

PUBLIC COUNCIL MEETING MINUTES
June 25, 2013

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on June 25, 2013 at 4:15 pm.

MEMBERS PRESENT

Mayor Randy Simms
Councillor Lucy Stoyles
Councillor Paula Tessier
Councillor Dave Aker
Councillor Andrew Ledwell

STAFF PRESENT

Stephen Jewczyk, Director, Planning & Development
Jason Silver, Director, Corporate Services
Gerry Antle, Director, Infrastructure & Public Works
Jason Collins, Director of Community Services
Mona Lewis, Deputy City Clerk

MEMBERS ABSENT

Deputy Mayor Jim Locke
Councillor John Walsh

STAFF ABSENT

Michele Peach, Chief Administrative Officer

Mayor Simms chaired the meeting.

13-06-458 Adoption of Agenda

Motion – Councillor Stoyles/Councillor Ledwell

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

13-06-459 Adoption of Minutes

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the minutes of the public meeting held on June 11, 2013 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

None noted.

CORRESPONDENCE

13-06-460 Department of Environment & Conservation – Office of the Minister
NORM Decontamination & Temporary Storage Facility

A letter was presented from the Honourable Tom Hedderson advising that legislation does not permit the appointment of a representative from the City of Mount Pearl to the Environmental Assessment Committee. The regulations stipulate that members of the Environmental Assessment Committee shall be provincial or federal government employees.

Mayor Simms challenged the decision on the premise that the City of Mount Pearl is an employee of the province and part of an order of government called the Province of Newfoundland and Labrador.

It was noted that the Director of Planning & Development will take the lead role on following the application process through the Committee. It was further noted that it will provide the City the opportunity to demonstrate the zoning in this area.

Council was also advised of an offer of assistance from Gordon Cooper, a resident who has knowledge of environmental matters.

COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE

13-06-461 Household Hazardous Waste Day (Information)

Household hazardous waste collection for the City of Mount Pearl took place on June 8 with 39 vehicles visiting the Municipal Depot to dispose of items such as batteries, household paint, pesticides and waste oil. It was noted that the number of participants was lower than in previous years which may be due to the availability of a facility at the landfill site. Residents were reminded not to dispose of hazardous waste with their regular household garbage. Further information is available on the City's website or by contacting the Infrastructure & Public Works Department (748-1016).

13-06-462 Summer Maintenance (update)

An update on the City's summer maintenance program was provided, i.e. street cleaning, garbage collection along trails, etc. It was noted that there is limited equipment (one street sweeper, one madvac) available for picking up litter. It was requested that the Community Services (municipal enforcement) consider ways to deal with the flagrant disregard for littering. It was also noted that the Green Team will be working with businesses to develop a solution to flyer debris.

Animal refuse bags have been installed in various locations along the trails and parks. It was suggested that consideration be given to placing the bags at the entrance to Squires Field, Team Gushue Complex, as well as various locations where the trails meet the streets.

Snow clearing damages are being assessed and work orders have been prepared for remedial action.

COMMUNITY SERVICES COMMITTEE REPORT

13-06-463 Memorial Day Parade and
Beaumont Hamel Wreath Laying Ceremony
July 1, 2013

The public was advised that the Royal Canadian Legion Memorial Day Ceremonies will be held on July 1 at the war memorial site, Park Avenue, commencing 11:00 am.

13-06-464 Mount Pearl Marlins

Congratulations were extended to members of the Marlins Swim Team in recognition of their success at a recent meet. Congratulations were also extended to:

- Marlins parent, John Mackenzie – Volunteer of the Year
- Chris Roberts –Nominated for Coach of the Year
- Becca Dyer – Swimmer of the Year
- Tammy Lahey – in recognition of having served 8 years on the executive

13-06-465 Arena Board of Management
3rd Installment Operating Grant 2013

Motion – Councillor Tessier/Councillor Stoyles

RESOLVED THAT approval be granted to release the third installment of the 2013 operating grant, in the amount of \$32,000, to the Arena Board of Management.

Question called. Motion carried unanimously.

13-06-466 Provincial Hershey's Track & Field
June 15, 2013

Congratulations were extended to the Pearlgate Track & Field Club and the Newfoundland Labrador Athletics Association for the extensive work carried out during the Provincial Hershey's Track & Field Final held at the Pearlgate Track & Field on June 15.

