

PUBLIC COUNCIL MEETING MINUTES
December 17, 2013

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on December 17, 2013 at 4:15 pm.

MEMBERS PRESENT

Mayor Randy Simms
Deputy Mayor Jim Locke
Councillor Lucy Stoyles
Councillor John Walsh
Councillor Paula Tessier
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
Gail Sexton, Human Resources Assistant

MEMBERS ABSENT

Mona Lewis, Deputy City Clerk

Mayor Simms chaired the meeting.

13-12-817 Adoption of Agenda

Motion – Councillor Stoyles/Councillor Ledwell

RESOLVED THAT the agenda be adopted as presented as well as additional items from the Planning and Development Committee and a report from the Regional Services and Environment Committee.

Question called. Motion carried unanimously.

13-12-818 Adoption of Minutes

Motion – Councillor Aker/Deputy Mayor Locke

RESOLVED THAT the minutes of the public meeting held on December 3, 2013 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING/ACTION REPORT

13-12-819 Alleged Business – Rear of Mount Pearl Square

Council was advised that the complaint regarding the placement and use of a storage container by a contractor for snow clearing purposes which resulted in noise complaints was investigated. It was noted that the container is used for salt and equipment storage by the contractor maintaining Mount Pearl Square, including snow clearing and winter maintenance. It is not used as a business base or used for other commercial properties.

Consideration is being given to relocating the containers further south on the subject property, in closer proximity to the Team Gushue Highway and away from residential properties. When a relocation site has been finalized, an application for the container (accessory building) is submitted, a development permit issued.

13-12-820 Safety Snowplow Campaign Launch

It was noted that the launch of the safety campaign (Safey the Snowplow) was very successful and resulted in an awareness of the importance of safety by the children.

PROCLAMATIONS/PRESENTATIONS

None presented.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

COMMUNITY SERVICES COMMITTEE REPORT

13-12-821 Mount Pearl Park Glendale Branch 36
Newfoundland & Labrador Command
The Royal Canadian Legion
Memorandum of Understanding – Facility at 26 St. David's Avenue

Motion – Deputy Mayor Locke/Councillor Stoyles

RESOLVED THAT approval be granted to execute a lease agreement between the City and the Mount Pearl Park/Glendale Branch 36, The Royal Canadian Legion, for the property situated at 26 St. David's Avenue (former St. David's Softball Complex Building).

Discussion - The City will lease the premises for an initial term of 49 years.

Question called. Motion carried unanimously.

13-12-822 Mount Pearl Frosty Festival Inc.
Memorandum of Understanding – 2014 to 2016

Motion – Deputy Mayor Locke/Councillor Stoyles

RESOLVED THAT approval be granted to execute a Memorandum of Understanding with the Mount Pearl Frosty Festival Inc. for the period of January 1, 2014 – April 30, 2016.

Question called. Motion carried unanimously.

13-12-823 Christmas Hours
Reid Community Centre and Swimming Pool

The Reid Community Centre Christmas hours of operation were presented and also available on the City's website.

13-12-824 Christmas Hours, Swimming Pool

The Swimming Pool Christmas hours of operation were presented and also available on the City's website.

13-12-825 Christmas Hours, Kenmount Park Centre

The Kenmount Park Centre Christmas hours of operation were presented and also available on the City's website.

13-12-826 Kenmount Park Centre, Closed for Renovations

Council was advised that the Kenmount Park Centre will be closed for renovations from December 16-20, 2013.

13-12-827 Family First Night Celebrations (New Year's Eve)

Council was advised that the Family First Night Celebrations will take place at the Glacier Arena from 4:00 - 6:00 pm and families are invited free of charge to this non-alcohol family event.

13-12-828 2014 Winter/Spring Activity Guide

The Winter/Spring Activity Guides are currently being delivered to households.

13-12-829 Christmas Tree Recycling Program

Residents can drop off their Christmas tree any time after January 1 at the Team Gushue Sports Complex (off Smallwood Drive – behind the old arena). Trees will be used as mulch throughout the City's parks and gardens.

INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE

13-12-830 Cost-Shared Multi-Year Capital Works - 2014- 2017 Application

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT the 2014 – 2017 Municipal Capital Works application, for a total of \$79.61 million over three years, be approved as presented.

Discussion – It was noted that this 70% provincial-funded 30% city-funded program underscores the importance of addressing the infrastructure challenges in the City and recognizes the value of new infrastructure projects that improve and enhance the quality of services to residents.

Question called. Motion carried unanimously.

13-12-831 Winter Maintenance

Council was advised that with the latest snow event on Tuesday, December 10, 2013, the total amount of salt usage was 230,000 kg which equates to \$23,500. It was noted that some equipment broke down during the storm.

13-12-832 Multiplex

Council was advised that the Multiplex is approximately 81% financially completed.

PLANNING AND DEVELOPMENT COMMITTEE

13-12-833 Moffatt Road Subdivision Development – Phase 2
Subdivision Development Agreements

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT approval be granted for Mayor Simms and the Chief Administrative Officer to sign the Moffatt Road Subdivision Development Agreement for Phase 2 on behalf of the City of Council of Mount Pearl.

Question called. Motion carried unanimously.

13-12-834 Renovations and Change of Use (Biomedical Waste Temporary Storage Facility)
Discretionary Use Application - Stericycle Inc.
27 Clyde Avenue

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT the application by Stericycle Inc. to occupy a portion of the building at 27 Clyde Avenue for the purpose of operating a biomedical waste temporary transfer and storage facility be approved and a conditional development permit issued subject to the following:

- St. John's Regional Fire Department conditions;
- Department of Environment and Conservation – Environmental Assessment Division;
- Department of Environment and Conservation - Pollution Prevention Division;
- Service NL – Occupational Health and Safety Branch;
- Service NL - Operations and Environmental Protection;
- City Inspector's conditions;
- Engineering Services conditions; and,
- The development meeting Mount Pearl Development Regulations 2010.

Discussion – It was noted that there will not be a significant amount of biochemical waste – an estimate of approximately 20 or 25 residential garbage carts.

Question called. Motion carried unanimously.

13-12-835 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 Ledwell/Councillor Walsh

RESOLVED THAT the Commissioner’s report dated November 26, 2013 be accepted by Council AND FURTHER THAT pursuant to the Urban and Rural Planning Act, the Mount Pearl Municipal Plan 2010 Amendment No. 6, 2013, and Mount Pearl Development Regulations 2010 Amendment No. 22, 2013 (Worrall Crescent Amendment) be approved.

Question called. Motion carried unanimously.

13-12-836 Proposed Amendments to the City’s Fence Regulations 2011 To Incorporate Standards for Retaining Walls

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT the updated Fence and Retaining Walls Regulations 2013 be approved as presented.

Question called. Motion carried unanimously.

13-12-837 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 Mount Pearl Development Regulations 2010, that, if enacted, will:

In Section 11 Use Zone Schedules, Subsection 11.9 Apartment (APT) Use Zone: add the following development standards for row dwelling development:

Row Dwelling

(a)	<i>Minimum Lot Area</i>	<i>135 m² per dwelling unit</i>
(b)	<i>Minimum Frontage</i>	<i>5 m per dwelling unit</i>
(c)	<i>Minimum Building Line Setback</i>	<i>7.5 m</i>
(d)	<i>Minimum Side Yard for End Units</i>	<i>1.2 m</i>
(e)	<i>Minimum Flanking Street Side Yard Width</i>	<i>7.5 m</i>
(f)	<i>Minimum Rear Yard Depth</i>	<i>6 m</i>
(g)	<i>Maximum Lot Coverage</i>	<i>33%</i>
(h)	<i>Maximum Building Height</i>	<i>10 m</i>

The purpose of this amendment is to stipulate the development standards for row dwelling development within the Apartment use zone.

