



**PUBLIC COUNCIL MEETING MINUTES  
May 14, 2013**

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on May 14, 2013 at 4:15 pm.

MEMBERS PRESENT

Mayor Randy Simms  
Deputy Mayor Jim Locke  
Councillor Lucy Stoyles  
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  
Mona Lewis, Deputy City Clerk

MEMBERS ABSENT

Councillor John Walsh

STAFF ABSENT

Jason Collins, Director of Community Services

**Mayor Simms chaired the meeting.**

13-05-307     Adoption of Agenda

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

13-05-308     Adoption of Minutes

Motion – Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT the minutes of the public meeting held on April 30, 2013 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

## BUSINESS ARISING

### 13-05-309     2013 MNL Municipal Symposium

Councillor Stoyles advised that the MNL Municipal Symposium was well attended. Topics discussed included the province-wide 911 service; crown lands and waste management. Discussion ensued on the implementation of a fee (\$180) by Eastern Waste Management for waste collection in cabin areas.

## ACTION REPORT

The action report was accepted as presented.

## PROCLAMATIONS/PRESENTATIONS

Deferred to later in meeting.

## CORRESPONDENCE

None presented.

## COMMITTEE REPORTS

### PUBLIC WORKS COMMITTEE

#### 13-05-310     Household Hazardous Waste Day

Motion – Councillor Tessier/Councillor Aker

RESOLVED THAT the tender for the provision of services associated with the holding of a Household Hazardous Waste Day be awarded to the lowest qualified bidder, Newalta, in the amount of \$10,565.50.

Discussion: It was noted that Newalta was the only bidder and the scheduled day for collection is June 8, 2013 at the Municipal Depot site. Information on the types of items that will be collected is provided on the City's website.

The IPW Director was requested to clarify the disposal of fireworks.

Question called. Motion carried unanimously.

#### 13-05-311     Bulk Garbage Collection

The first bulk garbage collection for the year commenced in April and residents are reminded to follow the procedures and guidelines outlined in the garbage collection brochure provided to residents. Information is also available on the City's website.

COMMUNITY SERVICES COMMITTEE REPORT

13-05-312 Campia Gymnastics

Congratulations were extended to members of Campia Gymnastics in recognition of their success at the 2013 Atlantic Gymnastics Championships held in Sydney, Nova Scotia.

13-05-313 Congratulations  
Daniel Kelloway, Pearlgate Track & Field  
Sport NL – Scholarship

Congratulations were extended to Daniel Kelloway, Pearlgate Track & Field, for having received a scholarship/bursary in the amount of \$500 from Sport NL.

13-05-314 Mount Pearl Youth Week (May 12 – 18)

The public was reminded that Youth Week is ongoing with a number of activities scheduled. Further details are available on the City's website.

13-05-315 Summer Activity Guide 2013

The public was advised that the Summer 2013 Activity Guide will be distributed to residents commencing this week and be available at all City facilities. The general programs registration begins May 27 for residents and May 30 for non-residents.

CORPORATE SERVICES COMMITTEE

13-05-316 Tax Deferrals – Low Income Earner

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the following tax deferrals be approved in accordance with Council's policy for low income earners:

Account No.	Amount Deferred
6456	\$ 992.67
7194	\$ 901.98
13027	\$ 1,074.68

Question called. Motion carried unanimously.

13-05-317 Professional Development/Training – Director, Community Services  
Recreation NL Conference

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be granted, in accordance with the Professional Development & Training Policy, for the Director of Community Services to attend the Recreation NL Conference being held in Corner Brook, May 24 - 26, 2013.

Question called. Motion carried unanimously.

13-05-318 Invoices for Approval

Motion – Deputy Mayor Locke/Councillor Aker

1.	Afonso Group Limited (Sanitation & Storm Drain Video Inspections)	\$ 8,382.75
2.	Air Liquid Canada Inc. (Fume Extractor for Shop Welding)	\$ 5,207.44
3.	B & B Line Construction Ltd. (Installation of Poles for new nets at Team Gushue Complex)	\$ 17,091.25
4.	Bae-Newplan Group (2013 Leak Detection)	\$ 6,042.18
5.	Parts for Trucks (Fleet Maintenance)	\$ 5,264.09
6.	Phil Larochelle Equipment Inc. (Larochelle Plow Parts Inventory)	\$ 12,509.70
7.	Weir's Construction Ltd. (2011 Street Upgrading CP2 Teasdale Street Pmt #1)	\$ 283,510.92
	Total	\$ 338,008.33

Question called. Motion carried unanimously.

