, showing a total construction value of \$1,395,000.00, be approved as presented.

Question called. Motion carried unanimously

TRANSPORTATION & PUBLIC SAFETY

15-04-266 Neighborhood Watch Program

For the information of the public, to learn how to get involved with the Neighborhood Watch program, please email neighbourhoodwatch@mountpearl.ca or call 748-1082.

NEW BUSINESS

15-04-267 Northeast Avalon Joint Council (NEAJC)

Councillor Stoyles advised that the NEAJC will be meeting on May 20 in Mount Pearl.

15-04-268 Kinette Club of Mount Pearl

Councillor Stoyles advised that the Kinette Club will be holding their “Ladies Night” fundraiser on May 20.

15-04-269 Community Mail Boxes – Canada Post

Councillor Stoyles advised that (applicable) residents have received notification from Canada Post that a community mailbox will be located adjacent to their property. She questioned the number of complaints and the process to address them. It was indicated that concerns are to be forwarded to Canada Post and that a Canada Post official would contact the resident. It was confirmed that Canada Post understands that in an emergency situation, community mailboxes may need to be temporarily moved/relocated in order to access an urgent infrastructure requirement by the City.

15-04-270 Citizen of the Year

Councillor Aker extended appreciation to the Kinsmen Club and congratulations to the nominees and recipients of the Citizen of the Year award.

15-04-271 Congratulations – Brandon Fitzgerald

Councillor Aker extended congratulations to Mount Pearl resident, Brandon Fitzgerald, who was chosen to play with a junior B lacrosse team in British Columbia.

15-04-272 Volunteer Week

Councillor Ledwell extended appreciation to all volunteers, noting their contribution to the community. He advised of an ongoing project, coordinated by the Sport Alliance and run by Debbie O’Rielly, to develop a broad based community volunteer program.

15-04-273 Bantam B Hockey Tournament

Mayor Simms advised that he attended the opening ceremonies for the Bantam B Hockey Tournament.

15-04-274 Citizen of the Year

Mayor Simms extended congratulations to the nominees and recipients of the Citizen of the Year award. He extended appreciation to all volunteers.

15-04-275 Men’s Fellowship Breakfast - Solid Rock Wesleyan Church

Mayor Simms advised that he and Councillor Ledwell attended this breakfast and extended appreciation to the Church members.

15-04-276 Big Brothers Big Sisters

Mayor Simms advised that he participated in the recent Big Brothers Big Sisters Wii Bowl fundraiser.

15-04-277 United Church Fundraiser

Mayor Simms advised that he attended the recent Kevin Collins concert, a fundraiser by the United Church.

ADJOURNMENT

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

Chairperson

Deputy City Clerk