13-06-467 Provision of Bus Services – Summer Program 2013

Motion – Councillor Tessier/Councillor Stoyles

RESOLVED THAT approval be granted to award the tender for the provision of bus services for the 2013 summer program to the lowest, qualified bidder, Executive Taxi, in the amount of \$22,316.37 (taxes included).

Question called. Motion carried unanimously.

13-06-468 Canada Day Activities

The public was advised that Canada Day activities will take place on July 1 from 12:00 – 3:00 pm on St. David's Field (rainy day site – Reid Community Centre). Further details available on City's website.

CORPORATE SERVICES COMMITTEE

13-06-469 Invoices for Approval

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the following invoices be approved for payment:

1.	Bae-Newplan Group (Team Gushue Softball Field Score Board Structure Support)	\$ 5,650.00
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2.	BSB Electrical Services Ltd. (Team Gushue Sports Complex Delay Claim)	\$ 7,506.59
3.	Brian's Take-Out & Catering (Catering - Focus on Youth Awards 2012.)	\$ 6,436.71
4.	City of St. John's (Landfill Usage - May 2013)	\$ 65,905.06
5.	Crosbie Industrial Services (Reline Sewer Pipe at 90 Commonwealth Avenue)	\$ 7,887.40
6.	DPSI (iMaint Training)	\$ 8,475.00
7.	Hitech Communications Ltd. (AVL Rental - November 2012)	\$ 5,265.35
8.	Hitech Communications Ltd. (AVL Rental - April 2013)	\$ 5,265.35
9.	Kelloway Construction Ltd. (Dugout repairs for Team Gushue Softball Field)	\$ 8,247.87
10.	Kelloway Construction Ltd. (Dugout repairs for Squires Softball Field)	\$ 8,846.77
11.	Lighting & Traffic Systems Ltd. (Traffic Signal Service & Materials April 2013)	\$ 17,202.24
12.	Lighting & Traffic Systems Ltd. (Traffic Signal Service & Materials March 2013)	\$ 9,528.35
13.	Lighting & Traffic Systems Ltd. (Service & Repair Traffic Lights at Smallwood & Jeffers Dr.)	\$ 16,445.95
14.	Mitchell Farms Inc. (Mulch for Landscaping)	\$ 6,780.00
15.	RICOH (ASG Install)	\$ 7,768.75
16.	St. John's Transportation Commission (Metrobus Service - May 2013)	\$ 84,015.04
17.	Transcontinental Print (Printing 2013 Summer Activity Guide)	\$ 10,577.75
	Total	\$ 281,804.18

Question called. Motion carried unanimously.

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

No report.

ENGINEERING SERVICES COMMITTEE

13-06-470 Multiplex - Update

An update on the Multiplex construction was presented. It was suggested that a communication be released when the project is 50% completed. Council was advised that the wooden trusses will be visible in the finished building.

13-06-471 Street Markings (Line Painting)

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT change order # 1 for the 2011 street marking contract with Clearaway Contracting Limited, in the amount of \$82,660.25 be approved.

Discussion: The change order summary is as follows:

2011	(\$8,709.55)	Decrease in 2011 Scope of Work	Reduction in Quantities
2012	(\$12,469.24)	Decrease in 2012 Scope of Work	Reduction in Quantities
2013	\$103,839.03	Change in 2013 Scope of Work	Paint change (federal regulation limiting to low VOC effective May 2013), Increase in size of arrows, etc.

Question called. Motion carried unanimously.

PLANNING AND LAND USE DEVELOPMENT COMMITTEE

13-06-472 Application for Driveway Extension
13 Seabright Place

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the application for a driveway extension at 13 Seabright Place be refused as it would result in the reduction in the landscaped front yard to less than 50% of the front yard which is contrary to Regulation 16.19.3(b) of the Mount Pearl Development Regulations.

Discussion: Councillor Stoyles requested that consideration be given to permitting the extension given the limited parking availability for townhouses. Councillor Stoyles' motion to defer the decision was defeated as there was no seconder.

It was acknowledged that similar requests have also been refused and to approve this application would establish a precedent for future requests. It was agreed that the Planning & Land Use Committee would review the landscape standards, the

number of semi-detached units and previous applications in recognition of developments such as apartment buildings and condominiums.