13-05-319 Municipal Assessment Agency  
Clar Simmons Scholarship Award

Information was presented by the Municipal Assessment Agency on the eligibility criteria for the Clar Simmons Scholarship Award. (staff to be advised)

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

13-05-320     Loblaws-Dominion Announcement  
                  Plans to Move to Paperless Weekly Specials Announcements

Council was advised of a recent article in the media that Loblaws-Dominion is planning to move to paperless weekly specials announcements via mobile devices.

It was requested that the Mayor write a letter to the President of Loblaw and the Manager of Dominion at 150 Old Placentia Road to express positive commentary on this decision and to encourage ongoing management of paper flyers at the store.

It was also requested that the Manager of Dominion at 150 Old Placentia Road be approached with the suggestion of establishing a pilot project for one month of having cashiers request flyers from customers at the point of sale in to avoid litter in the parking lot and neighbouring properties. It was noted that Council has discussed this suggestion on numerous occasions.

ENGINEERING SERVICES COMMITTEE

13-05-321     Multiplex - Update

An update on the Multiplex construction was presented.

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT change order 13, in the amount of \$4,348.30, for the Multiplex project be approved.

Discussion: The change order represents costs associated with the increase in the depth of purlins located in bays 1-3 and 3-5 from 418mm to 494mm including larger connection brackets and hardware.

Question called. Motion carried unanimously.

13-05-322     Softball Building Update

Council was advised that the occupancy permit for the Softball Building was issued on May 9, 2013. The league is currently moving into the building. It was noted that discussions for an official opening are ongoing.

13-05-323     Greenwood Ball Field (Old Placentia Road)

Council was advised that the Grand Concourse Authority has been provided authorization to proceed with work on the Greenwood Ball Field.

13-05-324 Tender – Asphalt Crack Sealing

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT approval be granted to award the tender for asphalt crack sealing to the lowest, qualified bidder, Crown Contracting, for the bid amount of \$28,277.12 (HST included).

Question called. Motion carried unanimously.

13-05-325 Tender – Street Upgrading, Asphalt & Concrete Works

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT approval be granted to award the tender for street upgrading, asphalt and concrete works to the lowest, qualified bidder, Modern Heavy Civil Limited, in the amount of \$814,878.60.

Discussion: The scope of the work includes the Donovans Business Park repairs and Glencoe Drive surface course asphalt. It also includes asphalt and concrete repairs at various locations throughout the city, as well as the installation of sidewalk on Topsail Road (Mary Queen of the World School eastward to civic number 727).

Question called. Motion carried unanimously.

PLANNING AND LAND USE DEVELOPMENT COMMITTEE

13-05-326 Waterford Valley Clean-Up Blitz  
May 25, 2013

The public was advised that the Waterford Valley Clean-Up Blitz will be taking place on Saturday, May 25, 2013. Businesses, community groups, and residents were encouraged to participate. Further information is available on the City's website.

13-05-327 Environmental Assessment Undertaking  
Atlantic Inspection Services Inc.  
NORM Decontamination and Temporary Storage Facility  
138 Clyde Avenue

A letter dated May 7, 2013 from the Minister of the Department of Environment and Conservation to Atlantic Inspection Services Inc. (AIS), outlining the Minister's response to the proposal by AIS for a NORM facility in Mount Pearl, was presented. The Minister advised that the proponent will be required to prepare

an Environmental Preview Report (EPR) pursuant to the Environmental Assessment Act. The Minister also advised that he will be appointing an Assessment Committee, with a representative from each interested agency, regarding concerns to be addressed in the EPR and the appropriate level of formal public consultation.

Reference was made to the precedent established based on Council's refusal of a similar application in 2009 and it was suggested that consideration be given to amending the regulations if it is (again) Council's position that this type of use would not be permitted. It was acknowledged that there was a significant level of oil and gas business in the city. It was agreed that Council would consider the matter upon receipt of a formal application. It was further requested that a request be forwarded to the Minister for consideration to appoint a representative from the City to the Assessment Committee.

13-05-328 Proposed Mount Pearl Development Regulations 2010 Amendment No. 16, 2013 Non-Conforming Accessory Building Amendment

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT that the proposed Mount Pearl Development Regulations 2010 Amendment No. 16, 2013 (Non-Conforming Accessory Building Amendment) be adopted by Council.

Discussion: The purpose of the proposed amendment is to provide Council with the discretionary authority to consider the relocation of existing accessory buildings that are non-conforming with the Regulations.

It was clarified that regulations permit repairs/renovations to non-conforming buildings, however, should the building be demolished, the replacement building is required to conform to the regulations. This text amendment will provide Council with the authority to assess each case on its own merit.