13-12-838 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 Mount Pearl Development Regulations 2010, that, if enacted, will:

1. In Section 7, Special Developments, amend subsection 7.11, Family Child Care by revising conditions relating to family child care uses.
2. In Section 9, Off-Street Parking and Loading Regulations, revise the minimum off- street parking requirement for Family Child Care Use to provide flexibility to Council to reduce or eliminate the current standard of "One parking space for every 30 Square metres of gross floor area.
3. In Section 11, Use Zone Schedules, remove family child care uses from permitted to discretionary uses in a number of use zones.

The purpose of this amendment is to update the conditions relating to family child care uses and provide a process for neighbourhood commentary prior to Council's decision on these uses.

13-12-839 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 Mount Pearl Development Regulations 2010, that, if enacted, will:

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

In the area identified as Pearlview Phase 7 (north of LaSalle Drive and west of Mount Carson Avenue), rezone approximately 2.69 hectares (6.64 cres) of land from Residential – Single Unit Detached-3 (RSU-3) to Residential High Density (RHD).

The purpose of the proposed amendment is to allow the construction of double dwellings (semi-detached dwelling units) without subsidiary apartments on lots with a minimum lot frontage of 16 m for each double dwelling.

13-12-840 Development Permits

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT development permits issued for the period of December 2-13, 2013 be accepted as presented.

Question called. Motion carried unanimously.

13-12-841 Building Permits

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT building permits issued for the period of November 30 – December 13, 2013, showing a total construction value of \$10,054,624 be approved as presented.

Question called. Motion carried unanimously.

13-12-842 Mount Pearl Municipal Plan 2010, Amendment No. 7, 2013
Mount Pearl Development Regulation 2010, Amendment No. 26, 2013
(Wilkes RSU-3 Amendment)

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED that the following action be taken regarding the application to rezone portion of eight proposed lots situated on the north side of the proposed Wilkes Avenue from Commercial Mix (CM) to Single Dwelling Unit-3 detached (RSU-3) Use Zone:

- 1) Adopt the proposed Mount Pearl Municipal Plan 2010 Amendment No. 7, 2013 and Mount Pearl Development Regulations 2010 Amendment No. 26, 2013 (Wilkes RSU-3 Amendment);
- 2) Proceed with the Public Hearing to be scheduled for January 7, 2013 at 7:00 p.m. and
- 3) Appoint George Trainor as Commissioner.

Question called. Motion carried unanimously.

13-12-843 13-15 Old Placentia Road
 Del Contracting Limited
 New Buildings (3) (Total of 5 Buildings on Lot) and Associated Site Development
 Industrial – Light (IL) Use Zone

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT the application by Del Contracting Limited, on behalf of the property owner Protek Industries Limited, to construct three (3) new buildings at 13-15 Old Placentia Road be approved and a development permit issued subject to the following conditions:

- 1) St. John's Regional Fire Department conditions;
- 2) Newfoundland Power's conditions;
- 3) Bell Aliant's conditions;
- 4) City Inspector's conditions;
- 5) Planning Services conditions;
- 6) Engineering Services conditions; and,
- 7) The development meeting Mount Pearl Development Regulations 2010.

Question called. Motion carried unanimously.

REGIONAL SERVICES & ENVIRONMENT COMMITTEE

13-12-844 Water Levels – Bay Bulls Big Pond

Council was presented with the most recent water levels showing that the water levels are holding and encouraged residents to continue to be mindful to conserve water wherever possible.

13-12-845 2014 Water Budget

The Regional Water Committee met on December 12, 2013 and recommended approval of the 2014 water rate of 54.3 cents per cubic meter and approval of the 2014 operating budget in the amount of \$12,878,031. It was noted that \$4.2 million is Mount Pearl's portion of the budget.

TRANSPORTATION & PUBLIC SAFETY COMMITTEE

13-12-846 Snow Clearing Regulations

Residents were reminded that the snow clearing regulations were in effect from December 1, 2013 to March 31, 2014 stipulating that no vehicle is permitted to be parked on any street between the hours of 1:00 AM and 8:00 AM.

