



**PUBLIC COUNCIL MEETING MINUTES
February 16, 2016**

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on February 16, 2016 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

Mayor Simms chaired the meeting.

16-02-067 Adoption of Agenda

Motion – Councillor Walsh/Councillor Ledwell

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

16-02-068 Adoption of Minutes

Motion – Deputy Mayor Locke/Councillor Stoyles

RESOLVED THAT the minutes of the public meeting held on January 26, 2016 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

16-02-069 Presentation – Twin Cities Winter Classic Cup

Mr. Todd Churchill, Reason for the Rink Project, was in attendance and presented the Twin Cities Winter Classic Cup. The City of Mount Pearl played against the City of St. John's in this hockey fundraiser. The Reason for the Rink project benefits the following charities:

1. Easter Seals NL
2. Rainbow Riders
3. Mazol Shriners
4. Cerebral Palsy Association NL (2014/2015 season)

16-02-070 Presentation – NL Housing & Homelessness Network

Information was provided on the pancake breakfast fundraiser held by staff in support of the NL Housing & Homelessness Network. Anne Finlay, representing City staff, and Elizabeth Piercey, representing CUPE Local 2099, presented to David Murphy, NL Housing & Homelessness Network, the amount of \$357 from the pancake breakfast fundraiser event, and \$100 from the Mount Pearl Municipal Workers Union – CUPE Local 2099. These proceeds will go to groups fighting homelessness in Newfoundland and Labrador.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

CORPORATE & COMMUNITY SERVICES COMMITTEE

16-02-071 Invoices for Approval

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT the following invoices be approved for payment:

1.	Armour Lock & Safe (Replace Door at Soccer Hut)	\$ 5,929.68
2.	Avalon Coal Salt & Oil (Road Salt)	\$ 248,704.78

3.	Cansel (AutoCAD)	\$ 6,555.42
4.	Controlled Power Company (Circuit Board, Cooling Fan)	\$ 6,461.00
5.	ESRI Canada Ltd (ArcGIS License Renewal)	\$ 10,085.25
6.	Fougere Menchenton Architecture (Admiralty House Annex Project)	\$ 36,948.18
7.	Gaze Seed Co. 1987 Limited (Lime)	\$ 12,814.20
8.	Harbourside Transportation Consultation (Transportation Study)	\$ 15,695.70
9.	Harbourside Transportation Consultation (Transportation Study)	\$ 6,424.05
10.	Harvey & Company Limited (Parts)	\$ 7,420.69
11.	Hitech Communications (Radio Equipment)	\$ 7,564.22
12.	Hitech Communications (Radio Equipment)	\$ 8,680.34
13.	Hitech Communications (AVL Rental Fee Jan/16)	\$ 6,462.02
14.	Infinity Construction Ltd (Street Upgrading CP5 Pmt#2)	\$ 92,662.84
15.	Infinity Construction Ltd (Street Upgrading CP2 Pmt#2)	\$ 29,274.35
16.	J.W. Lindsay Enterprises Limited (Gymnastics Facility Payment #5)	\$ 289,316.77
17.	Kelloway Construction Ltd (Cleaning Dec/15)	\$ 27,548.59
18.	Kelloway Construction Ltd (Cleaning Jan/16)	\$ 16,761.63
19.	Mobile Service (Repairs to Flyer)	\$ 6,215.00
20.	Newfoundland HVAC (HVAC Contract)	\$ 7,925.01
21.	Saunders Equipment Limited (Netgain Pump Motor Field)	\$ 8,787.33
22.	St. John's Transportation Commission (Metrobus Service Dec/15)	\$ 98,100.34

23.	The Telegram (Prep of Tax Bills)	\$ 9,029.13
24.	VOHL Inc (3 Loaders)	\$ 402,845.00
	Total	\$1,368,211.52

Question called. Motion carried unanimously.