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

13-06-473 Mount Pearl Municipal Plan 2010 Amendment No. 5, 2013 and Mount Pearl Development Regulations 2010 Amendment No. 18, 2013 (912-924 Topsail Road Amendment)

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT Mount Pearl Municipal Plan Amendment No: 5, 2013 and Development Regulations Amendment No: 18, 2013 (912-924 Topsail Road Amendment) be adopted AND FURTHER THAT Jody Saunders be appointed as Commissioner for the public hearing scheduled for July 17, 2013, 7:00 pm at Mount Pearl City Hall.

Discussion: It was noted that the purpose of the proposed amendment is to provide Council with the authority to consider an application to redevelop the property and renovate the existing building which was formerly used as strip mall to an automotive display and sales use at 912-924 Topsail Road.

Question called. Motion carried unanimously.

13-06-474 City of St. John's Referral Proposed Amendment to the City of St. John's Municipal Plan Rezoning for a Proposed Industrial Commercial Park – Kenmount Road

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT a response be forwarded to the City of St. John's advising that the City of Mount Pearl has no objections to the proposed amendment to the City of St. John's Development Regulations as outlined in their letter of May 3, 2013; and further, that the City of St. John's be advised of the location of the proposed Pearlview West road connection at this location and the access design of the subdivision take this into consideration.

Discussion: Council expressed concern that the development would require on-site services until such time as municipal water and sewer services would be available. It was agreed that the matter would be deferred to allow for the preparation of a letter outlining Council's concern for this standard of development.

Motion to Defer – Councillor Stoyles/Councillor Ledwell

RESOLVED THAT the response to the City of St. John’s regarding an application to rezone a parcel of land on the north side of Kenmount Road to allow for the construction of an industrial commercial subdivision be deferred.

Question called. Motion carried unanimously.

13-06-475 Proposed Mount Pearl Development Regulations 2010 Amendment No. 19, 2013 Conservation Use Zone Amendment

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the proposed Mount Pearl Development Regulation 2010 Amendment No. 19, 2013 be adopted.

Discussion: The purpose of the proposed amendment is to have the permitted uses of the Conservation use consistent with Subsection 6.14 – Flood Risk Corridor, which permits roads and associated structures. It was clarified that this amendment relates to non-building (driveways, parking lots) uses such as roads and associated structures. It was also noted that all development applications located within the flood way, floodway fringe and buffer are referred to the Provincial Department of Environment & Conservation. With respect to Council’s inquiry regarding the City’s liability should personal property (located on a non-building use) be damaged, it was requested that legal clarification be obtained.

Question called. Motion carried unanimously.

13-06-476 Proposed Mount Pearl Development Regulations 2010 Amendment No. 20, 2013 CG Apartment Building Amendment

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the proposed Mount Pearl Development Regulation 2010 Amendment No. 20, 2013 be adopted.

Discussion: The purpose of the proposed amendment is to correspond with the General Commercial policy 6.2.5(vi) of the Mount Pearl Municipal Plan 2010 which states “... *and apartment buildings may be permitted in appropriate areas of General Commercial designation*”.

Discussion: It was clarified that this amendment does not impact Council’s discretionary authority.

Question called. Motion carried unanimously.

13-06-477 Alternate Landscaping for Front Yard
 14 Samson Street

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT an Order be issued to the property owner of 14 Samson Street to have the gravel/stone removed from his front yard and reinstated with 150 mm of topsoil and sodded grass within two weeks of the issuance of the Order.

Discussion: It was noted that this property does not meet the landscaping guidelines and that alternate landscaping requires a plan approved by a landscape architect. With reference to the inquiry as to the number of alternate landscaped front yards – a survey will be undertaken and council advised.

Question called. Motion carried unanimously.