13-12-847 Public Safety
Reminder to Motorists

Motorists were reminded of the increased number of children out during the Christmas break and to drive safely.

CORPORATE SERVICES COMMITTEE

13-12-848 Invoices for Council Approval

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the following invoices be approved for payment:

1.	William S. Kennedy Law Offices (Regulations Review Retainer)	\$ 12,500.00
2.	Electronic Centre Limited (Video Surveillance- Ruth Avenue Tunnel)	\$ 5,799.10
3.	Marco Services Ltd. (CP3 Payment # 19 Multiplex)	\$1,080,151.64
4.	NAPA Mount Pearl (Wheel Balancer)	\$ 5,140.37
5.	Electro Mechanical Services (Forklift)	\$ 27,628.50
6.	SME (Sandblasting Tractor Parts)	\$ 7,910.00
7.	Temple Consulting Group Ltd. (Software Maintenance Program)	\$ 16,048.26
8.	Modern Heavy Civil Ltd. (Street Upgrading - Progress Payment #4)	\$ 134,138.94
9.	Kelloway Construction Ltd. (Cleaning Services November 2013)	\$ 16,432.05
10.	Lighting & Traffic Systems Ltd. (Traffic Signal Control- Commonwealth/Richard Nolan)	\$ 29,635.53
11.	Lighting & Traffic Systems Ltd. (Traffic Signal - Old Placentia Rd)	\$ 19,526.51
12.	William S. Kennedy Law Offices (Purchase of 34 Forest Avenue)	\$ 242,130.12
13.	Coleman Group of Companies (Gift Cards)	\$ 5,700.00
14.	Municipalities Newfoundland & Labrador (Membership Fees)	\$ 13,523.72

15.	City of St. John's (Robin Hood Landfill Oct 2013)	\$ 49,103.15
16	City of St. John's (Water Consumption Nov. 2013)	\$ 264,727.01
17.	OnX Enterprise Solutions (Exchange 2010 Migration)	\$ 5,311.00
18.	Ashford Sales Ltd. (Trailer)	\$ 7,010.46
19.	Electronic Centre Limited (Alarm - Installation and Materials)	\$ 7,836.55
20.	LSW Wear Parts Ltd. (Plow Blades)	\$ 12,193.83
21.	Hitech Communications (Monthly AVL Charge - October 2013)	\$ 6,103.02
22.	Hitech Communications (Monthly AVL Charge - November 2013)	\$ 6,222.68
23.	Hitech Communications (Monthly AVL Charge - December 2013)	\$ 6,222.68
24.	Armour Lock & Safe (Door Repairs Mount Pearl Glacier)	\$ 11,009.59
25.	City of St. John's (Robin Hood Landfill Nov 2013)	\$ 42,282.68
26.	Grand Concourse Authority (Team Gushue Sports Complex Entranceway)	\$ 62,426.05
27.	Windco Enterprises Ltd. (Aluminium Banner Poles)	\$ 11,187.00
28.	City of St. John's (Robin Hood Bay Landfill- August 2013)	\$ 41,575.60
	Total	\$ 2,149,476.04

Question called. Motion carried unanimously.

13-12-849 Budget Presentation

Councillor Aker provided an overview of the budget process, the highlights of 2013 and plans for 2014.

13-12-850 2014 Tax Rates

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the City of Mount Pearl, in accordance with the City of Mount Pearl Act, establish the following tax rates for the 2014 taxation year:

Property Tax – Residential (Minimum \$200/yr)	7.4 mils
Property Tax – Commercial (Minimum \$250/yr)	12.0 mils
Water/Wastewater Fee - Residential	\$600 per unit
Water/Wastewater Fee- Commercial (Minimum \$600)	2.3 mils
Commercial Water Rate	
0 - 100,000 gallons	No additional charge
100,000 - 20 million gallons	\$6.00 per thousand
Over 20 million gallons	\$5.50 per thousand
School Boards – Water/Wastewater Fee	\$8.00 per student
Provincial Government Buildings – Water/Wastewater Fee	6.00 mils
General Commercial	17.5 mils
Banks & Financial Institutions	77.5 mils
Bulk Storage – Oil Companies	39.4 mils
Large Department Stores	20.9 mils
Oil and Gas Service Industry	20.9 mils
Professional Operations	24.0 mils