16-02-072 Request for Tax Consideration

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT approval be granted to exempt 2016 business taxes, in accordance with the policy for charitable and non-profit organizations, for the following:

Name	Address	Type	Annual Amount
CHANAL Inc.	77 Barbour Dr	Business (100%)	\$880.95
School Lunch Assoc	785 Topsail Rd	Business (100%)	\$822.82
Heart & Stroke Foundation	1037 Topsail Rd	Business (100%)	\$5,662.81
VOCM Cares	1195-1203 Topsail Rd	Business (100%)	\$1,511.13
Parkdale Manor	67 Park Avenue	Property (60%)	\$3,020.64
Mount Pearl Paradise Chamber of Commerce	365 Old Placentia Rd	Business (100%)	\$478.29
Community Food Sharing Association	1143-1149 Topsail Rd	Business (100%)	\$4,543.49
Skills Canada NL	75 Barbour Dr	Business (100%)	\$1,058.61
NL Employers Council	129 Glencoe Dr	Business (100%)	\$5,272.23
Visions Employment	58 Glencoe Dr	Business (100%)	\$5,464.17

The Salvation Army	18 Senate Cres	Property (100%)	\$1,868.30
Masonic Park	117 Mount Carson Ave	Property (60%)	\$75,067.86
Masonic Park	115 Mount Carson Ave	Property (60%)	\$11,175.12
Masonic Park	115 Mount Carson Ave	Business (100%)	\$27,236.17
Metro Business Opportunities	961 Topsail Rd	Business (100%)	\$3,210.15
Campia	60 Clyde Ave	Business (100%)	\$2,792.72
Terry Fox Foundation	833-839 Topsail Rd	Business (100%)	\$720.41
Safety Services NL	1076 Topsail Rd	Business (100%)	\$5,964.68
St. John Ambulance	8 Thomas Byrne Dr	Business (100%)	\$14,103.18

Question called. Motion carried unanimously.

16-02-073 Tender Award - TP-15-023 - Supply & Delivery of Clothing

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT the contract for the supply and delivery of clothing, Group E – Rubber Boots, be awarded to the lowest qualified bidder, Campbell’s Ships Supplies, for the bid amount of \$105.04 per unit (including HST).

Question called. Motion carried unanimously.

16-02-074 Advertising Request
 O’Donel High School

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT approval be granted to place a full page ad, at a cost of \$400.00, in the program for the O’Donel High School production of “High School Musical”.

Question called. Motion carried unanimously.

16-02-075 Easter Day Camp

For the information of the public, the Easter Day Camp will take place at the Reid Centre during the week of March 28 to April 1. Registration is open online on the City website for children currently in grades K to Grade 6.

16-02-076 Capital Investment Application
Gas Tax Funding

Motion – Councillor Stoyles/Councillor Ledwell

RESOLVED THAT approval be granted to submit the Capital Investment Application to the Department of Municipal Affairs for Gas Tax Funding in the amount of \$1,200,000 for upgrades to the Blackmarsh Road Intersection.

Question called. Motion carried unanimously.

16-02-077 Professional Development & Training - 2016 Canadian Parks Summit
Director, Community Services

Motion – Councillor Stoyles/Councillor Ledwell

RESOLVED THAT approval be granted, in accordance with the Professional Development & Training Policy, for the Director of Community Services to attend the 2016 Canadian Parks Summit being held in Canmore, Alberta from April 11 – 14, 2016.

Question called. Motion carried unanimously.

16-02-078 Tax Recovery Plan

Motion – Councillor Stoyles/Councillor Ledwell

RESOLVED THAT the City's tax recovery plan be approved as presented.

Question called. Motion carried unanimously.

INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE

16-02-079 Request for Change Order Approval (RCO)
Admiralty House Annex Upgrades/Renovations

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the following change order for the Admiralty House Annex Upgrades/Renovations Project be approved:

RCO No.	Description	Value (HST Included)
	<i>Original Contract Price:</i>	\$125,373.50
01	Due to conditions found on site and the structural complexity of the design, services of structural engineering is required.	\$4,859.00
	Total of Change Order	\$4,859.00
	Revised Contract Price	\$130,232.50

Question called. Motion carried unanimously.

16-02-080 Request for Change Order Approval (RCO)
Smallwood Arena Building Demolition

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the following change order for the Smallwood Arena Building Demolition Project be approved:

RCO No.	Description	Value (HST Excluded)
01	Extra consultant cost for the combined tender effort and site visit during tender period with interested bidders.	\$1,850.00
	Total of Change Order	\$1,850.00

Question called. Motion carried unanimously.

