

PUBLIC COUNCIL MEETING MINUTES
May 15, 2012

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on May 15, 2012 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
Mona Lewis, Deputy City Clerk

Mayor Simms chaired the meeting.

12-05-320 Adoption of Agenda

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

12-05-321 Adoption of Minutes

Motion – Deputy Mayor Locke/Councillor Walsh

RESOLVED THAT the minutes of the public meeting held on May 1, 2012 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING

12-05-322 Experimental Farm

Council was advised that residents of Avery Place will be invited to meet with staff to discuss the issue of odour (believed to be emanating from the neighbouring farms). When this background information has been obtained, staff will follow up on the matter.

12-05-323 North American Occupational Safety and Health (NAOSH) Week

Congratulations were extended to staff responsible for organizing a successful NAOSH week – a time dedicated to focus employers, employees and the public on the importance of preventing injury and illness in the workplace, at home and in the community.

ACTION REPORT

The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

12-05-324 Jumpstart Day – Canadian Tire

Mayor Simms signed a proclamation declaring May 26 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 439,383 kids across Canada the chance to play.

Council was advised that (to date) there are 90 Mount Pearl children who have benefited from this program – a benefit of approximately \$35,000.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

PLANNING AND LAND USE DEVELOPMENT COMMITTEE

Councillor Aker provided background information that resulted in the following amendment as well as revised noise regulations.

Research was undertaken on heat pumps and the way they are regulated across Canada. This research indicated that a number of municipalities regulated the location of heat pumps on residential lots and distances from openings of dwelling on adjacent lots. Many municipalities

did not permit heat pumps in interior side yards due to the close proximity of the two dwellings and the increased potential of noise disturbance from heat pumps being located in such yards.

As a result of recent noise complaints, and the application to the Mount Pearl Noise Regulations, it was determined that the existing Noise Regulations, which were adopted in 2007, required review. As part of the review, a series of noise readings were taken throughout the City in both residential and commercial areas. It was determined that 55 dBA measured at the property boundary would be an acceptable noise or sound level. This, combined with the proposed amendments to the Mount Pearl Development Regulations with respect to location of external appliances on properties, should address the issue of noise levels as a result of heat pumps and other external appliances. A license fee of \$25.00 is recommended, with the fee to be added to the City's schedule of rates and fees.

12-05-325 Mount Pearl Development Regulations 2010 Amendment
 (Heat Pump Amendment)

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the Development Regulations be amended as follows:

1. Amend Section 6 – General Development Standards of the Mount Pearl Development Regulations 2010 by adding a section titled “Heat Pumps, Air Conditioners and External Fans” immediately after section 6.15 and add the following text:

6.16 Heat Pump, Air Conditioner and External Fan

A heat pump, air conditioner or external fan shall be located:

- 6.16.1 *in the flanking street side yard or rear yard of the principle building of the lot of property on which the heat pump, air conditioner or external fan is situated;*
- 6.16.2 *no closer than 2.4 m from a side lot line of the lot or property on which the heat pump, air conditioner or external fan is situated ; and*
- 6.16.3 *no closer than 3 m to a door or window of a dwelling on an adjoining lot.*

2. Consider existing heat pumps as a non-conforming use and no action be taken to relocate the existing heat pumps in accordance with the proposed amendment, unless a noise complaint is received, upon which the matter will need to be addressed under the City's Noise Regulations.

Discussion: Council was advised that notification of these changes will be provided to relevant groups, i.e. developers, Homebuilders Association, Chamber of Commerce as well as a public information bulletin on the City's website.

It was suggested that a heat pump that was above a basic unit and installed by a professional may result in fewer problems. It was also suggested that as technology changes the current issues with noise may no longer be a problem.

Although a limited number of complaints have been received, Council supported this proactive approach.

Question called. Motion carried unanimously.

12-05-326 Proposed Amendment to Mount Pearl Noise Regulations
Related to Noise from Heat Pumps

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the revised Noise Regulations be approved as presented.

Question called. Motion carried unanimously.

12-05-327 Request for Increased Fence Height – DA12-00250
36 Westminster Drive

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT an application from the property owner of 36 Westminster Drive to construct a 30-foot fence along the side of their property be approved as proposed.

Question called. Motion carried unanimously.