All businesses subject to taxation under the Taxation of Utilities & Cable Television Companies Act and Commercial establishments without a fixed place of business within the City.	2.5% of annual gross revenue
Recreational and Non-Profit Facilities	11.7 mils
Hotels/Motels/Private Schools	16.10 mils
Self-Storage	62.70 mils
Day-cares and Personal Care Homes	Exempt
Agricultural Operations	3.04 mils
Billboard (per side)	\$100/yr
Minimum Business Tax	\$250/yr

Question called. Motion carried unanimously.

13-12-851 2014 Rates & Fees

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the City of Mount Pearl, in accordance with The City of Mount Pearl Act, approve the presented Schedule of Rates & Fees, to take effect January 1, 2014.

Question called. Motion carried unanimously.

13-12-852 Interest Rate

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the City of Mount Pearl, in accordance with The City of Mount Pearl Act, approve an annual rate of interest of 10% to be levied on all past due taxes and accounts receivable.

Question called. Motion carried unanimously.

13-12-853 Revenues and Expenditures

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the City of Mount Pearl, in accordance with The City of Mount Pearl Act, approve the 2014 Budget with operating Revenues and Expenditures totalling \$43,211,730.00.

Question called. Motion carried unanimously.

NEW BUSINESS

13-12-854 Budget 2014

Council extended congratulations to the Corporate Services Committee and staff for all their hard work and long hours working on the budget. It was a challenging exercise that resulted in a good budget with some cost increases but on par with regional neighbours.

13-12-855 Seasons Greetings

Council extended seasons greeting to colleagues, staff and residents.

13-12-856 Municipal Assessment Agency - Election of Officers

Councillor Stoyles advised of the results of the election of the municipal representatives to the Board of Directors of the Municipal Assessment Agency. Congratulations were extended as they start their four year term in January.

13-12-857 Municipalities Newfoundland & Labrador (MNL)

Councillor Stoyles advised that the MNL Board of Directors recently met in Mount Pearl and extended appreciation to Council for hosting the meeting.

13-12-858 Northeast Avalon Joint Council Meeting

Councillor Stoyles advised that the Northeast Avalon Joint Council will be holding their last meeting for the year on December 18 (in Mount Pearl) and invited members of Council to attend.

13-12-859 Industrial Accident

Sympathy was extended to the Keating family on the sudden passing of a family member due to an industrial accident.

13-12-860 Pat Kennedy

Sympathy was extended to the family of long-time resident of Mount Pearl, Pat Kennedy, who recently passed away.

13-12-861 Santa Claus Parade

Congratulations and appreciation were extended to the Mount Pearl Lion's Club for hosting a successful parade. Appreciation was also extended to City staff for their efforts in preparing the City's entry.

13-12-862 Food Drive

Appreciation was extended to the Mount Pearl Minor Hockey Association for putting off a food drive for the food banks here in Mount Pearl. It was a great success. Appreciation was also extended to all those who participated and to the residents who gave donations to cause. It was noted that approximately 350 children participated in this drive.

13-12-863 Tree Lighting Event

Council expressed appreciation to all those who made the tree-lighting event a success again this year.

13-12-864 North East Avalon Regional Plan

Mayor Simms advised that Minister Kent (Municipal & Intergovernmental Affairs) has initiated discussions regarding the North East Avalon Regional Plan.

13-12-865 Canadian Union of Postal Workers (CUPW)

Mayor Simms advised that representatives of the Canadian Union of Postal Workers have requested a meeting to discuss the recent announcement of changes to Canada Post.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:50 pm on a motion by Councillor Stoyles and seconded by Councillor Tessier.

Chairperson

Human Resources Assistant