

PUBLIC COUNCIL MEETING MINUTES
January 28, 2014

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on January 14, 2014 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.

14-01-035 Adoption of Agenda

Motion – Councillor Stoyles/Councillor Ledwell

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

14-01-036 Adoption of Minutes

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the minutes of the public meeting held on January 14, 2014 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING/ACTION REPORT

No business arose from the previous meeting. The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

14-01-037 White Cane Week

Mayor Simms signed a proclamation declaring February 2 – 8, 2014 as White Cane Week in the City of Mount Pearl. Nadine Green, a member of the local Canadian Council for the Blind Chapter, the E.A. Baker Club, was in attendance. Ms. Green advised of the purpose of White Cane Week that being to create awareness of the issues that challenge the blind and partially sighted. She also provided information on activities planned for the week.

14-01-038 Frosty Festival

Mayor Simms welcomed Frosty Festival representatives – Mike Mooney - Chair, Keith White – Vice Chair, and Roy Locke, Marketing & Communications, to the Council Chambers. Mr. Mooney extended appreciation to Council and staff for their support and presented the program, highlighting some of the events. Council extended their thanks to Committee members and all volunteers for their efforts to put off a successful event.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE

14-01-039 Winter Maintenance

It was noted that the improved weather conditions since the last meeting have resulted in a reduced winter maintenance report.

14-01-040 Dog Park

Information on access to the dog park during the winter season was presented.

14-01-041 Storm Water Management

An update on sanitary sewer reviews was presented. The City has been engaged in various activities over the past eight (8) years in relation to sanitary sewer reviews. The Sunrise Avenue Drainage Basin investigations were conducted in

2006 and 2007. The original scope of the project was limited to controlling surging in the sanitary sewer by reducing the volume of storm water entering the sanitary sewer system from sump pumps. The 2007 door-to-door survey conducted in the Sunrise Avenue Drainage basin found there were approximately 40 sump pumps connected to the sanitary system in that basin.

The City proceeded with pilot projects in 2009. In conjunction with the pilot projects, field work was performed to determine which properties can be serviced by the current storm water system. Norma's Avenue was upgraded in 2010/2011. The scope of this work included the hook up of eight (8) sump pumps to the storm system in the street (via individual force mains).

In 2013, the City engaged BAE-Newplan to investigate continuing surcharging issues. It was determined that although the current sanitary system meets design requirements, it is overcapacity during storm events due to infiltration. The scope of this work includes an information review, door-to-door survey (approximately 400 homes) and a condition assessment of sanitary sewer. They will also determine if additional infrastructure is required to service sumps and provide a proposal, capital cost estimate and recommended phasing plan to connect sumps to the storm water system. The door-to-door survey was started on January 20, 2014.

It was noted that this action addresses the concerns raised during the public consultation for the Municipal Avenue amendment with respect to water and sewer capacity to service the development.

PLANNING AND DEVELOPMENT COMMITTEE

14-01-042 Proposed Development Regulations Amendment (Municipal Avenue Amendment) Rezoning of 33-39 Municipal Avenue, 19 and 20 Delaney Avenue, and the rear portion of 14 Orchard Avenue – re Proposed Affordable Housing Development – Municipal Avenue - Residential Medium Density (RMD) to Apartment (APT) Use Zone Map Amendment

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT Mount Pearl Development Regulation 2010 Amendment No. 28, 2014 (Municipal Avenue APT Amendment) be adopted by Council.

Discussion: The amendment rezones 33-39 Municipal Avenue, 19 and 20 Delaney Avenue, and the rear portion of 14 Orchard Avenue from Residential Medium Density (RMD) to Apartment (APT) Use Zone. Council is of the position that the developer has satisfactorily addressed the concerns of massing, shadowing, impact and increase in activity and traffic in the area by significantly reducing the size of the proposed development from 4 ½ storeys and 42 units to a 2-storey development with 26 units. The proposed amendment area is not located within the flood plain or 15 metre buffer of the river. The intention of this proposed

amendment is to provide Council with the authority to consider a multi-unit apartment building at this location. The following remaining items will be address as part of the development review process when a development application is received:

1. Sanitary/storm sewer servicing and storm water management.
2. Traffic control measures at the corner of Municipal Avenue and Orchard Avenue and required road upgrades in the area.
3. Snowclearing and snow storage.