12-05-328 Professional Development – Director, Planning & Development
Annual CIP Conference - October 9-12, 2012

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT approval be granted, in accordance with the Professional Development & Training Policy, for the Director of Planning & Development to attend the Annual Canadian Institute of Planners Conference, taking place on October 9-12, 2012 in Banff, Alberta.

Question called. Motion carried unanimously.

12-05-329 Development Permit List

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the Development Permit list for the period of April 30 – May 11, 2012 be accepted as presented.

Question called. Motion carried unanimously.

12-05-330 Building Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT building permits issued for the period of April 30 – May 11, 2012, showing a total construction value of \$3,224,550.00, be approved as presented.

Question called. Motion carried unanimously.

12-05-331 Archival Air Photos

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT approval be granted to purchase additional air photos from the Department of Environment and Conservation, Surveys and Mapping Division for \$1,380.00 (plus HST) and that the orthophoto work be awarded to Northway/Photomap/Remote Sensing Ltd. for \$3,940.00 (plus HST).

Question called. Motion carried unanimously.

PUBLIC WORKS COMMITTEE

12-05-332 Public Works Update

Council was advised that the first retrofitted truck for the automated garbage collection has arrived and the second truck is on route and expected in 2-3 weeks. Once the second truck is received the new system will commence in the Phase 1a area (Mortimore Drive and connecting streets).

The collection of bulk garbage is now into the third week. (The schedule is on the City's website – www.mountpearl.ca).

All playfields are in the process of being prepared for the start of the summer season. All street repairs are ongoing and snow clearing damages are now being assessed and work orders prepared for remedial action.

An update on ongoing activities by the Public Works Department, i.e. cleaning of streets, sidewalks, trails and parks, was also provided. The public is encouraged to notify the Department if there is an area needing particular attention.

12-05-333 Tender for Household Waste Carts

Motion – Councillor Walsh/Councillor Tessier

RESOLVED THAT the tender for the supply and delivery of household waste carts (500) be awarded to the lowest, qualified bidder, Saunders Equipment, in the amount of \$41,810.00 (tax included).

Discussion: This represents a cost per cart of \$83.62 and falls within the estimated price range.

Question called. Motion carried unanimously.

COMMUNITY SERVICES COMMITTEE REPORT

12-05-334 Open Space – Agreement Renewal
54 Michener Avenue

Motion – Councillor Tessier/Deputy Mayor Locke

RESOLVED THAT approval be granted to renew the open space agreement between the property owner, 54 Michener Avenue and the City, for a further five year period.

Question called. Motion carried unanimously.

12-05-335 Irving Energy's Community Contest
City of Mount Pearl Selected

The Community Services Department entered the City into the Irving Energy's Community Contest. Each community participates and votes to receive a team of Irving employees to help clean up an area of their community. Further information is available on the City's website.

Locations within our city are:

1. Open Space at the Corner of Old Placentia Road and Munden Drive (Near T-Ball Field)
2. Open Space on Munden Drive at the entrance to Drive Way leading to St. Peter's Junior High School
3. Grounds surrounding Kenmount Park Community Centre

CORPORATE SERVICES COMMITTEE REPORT

12-05-336 Invoices for Council Approval

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the following invoices be approved for payment:

1.	Bae-Newplan Group (Prof Services - 2011 Street Upgrading)	\$ 8,369.12
2.	Bae-Newplan Group (Prof Services - Team Gushue Recreation Complex)	\$ 16,215.50
3.	City of St. John's (Regional Fire Services May 2012)	\$ 334,312.24
4.	Dillon Consulting (Prof Services Public Transit Study February 2012)	\$ 19,417.41
5.	Dillon Consulting (Prof Services Public Transit Study March 2012)	\$ 14,705.82
6.	MVT Canadian Bus, Inc (Para Transit Service January 2012)	\$ 16,690.42
7.	MVT Canadian Bus, Inc (Para Transit Service February 2012)	\$ 17,343.87
8.	MVT Canadian Bus, Inc (Para Transit Service March 2012)	\$ 20,829.24
9.	OnX Enterprise Solutions (VMware Licensing & Support)	\$ 6,412.52
10.	Power Vac Services (Demolition of 107 Smallwood Drive)	\$ 12,995.00
	Total	\$ 467,291.14

Question called. Motion carried unanimously.