16-02-081 Request for Change Order Approval (RCO)
2014-2017 Multi-Year Capital Works – CP1 (Hann, Hounsell, O’Keefe & Jeffers)

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the following change order for the 2014-2017 Multi-Year Capital Works Project – CP1 (Hann, Hounsell, O’Keefe & Jeffers) Project be approved:

RCO No.	Description	Value (HST Excluded)
	<i>Original Contract Price:</i>	\$361,751
01	<ul style="list-style-type: none"> • Remove existing catch basin and install new • Incidental NF Power costs associated with temporary power shutdowns 	\$11,049
	Total of Change Order	\$11,049
	Revised Contract Price	\$372,800

Question called. Motion carried unanimously.

16-02-082 Request for Change Order Approval (RCO)
Municipal Avenue Upgrades, Phase One (1) – Maple Street to Delaney Avenue

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the following change order for the Municipal Avenue Upgrades, Phase One (Maple Street to Delaney Avenue) Project be approved:

RCO No.	Description	Value (HST Excluded)
	<i>Original Contract Price:</i>	\$315,575
02	<ul style="list-style-type: none"> • Removal of unsuitable material and replace with rock fill • Repair and/or relocation of unknown water and sewer services to repair and/or relocate • Relocation of existing catch basin • Addition of culvert on T'Railway and increased length of ditch re-profiling. 	\$32,965
	Total of Change Order	\$32,965
	Previously Approved RCO No. 1:	\$76,460
	Revised Contract Price	\$425,000

Question called. Motion carried unanimously.

16-02-083 Request for Change Order Approval (RCO) - Smallwood Drive Sidewalks

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the following change order for the Smallwood Drive Sidewalks project be approved:

RCO No.	Description	Value (HST Excluded)
	<i>Original Contract Price:</i>	\$429,750
02	<ul style="list-style-type: none"> • Remove and replace an additional 281m of badly damaged/deteriorated curb and gutter. Including associated asphalt work and adjustment of adjacent catch basins. • Removal of unsuitable material and replace with rock fill in some areas beneath the existing sidewalk required to create a suitable base. • Concrete reconstruction required on each side of pedestrian underpass. 	\$106,989
	Total of Change Order	\$106,989
	Previously Approved RCO No. 1:	\$68,261
	Revised Contract Price	\$605,000

Question called. Motion carried unanimously.

16-02-084 Request to Appoint Prime Consultant
2014-2017 Street Upgrading (17-MYCW-15-00047)
Infrastructure Improvements Commonwealth Avenue and Sunrise Avenue

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted, contingent upon the successful negotiation of the final terms of the prime consultant agreement, to award the contract for the consulting services for the above noted project to DMG Consulting Limited for the proposal amount of \$407,897.68 (HST included).

Question called. Motion carried unanimously.

16-02-085 Request to Appoint Prime Consultant
2014-2017 Street Upgrading (17-MYCW-15-00047)
Infrastructure Improvements Topsail Road and Blackmarsh Road

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted, contingent upon the successful negotiation of the final terms of the prime consultant agreement, to award the contract for the consulting services for the above noted project to DMG Consulting Limited for the proposal amount of \$251,748.63 (HST included).

Question called. Motion carried unanimously.

16-02-086 Contract Recommendation
Supply & Delivery of One (1) Eight (8) Ton Excavator TP-16-003

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted to award the contract for the supply and delivery of one (1) eight (8) ton excavator to the lowest qualified bidder, Harvey & Company Ltd., for the bid amount of \$126,554.35 (HST included).

Question called. Motion carried unanimously.

16-02-087 Contract Recommendation
Supply & Delivery of One (1) Rubber Tire Backhoe TP-16-004

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted to award the contract for the supply and delivery of one (1) rubber tire backhoe to the lowest qualified bidder, Madsen Construction Equipment, for the bid amount of \$159,866.75 (HST included).

Question called. Motion carried unanimously.

16-02-088 Contract Recommendation
Supply & Delivery of One (1) Asphalt Recycler TP-16-005

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the contract for the supply and delivery of one (1) asphalt recycler be awarded to the lowest qualified bidder, Saunders Equipment Ltd., for the bid amount of \$127,684.35 (HST included).

Question called. Motion carried unanimously.