Question called. Motion carried with Councillor Aker abstaining from voting due to a conflict of interest.

14-01-043 Proposed New Building (Flag Lot Development)
878 Topsail Road

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT a development application to construct a new building at 878 Topsail Road for the purpose of a multi-use building and complete associated site development 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.

Discussion: The proposal meets all the requirements of the City Plan 2010 in regards to efficient and effective manner of developing land, the development will not hinder the efficiency or convenience of the existing and future road network and the development does not prejudice the future development of the surrounding lands. It was noted that the Hillside developer has been discussing a potential road realignment that they see as a possible improvement to address some of the grading concerns within the development; however, contact information between the proponent and the Hillside developers has been exchanged and there has been no further submission of plans by Hillside, or offer to purchase the proponent's land by Hillside, therefore this application was considered in terms of the City's requirements and existing conditions.

Question called. Motion carried unanimously.

- 14-01-044 Proposed Re-development of Property – Required Land Use Impact Assessment
MAE Design Ltd. (Cobalt Management Corporation)
22-24 Commonwealth Avenue

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT the Terms of Reference for the Land Use Impact Assessment for the redevelopment of the property at 22-24 Commonwealth Avenue be approved as presented to allow the proponent to proceed with the preparation of the assessment report for review by the City prior to the commencement of the public notification process.

Discussion: Due to the proposed uses and site location in proximity to three intersections and a residential neighbourhood, a Land Use Impact Assessment (LUIA) was required as part of a public information document and prior to the City making a decision on this application. It was noted that the assessment may address issues that could arise during the public consultation process.

Question called. Motion carried unanimously.

- 14-01-045 Proposed Family Child Care Use
26 Easton Place

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT the development application for a family child care use at 26 Easton Place be approved and a development permit issued in accordance with the Mount Pearl Development Regulations 2010, and more specifically Regulation 4.5 and 7.11, as well as conditions outlined by the City Inspector, the Finance and the Planning Services Divisions.

Question called. Motion carried unanimously.

- 14-01-046 Proposed New Building and Associated Site Work - Radio Station and Office Use
AE Consultants Seventh Day Adventist Church
VOAR – Kenmount Road

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT the development application by AE Consultants on behalf of the property owner Seventh Day Adventist Church, proposing to develop a new building with a floor area of 655 m² and complete associated site work on their parcel at Kenmount Road for a proposed radio station be approved and a development permit be issued subject to the following conditions:

1. Industry Canada conditions;
2. City of St. John's conditions;
3. Town of Paradise conditions;
4. Newfoundland Power's conditions;
5. Bell Aliant's conditions;
6. St. John's Regional Fire Department's conditions;
7. Engineering Services Division's conditions;
8. Inspection Services Division's conditions;
9. Planning and Development Department's conditions;
10. 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;
11. a revised detailed Site Plan illustrating the following shall be submitted for review:
 - orientation of the proposed footprint of the building parallel to Kenmount Road,
 - detailed engineering information regarding the fire flow (residual pressure in hydrant on Allston Street), and
 - upgraded servicing information to allow for future development of the site (any additional buildings);
12. the Broadcasting Engineer's report shall be submitted to the City;
13. written confirmation from the property owners of 9 and 15 Allston Street concurring with the development of underground servicing within the easement located on both parcels; and
14. the development meeting the Mount Pearl Development Regulations 2010.

Question called. Motion carried unanimously.

14-01-047 Proposed Electronic Sign
EC Boone and Sheppard Case
885 Topsail Road

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT the proposed combined changeable message/ground sign at 885 Topsail Road be approved, subject to a condition being placed in the development permit that the sign location may need to be re-considered should Topsail Road widening occur and should there be any resulting sight line issues. All costs associated with a potential relocation and / or physical changes to the sign would be that of the property owner at 885 Topsail Road.

Question called. Motion carried with Councillor Stoyles abstaining from voting due to a conflict of interest.