13-06-478 Notice of Motion
 Amendment – Mount Pearl Development Regulations 2010

Councillor Aker 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 11 Use Zone Schedules, more specifically in the Use Zone Schedules for City Centre (CC), Industrial Light (IL), and Community and Public Service (PB):
 - (a) Under “Permitted Uses”, sub-category “Public:”, add “*Open Air Assembly Use (subject to Regulation 7.20)*” in alphabetical order to the list of public permitted uses;
 - (b) where necessary, re-letter existing “Public” permitted uses to accommodate the alphabetical addition as noted above; and
2. In Section 11 Use Zone Schedules, more specifically in the Use Zone Schedule for Open Space (OS):
 - (a) under “Permitted Uses”, following the sub-category “Recreational:” and prior to the sub-category “Other:”, add a new sub-category “Public:”, and under that sub-category, add “*Open Air Assembly Use (subject to Regulation 7.20)*”.

The purpose of this amendment is to provide Council with the authority to permit outdoor worship services in the land use zones specified above, subject to meeting

the conditions for this type of use as specified in Section 7 – Special Developments, Regulation 7.20 relating to Open Air Assembly Uses.

13-06-479 Development Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT development permits issued for the period of June 10 – 21, 2013 be accepted as presented.

Question called. Motion carried unanimously.

13-06-480 Building Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT building permits issued for the period of June 8 - 21, 2013, showing a total construction value of \$896,150.00, be approved as presented.

Question called. Motion carried unanimously.

NEW BUSINESS

13-06-481 Flower Containers – Intersections

Councillor Tessier commented on the flower containers recently placed at the various intersections, noting her appreciation to the contractor and staff for maintaining them throughout the summer into the fall.

13-06-482 Condolences

Members of Council extended sympathy to the family and friends of the following individuals:

- Walter Butt – a councillor with the Town of Pouch Cove – Mr. Butt’s contributions to his community and municipal government were acknowledged.
- Keith Keating – father of the 2011 Male Youth of the Year (Adam Keating)
- Major Hayward Noseworthy – father of employee Kim Mosher
- George Mercer – father-in-law of employee Bernice Mercer
- Sonia Leaman – volunteer with Frosty Festival, Girl Guides and Church of the Ascension – Mrs. Leaman’s contributions to the City of Mount Pearl were acknowledged.

13-06-483 Alberta Flood Recovery

Councillor Stoyles suggested that consideration be given to providing assistance to those impacted by the recent flooding in Alberta. She noted that the Canadian Red Cross disaster management volunteers, including MNL Christine Cave, are providing assistance. Referred to Corporate Services Committee.

13-06-484 Chamber of Commerce – AGM

Councillor Stoyles extended congratulations to the Mount Pearl-Paradise Chamber of Commerce Board of Directors following their recent AGM.

13-06-485 Special Olympics – Fundraiser

Councillor Stoyles advised of a fundraiser to be held at Paradise Bowl on July 13 in support of a member of the Special Olympics team.

13-06-486 Opening – Menchie's Frozen Yogurt Store

Councillor Stoyles advised of the recent opening of the Menchie's Frozen Yogurt Store and wished the owner well.

13-06-487 Garbage – Blowing from Construction Sites – Masonic Park Area

Councillor Stoyles advised of complaints from residents of Masonic Park regarding garbage that's blowing from nearby houses under construction. It was noted that contractors are responsible for securing debris and it was requested that City Inspectors investigate the matter. With reference to the debris that has fallen, it was suggested that City forces collect it, but it was acknowledged that this would be challenging given current work load.

13-06-488 Northeast Avalon Joint Council (NEAJC)

Councillor Stoyles advised that the NEAJC would not be meeting until the fall following the meeting scheduled for this evening hosted by the City of St. John's.

13-06-489 Condolences

Councillor Ledwell extended condolences to Kevin O'Keefe, a retired employee, on the passing of his wife, Sharon Walsh.

13-06-490 Seniors Independence Group

Councillor Ledwell commented on the success of the Seniors Independence Group closing dinner (for the summer) and extended congratulations to the new executive.

13-06-491 Robotics Competition

Mayor Simms extended congratulations to members of the O'Donel High School robotics team that finished first in the engineering panel competition and took home the Ranger Team Spirit Award at the 2013 Marine Advanced Technology Education Remotely Operated Vehicle (ROV) competition held in Seattle, Washington.

13-06-492 Sonia Leaman

Mayor Simms also extended condolences to Mrs. Leaman's family, advising that Council will be undertaking the task of commemorating her level of commitment to the community.

ADJOURNMENT

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

Chairperson

Deputy City Clerk