16-02-089 Project Updates

Information was provided on various ongoing multiyear capital works projects. It was acknowledged that the tender for the Reid Centre renovations wouldn't be placed until April and that means a likely start date of late April or early May. Council expressed concern with the delay and the re-opening of the facility.

16-02-090 Public Works

It was noted that winter maintenance is ongoing. Salt usage in January 2016 was 2400 tonnes which was similar to January 2015. In response to the Mayor, the IPW Director provided clarification on the process of clearing the sidewalks.

Specific reference was made to Stonegate Crescent and the delay in snowclearing during the most recent storm because of cars parked on the street. The IPW Director advised of the protocol followed by equipment operators and the municipal enforcement division when vehicles are parked on the street. It was suggested that following such a circumstance residents be advised the reason for the delay, i.e. by written notification or citizen alert.

16-02-091 Water Levels – Bay Bulls Big Pond

It was noted that the most recent report shows the water level at Bay Bulls Big Pond rising as a result of recent rain and snow melt.

PLANNING AND DEVELOPMENT COMMITTEE

16-02-092 Foundations Enterprises Inc.
Four (4) Unit Row Dwelling
11-13 St. Andrews Avenue

Background

An application was received to demolish two existing residential single family dwellings, create a four lot row dwelling subdivision and construct four (4) one storey row dwelling units at 11-13 St. Andrew's Avenue. The units are one storey with a walkout basement as the lot will gradually slope from the front of the lot to the rear of the lot. The four row dwelling lots differ in lot frontage and lot

depth; however, the smallest lot has a minimum lot frontage of 7.3 m (24 feet) and minimum lot depth of 6.58 m (120 feet). Each row dwelling unit will contain one dwelling unit and each lot will have onsite parking to accommodate two vehicles.

The subject property is located on the southwest corner of St. Andrew's Avenue and Teasdale Street and is two lots east of existing commercial development on Commonwealth Avenue. A portion of the subject property (#11) is directly across the street from existing commercial development. Beyond the relationship with the existing commercial development the proposed development is adjacent and surrounded by single family dwellings.

The application met all development standards of the RMD use zone with the exception of the flanking street side yard standard and the lot coverage standard for two of the four lots. As a result the application was processed under Section 6.33, of the Mount Pearl Development Regulations 2010 titled Residential Intensification Projects, which provides Council with the discretion to consider the request to reduce the flanking street side yard and increase the lot coverage subject to public consultation (held January 13, 2016).

Motion – Deputy Mayor Locke/Councillor Walsh

RESOLVED THAT an application from Foundations Enterprises Inc. to demolish the two existing residential single family dwellings, create a four lot row dwelling subdivision and construct four (4) one storey row dwelling units at 11-13 St. Andrew's Avenue be approved and a development permit be issued subject to the following conditions:

1. St. John's Regional Fire Department conditions;
2. NL Power conditions;
3. City Inspector's conditions;
4. Planning Services Divisions conditions;
5. Engineering Services conditions;
6. The developer to construct a rear yard privacy fence which will be the responsibility of the individual property owners to maintain and repair.
7. Wherever possible to retain the existing trees in the rear yard of the each of the lots; and
8. The development meeting Mount Pearl Development Regulations 2010.

Discussion: Councillor Stoyles did not support the motion given its location in the neighbourhood and that she spoke with a number of residents who do not want the development.

Other members of Council supported the proposal noting that it was a good approach to the re-development of this site and what is proposed is preferred over the existing houses. It was noted that this type of development improves the affordability of housing. The installation of a privacy fence toward the property at 1 Teasdale Street addresses a perceived privacy concern. The fence will be built within the property boundaries and it will be noted within

individual lot agreements that maintenance of the fence is the property owner's responsibility. The developer will be required to retain trees and protect them during construction – this will aid in maintaining a sense of privacy in the neighbourhood. It was indicated that if the City had an urban forestry plan, this would be a tool to manage trees.