14-01-048 Development Permits

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT development permits issued for the period of January 13 - 24, 2014 be accepted as presented.

Question called. Motion carried unanimously.

14-01-049 Building Permits

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT building permits (revised listing) issued for the period of December 14 - 31, 2013, showing a total construction value of \$29,649,029.00 and building permits issued for the period of January 1 – 24, 2014, showing a total construction value of \$1,899,500.00 be approved as presented.

Discussion: The permit issued to Martek for an accessory building at 756 – 774 Topsail Road was discussed. It was clarified that the salt stored in the container was only used for the Mount Pearl Square property. It was indicated that the permit did not include a restriction as to it being temporary. The owner is aware that the condition of the container is to be improved. It was indicated that the Noise Regulations allow for snow clearing and removal operations for hire during a snowfall event and for a period of 24 hours after a snow fall event.

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

COMMUNITY SERVICES COMMITTEE REPORT

14-01-050 Mount Pearl Sport Alliance

Sports Hall of Fame & Athlete of the Year Awards Ceremony - January 31, 2014

The Mount Pearl Sport Alliance in partnership with the City of Mount Pearl will be hosting the annual Sports Hall of Fame and Athlete of the Year Ceremonies at the Reid Community Centre on Friday, January 31 at 7:00 pm. Further information is available by contact the Alliance office at 748-6489 or emailing mportalliance@mountpearl.ca.

14-01-051 Mount Pearl Frosty Festival

Event Booklets to Mount Pearl Residents

For the information of the public, the Frosty Festival Event Booklets were delivered to Mount Pearl households in the GO BAG (weekly bag of flyers) between the dates of January 20-25. Ticket sales for various events began at the

Glacier box office on Saturday, January 25. Further information is available on the Frosty Festival website - www.frostyfestival.ca.

14-01-052 Focus on Youth Awards

The Focus on Youth 2013 Awards Program takes place on May 14th. The deadline for nominations is March 3, 2014 and organizations and residents are encouraged to submit nominations in as many categories as possible. For further information, please check with Garry Fraser, Youth Coordinator, 748-1010.

CORPORATE SERVICES COMMITTEE

14-01-053 Professional Development & Training – Councillor Tessier

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval, in accordance with the Professional Development & Training Policy, for Councillor Tessier to attend the Federation of Canadian Municipalities (FCM) Annual Conference being held May 30 to June 2, 2014 in Niagara Falls, ON.

Question called. Motion carried unanimously.

14-01-054 Invoices for Approval

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the following invoices be approved for payment:

1.	Newfound Roofing Ltd. (Installation of Railing, Dart & Score Boards)	\$ 6,215.00
2.	Alan Carew Surveys Ltd (Surveys St. David's Park & Avenue)	\$ 7,000.35
3.	Grand Concourse Authority (St. Peter's Softball Field - 2nd Payment)	\$ 31,640.00
4.	Metrobus Transit (Mount Pearl Bus Service (Dec))	\$ 84,703.64
5.	City of St. John's (Robin Hood Bay Landfill Charges for Dec 2013)	\$ 34,977.42
6.	Baker Flooring Contracts Limited (Supply & Install Tiles & Base - Kenmount Park)	\$ 6,181.10
7.	Marco Services Ltd. (CP3 Reid Center Expansion - Progress Payment # 20)	\$ 1,187,670.63

8.	MVT Canadian Bus, Inc. (Para-Transit - Fourth Quarter)	\$ 90,830.85
9.	Kelloway Construction Ltd. (Cleaning Services December 2013)	\$ 16,432.05
10.	Kelloway Construction Ltd. (Painting of RNC - Mount Pearl Depot)	\$ 9,185.27
		\$ 1,474,836.31

Question called. Motion carried unanimously.

REGIONAL SERVICES & ENVIRONMENT COMMITTEE

14-01-055 Regional Water Services Committee

The most recent report shows that water level for Bay Bulls Big Pond is holding level.