Question called. Motion carried unanimously.

13-05-329 Canadian Home Builders Association – Eastern Newfoundland (CHBA-EN) Proposed Certifications for Builders Technical Committee Meeting of May 1, 2013

Council was advised that the Canadian Home Builders Association is proceeding with a new certification program for their members that would see the establishment of two categories: Master Builder (new home builders) and Renomark (home renovators). The purpose of these programs is to create certification levels that the members aspire to that indicates to the general public a certain level of competency has been achieved and there is an assurance as to the quality of work of the homebuilder.

13-05-330 Proposed Amendment to the St. John's Urban Region Regional Plan Rural to Urban Development – Town of Portugal Cove – St. Philips Letter dated April 30, 2013 and Regarding Civic #37 Farm Road

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the Town of Portugal Cove-St. Philips be advised that the City has no objections to the proposed amendment to the St. John's Urban Region Regional Plan as outlined in their letter of April 30, 2013 subject to the amendment proposal being forward to the Regional Water Committee to ensure that there is no negative affect or adverse implications on the regional water system.

Question called. Motion carried unanimously.

13-05-331 Proposed Amendment to the St. John's Urban Region Regional Plan Town of Bauline Letter dated May 1, 2013 and Regarding Bauline Line, Route 21

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the Town of Bauline be advised that the City has no objections to the proposed amendment to the St. John's Urban Region Regional Plan as outlined in their letter of May 1, 2013.

Question called. Motion carried unanimously.

13-05-332 Hennebury Engineering Ltd. (Rixco) Proposed New Office Building 2 Olympic Drive

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT an application from Hennebury Engineering Limited, on behalf of the property owner Rixco Holdings Inc., to develop an approximate 1300 m<sup>2</sup> new building (second building on lot) and complete associated site work at 2 Olympic Drive, be approved pending the commentary by Engineering Services does not raise any concerns that cannot feasibly be resolved and a development permit issued subject to the following conditions:

- Newfoundland Power's conditions;
- Bell Aliant's conditions;
- St. John's Regional Fire Department's conditions;
- Engineering Services Division's conditions;
- Inspection Services Division's conditions;
- Planning and Development Department's conditions;



- 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; and
- a Development Agreement for “Two Buildings on One Lot with Shared Services” is required to be signed.

Question called. Motion carried unanimously.

13-05-333 Chimo Construction (Schlumberger)  
Increase in Building Height  
11 Panther Place

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the building height of 23 metres for the building being constructed at 11 Panther Place be approved as within the realm of the initial discretionary public consultation process and that the development permit be amended to reflect the 23 m building height.

Question called. Motion carried unanimously.

13-05-334 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. At Pearlview Phase 6, amend the City of Mount Pearl Development Regulations 2010 from *Residential - Single Unit Detached-3* (RSU-3) to *Residential - Medium Density* (RMD).

The purpose of the proposed amendment is to allow the construction of single dwelling with or without a subsidiary apartment on lots with a minimum lot frontage of 15 metres.

13-05-335 Development Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT development permits issued for the period of April 29 – May 10, 2013 be accepted as presented.

Question called. Motion carried unanimously.

13-05-336     Building Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT building permits issued for the period of April 27 – May 10, 2013, showing a total construction value of \$2,289,750.00, be approved as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS/PRESENTATIONS

13-05-337     Proclamation – “Jumpstart Day”

Mayor Simms signed a proclamation declaring May 25 as Jumpstart Day in the City of Mount Pearl. Canadian Tire Jumpstart is a national charitable program that helps financially disadvantaged kids participate in organized sport and recreation. Canadian Tire helps cover registration, equipment and/or transportation costs. Since being launched in 2005, Canadian Tire Jumpstart has given 565,000 kids across Canada the chance to play.

Council was advised that in 2012 there were 112 Mount Pearl children subsidized in the amount of \$29,238.00.

13-05-338     Proclamation – “Cystic Fibrosis Awareness Month”

Mayor Simms signed a proclamation declaring May as Cystic Fibrosis Awareness Month in the City of Mount Pearl.

NEW BUSINESS

13-05-339     Softball Building – Team Gushue Complex

Deputy Mayor Locke requested that the netting at the softball field be investigated as balls were getting over and/or in between the netting.

13-05-340     Family Fun Day – May 5

Deputy Mayor Locke extended congratulations to the Crime Prevention Committee for recently hosting a successful Family Fun Day. Councillor Stoyles noted that funds raised supported the D.A.R.E. program.