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

16-02-093 G & L Capital Inc.
New Building for Office/Clinic Use (Two Buildings on Lot) and
Consolidation of Property 882 & 886 – 890 Topsail Road

Motion – Deputy Mayor Locke/Councillor Walsh

RESOLVED THAT an application by G & L Capital Inc. to demolish an existing residential dwelling and construct a multi-use multi-tenant one storey building for office or clinic use at 882 Topsail Road be approved and a development permit be issued subject to the following conditions:

1. St. John's Regional Fire Department's conditions
2. Newfoundland Power conditions
3. Finance Division conditions
4. Inspection Services Division conditions
5. Planning and Development Department conditions
6. A detailed landscape plan, completed landscape cost estimate form and refundable landscaping security fee to be submitted for review and approval by the City prior to any building permits being issued
7. Final approval from the Engineering Services Division
8. The development meeting the Mount Pearl Development Regulations 2010

Question called. Motion carried unanimously.

16-02-094 10 Dunne's Lane
Proposed Renovations to Existing Non-Conforming Single Detached Dwelling

Motion – Councillor Walsh/Councillor Ledwell

RESOLVED THAT in consideration of the non-conforming nature of the development, the application to undertake interior renovations, demolish the existing front porch and construct an extension to the rear of the existing dwelling at 10 Dunne's Lane be approved and a development permit be issued subject to the following conditions:

1. Any portion of the dwelling renovated shall be flood proofed
2. A maintenance easement/agreement is required with the adjacent property owner
3. City Inspector conditions

4. Applicant obtains permit from the Water Resources Management Division
5. And the development meets the City of Mount Pearl Development Regulations 2010 and the City of Mount Pearl Building Regulations

Question called. Motion carried with Deputy Mayor Locke abstaining from voting due to a conflict of interest.

16-01-095 Development Permits

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT the development permits issued for the period of January 25 – February 12, 2016 be approved as presented.

Question called. Motion carried unanimously.

16-01-096 Building Permits

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT building permits issued for the period of January 25 – February 12, 2016 showing a total construction value of \$26,500.00 be approved as presented.

Question called. Motion carried unanimously.

16-02-097 Undeveloped Lot – 3 Orchard Avenue

At the Council meeting of January 26 the undeveloped lot at 3 Orchard Avenue was referenced. It was clarified that this is an application for construction not a dwelling being relocated to it.

Council was advised that the property owner of 3 Orchard Avenue was contacted with respect to the development of the lot. As a result, the Engineering Services division will further review the servicing constraints and advise the property owner on how he can proceed. The City will await direction from the owner as to how he will proceed with the intention that the development proceeds this summer or the lot is to be filled in and landscaped.

NEW BUSINESS

16-02-098 Condolences – Murphy Family

Members of Council extended condolences to Trevor Murphy and his family on the passing of his mother, Joyce. Mr. Murphy is the current President of the Mount Pearl Minor Hockey Association.

16-02-099 Frosty Festival

Members of Council extended congratulations and appreciation to the Frosty Festival Committee and all volunteers for a very successfully event.

16-02-100 Provincial Championships

Members of Council extended congratulations to members of the Mount Pearl Marlins Swim Team who participated in the Provincial Championships held this past weekend at the Summit Centre. Attendees were impressed with the facility and the service received. It was requested that appreciation be extended to the staff.

16-02-101 Congratulations - Noubahar Hasnain – Loran Award

Deputy Mayor Locke extended congratulations to Ms. Hasnain for winning the Loran Award. Each Loran Scholar receives an award valued at up to \$100,000 for their undergraduate studies. He noted that Nitish Bhatt of Gonzaga also won the Award.

16-02-102 Condolences – Kevin Putt

Councillor Stoyles extended condolences to the family and friends of Kevin Putt, a long-time resident of Mount Pearl.

16-02-103 Kinsmen Club – 50th Anniversary

Councillor Stoyles advised that the Kinsmen Club will be celebrating their 50th anniversary on February 20 with a social at Park Place.

16-02-104 Canada Post

Councillor Stoyles expressed her dissatisfaction with the community mailboxes particularly during this time of year when weather conditions are not ideal.

16-02-105 Infrastructure Improvements – Blackmarsh/Topsail Road

Councillor Aker clarified the budget breakdown for the above noted project – \$1.2 million of the \$3.8 million is from gas tax funding; the balance is multi-year capital funding.

16-02-106 Inclement Weather

Councillor Aker commented on the rainfall warning in effect and reminded residents to be cautious of potential freezing following the milder temperature.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:00 pm on a motion by Councillor Aker.

Chairperson

Deputy City Clerk