14-01-056 Northeast Avalon Joint Council

The latest meeting of the NEAJC was held January 15, 2014 at which the election of officers took place. Meetings are held monthly (3rd Wednesday) and member municipalities host meetings on a rotating basis. It was requested that a letter of congratulations be forwarded to the Executive.

14-01-057 Eastern Regional Services Board

The user fee at the Regional Waste Management Facility located at Robin Hood Bay from April 1, 2014 to March 31, 2015 will be as follows:

- Landfill-bound materials will cost \$67.60 per metric tonne
- Recyclable materials will cost \$20.00 per metric tonne

These fees remain the same as in 2013.

14-01-058 North Atlantic Oil Spill

An update on the 2010 North Atlantic oil spill was provided. In December North Atlantic was fined \$100,000 after being convicted on a single count of violating the Federal Fisheries Act, depositing a deleterious substance into fish-bearing waters. The cost of the City's efforts in containing the spill, before the Province took charge of it, is approximately \$130,000 and has been presented to North Atlantic.

14-01-059 Powers Pond Siltation

An update on the matter of silt running into Power's Pond from a nearby development late last year was provided. The situation is still being monitored regularly by our Engineering Services division and the City of St. John's. The outside development has had erosion control measures installed that have been approved by St. John's but with the heavy rain last week, there was some silt evident that may have come from existing properties. This was corrected by City forces that same day and we will continue to monitor and maintain as necessary.

TRANSPORTATION & PUBLIC SAFETY COMMITTEE

14-01-060 Running Event – February 2, 2014

The public was advised that a running event (organized by the Running Room) will be held on February 2, 2014 in accordance with the route presented.

NEW BUSINESS

14-01-061 Condolences

Members of Council extended condolences to Mike Bugden (Sport Alliance Business Manager) and family on the recent passing of his mother, Marigold.

14-01-062 Provincial Women Curling Championship

Deputy Mayor Locke extended congratulations to members of the Heather Strong Rink who will be representing the province at the national women's curling championship in Montreal (February 1 – 9). He noted that members Heather and Laura Strong and Noelle Thomas-Kennell are Mount Pearl residents.

14-01-063 PEARL Program – Donation – Church of the Good Shepherd

Deputy Mayor Locke advised that he accepted a donation of \$1,000 from the Parish of the Good Shepherd at their Annual Arctic Char Dinner in support of the PEARL Program. The PEARL program subsidizes over 200 participants in both City programs and other sport and recreation programs. He presented the donation to Mayor Simms. Appreciation was extended to the Parish for their generosity.

14-01-064 Family Literacy Day

Councillor Stoyles extended appreciation to staff of the Ross King Memorial Library for hosting a "story time" event on January 27, 2014 in recognition of Family Literacy Day.

14-01-065 Twin Cities Winter Classic – Hockey Fundraiser

Councillor Aker advised that the Cities of Mount Pearl and St. John’s will be participating in a hockey game in support of the Reason for the Rink (Todd Churchill) project that raises money for Easter Seals NL, Rainbow Riders and the Mazol Shriners. The game is scheduled for February 2 at 2:00 pm.

14-01-066 2014 Atlantic Engineering Competition

Councillor Aker extended congratulations to Memorial University students participating in the Atlantic Engineering Competition being held January 24 – 26 at the University of Moncton. Two members of the team are Mount Pearl residents – Brian Peach and Jake Parsons.

14-01-067 Frosty Festival

Councillor Ledwell extended appreciation to the volunteers who are responsible for the success of Frosty Festival and encouraged all attendees to say “thank you”!

14-01-068 The Venerable Dr. Geoffrey Peddle

On behalf of Council, Mayor Simms extended congratulations to Reverend Peddle who was elected Diocesan Bishop in the Diocese of Eastern NL. His consecration as the new Bishop was held on January 17, 2014.

14-01-069 Chamber of Commerce

Mayor Simms commented on the success of the Chamber’s annual outlook luncheon. He advised of interest expressed by Murray Rankin, NDP Member of Parliament for Victoria, (who was in attendance) in the Citizen of the Year event.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:55 pm on a motion by Councillor Walsh and seconded by Councillor Ledwell.

Chairperson

Deputy City Clerk