13-05-341     Seniors Independence Group – Seniors Health & Awareness Day

Deputy Mayor Locke commented on the success of the recently held Seniors Health & Awareness Day.

13-05-342 Condolences – Family of Gordon Seabright

Council extended condolences to the family of Gordon Seabright. Mr. Seabright was a long term resident as well as an exceptional volunteer. Mr. Seabright was the Chair of the first Mount Pearl Frosty Festival held in 1983, a position he continued to hold for the next 10 years; he chaired the 1988 Provincial Summer Games in Mount Pearl; and in 2007 was appointed by City Council to chair a Special Committee to commemorate and recognize Sir James Pearl, Mount Pearl's founder. His contributions to many community groups and charitable organizations will not be forgotten.

13-05-343 Etcetera Show

Councillor Tessier extended congratulations to the organizers, cast and crew of the Etcetera Show on another successful production.

13-05-344 Roaming Animals

Councillor Tessier reminded residents to keep their pets from roaming to avoid being injured or killed by vehicular traffic. She also encouraged drivers to be aware of “ducks crossing” in the Power's Pond area. It was noted that consideration is being given to erecting signage to this effect.

13-05-345 Kinette Club of Mount Pearl – Fundraiser

Councillor Tessier advised that the Kinette Club is hosting a fundraiser (“Ladies Night Out”) in support of various charities on May 22 at the Reid Community Centre. Further details available by contacting a member of the Kinette Club.

13-05-346 Congratulations – Lesley Marie Lahey, Student, Mount Pearl Senior High

Councillor Aker extended congratulations to Ms. Lahey on receiving the Chief of Police student award in recognition of her volunteer work in the community.

13-05-347 Playground Equipment

Councillor Stoyles commented on the condition of playground equipment, in particular, at the Graham Place and Champlain Place parks. Referred to Department of Infrastructure & Public Works for investigation.

13-05-348 Snowclearing Damages

Councillor Stoyles noted that properties damaged by snowclearing equipment will be repaired by the City. Property owners were encouraged to report damages to the

Infrastructure & Public Works Department. It was suggested that a deadline to report damages be implemented – that being June 30, 2013.

13-05-349 Condolences – Family of Ruth Tapper

Councillor Stoyles extended condolences to the family of Ruth Tapper, an early resident who contributed to the development of Mount Pearl.

13-05-350 Water Conservation Order

Councillor Ledwell reminded residents that the Water Conservation Order is in effect on a permanent year-round basis. Watering times are restricted to the hours of 6:00 am to 8:00 am and 8:00 pm to 10:00 pm two days per week with even numbered houses assigned to Wednesday and Saturday and odd numbers to Wednesday and Sunday.

It was noted that information on water levels would be available following the next meeting of the Regional Water Committee (scheduled for May 24).

13-05-351 Annual Watermain Flushing Program

Councillor Ledwell advised that the annual watermain flushing program will start on Tuesday, May 21, 2013 for the following streets. This program will continue in these areas on an ongoing daily basis (Monday – Friday from 8:00 a.m. to 4:00 p.m.) for approximately 8 – 10 business days. This work is in accordance with the City's water system and fire flow protection maintenance programs.

Second Street, First Street, St. Andrew's Avenue, Teasdale Street, Edinburgh Drive, St. David's Avenue, Sunrise Avenue from civic # 1-43 and civic # 2-26 and Glendale Avenue from civic # 2-40 and civic# 1-37

13-05-352 Northeast Avalon Regional Economic Development Board (NEA REDB)

Councillor Ledwell advised that he attended the AGM for the regional economic development board for the Northeast Avalon Peninsula. He noted that the Board is going through a transition period and will be developing lines of business and revenue generating opportunities as well as developing a new board, membership and funding structures.

13-05-353 Mount Pearl Lions Club

Councillor Ledwell extended congratulations to the Lions Club which recently celebrated their 57<sup>th</sup> anniversary as well as appreciation for their various initiatives.

13-05-354     Street Line Painting

In response to Mayor Simms, it was noted that temporary line markings will be starting this week and the permanent markings next week. He suggested that priority be given to Commonwealth Avenue.

13-05-355     Urban Municipalities Committee (UMC)

Mayor Simms advised that he was attending the UMC meetings scheduled for May 24 – 25 in Grand Falls-Windsor. He further advised that a meeting of the Mayors and City Managers/CAO's of the seven municipalities (that lost their MOG during recent provincial budget) will be held on May 24 – preceding UMC meetings.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:05 pm on a motion by Councillor Tessier and seconded by Councillor Stoyles.

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Chairperson

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Deputy City Clerk