ENGINEERING SERVICES COMMITTEE

12-05-337 Team Gushue Recreation Facility Improvements – Phase 1

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT the tender for Phase 1, Team Gushue Recreation Facility Improvements project, be awarded to the lowest, qualified bidder, Weir's Construction for the bid amount of \$524,205.87.

Discussion: Council was advised that it is anticipated that the project will take six weeks to complete and the user groups will be notified of the start/completion date.

Question called. Motion carried unanimously.

12-05-338 Pearlgate Recreation Multiplex (CP3 – Retender)
Reid Centre Expansion

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT approval be granted to award the Pearlgate Recreation Multiplex (CP3) – Reid Centre Expansion project to the lowest, qualified bidder, Marco Services Limited, for the bid amount of \$31,300,000.00, (excluding HST).

Discussion: Council expressed their support for this project and extended appreciation to staff for their efforts. It was requested that the Sport Alliance be advised so that notification can be forwarded to their members.

Question called. Motion carried unanimously.

12-05-339 Tender for “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 \$22,125.40.

Question called. Motion carried unanimously.

NEW BUSINESS

12-05-340 Commonwealth-Topsail-Mount Carson Traffic Detour

Members of Council commented on the above traffic detour (road closure), noting that it was required to accommodate a significant underground utility installation and selected as the best and safest way of carrying out the work. The efforts of staff in communicating with the public were acknowledged with appreciation. It was noted that the area will be reopened on Wednesday, May 16th.

12-05-341 Youth Week – May 13 – 19, 2012

Members of Council commented on the events scheduled to celebrate Youth Week in the City of Mount Pearl. Appreciation was extended to the Youth Action Team as well as Community Services staff for organizing the various activities,

including the Focus on Youth Awards scheduled for May 17. Reference was also made to the talent that was showcased at the event held on May 14.

12-05-342 Etcetera Show

Members of Council extended congratulations to all involved in putting off another successful Etcetera Show.

12-05-343 Lions Club – Charter Night

Councillor Ledwell extended congratulations to the Mount Pearl Lions Club in recognition of their community service, noting that the Club recently celebrated their 58th annual charter night. Congratulations were extended to Mr. Phil Field who received the Lion of the Year Award. Mr. Field has been involved with the Club for over 50 years.

12-05-344 “Save a Drop” Campaign

Councillor Walsh advised of the recent launch of the “Save a Drop” Campaign by the Regional Water Services Committee (St. John’s, Mount Pearl, Conception Bay South, Paradise and Portugal Cove-St. Phillip’s). The campaign is to promote the conservation of water. Further information is available on the website (www.saveadrop.ca). Information that can be tailored specifically for Mount Pearl residents has also been provided to staff for further action.

Councillor Walsh left the meeting at 5:35 pm.

12-05-345 Municipalities Newfoundland & Labrador (MNL) – Avalon Regional Meeting

Councillor Stoyles advised that the Avalon Regional Meeting has been rescheduled to May 26th in Heart’s Content (Legge’s Motel).

12-05-346 Municipalities Newfoundland & Labrador (MNL) – Municipal Symposium

Councillor Stoyles advised that this past weekend’s Municipal Symposium was very well attended and a significant amount of information had been presented. Presentations made at the Symposium are available on the MNL website (www.municipalitiesnl.com). She extended a welcome to new MNL staff member, Stephen Quinton, responsible for Membership Development.

12-05-347 Manager – Municipal Training Programs

Councillor Stoyles extended congratulations to Patrick Dunne on his new position as Manager of Municipal Training Programs (with the Department of Municipal Affairs).

12-05-348 Recreation NL's The More The Merrier Group Challenge

Councillor Stoyles provided information on Recreation NL's, The More the Merrier Group Challenge, found on the Small Steps...Big Results Physical Activity Website (www.smallstepsbigresults.net). This is an online physical activity challenge that will be taking place from June 1 - 30, 2012. This challenge is designed to build awareness of the important and varied benefits of recreation and physical activity in celebration of Recreation Month.

12-05-349 St. John's International Airport Authority

Councillor Stoyles advised that she attended the Airport Authority AGM and presented their year-end report. Appreciation was extended to the City's nominee, Ray Stamp, who will be finishing his term on the Board as of August 31, 2012.

12-05-350 Kinette Club – Fundraiser

Councillor Stoyles advised that the Kinette Club is holding their annual Ladies Night Out fundraiser on Wednesday, May 23rd, Reid Community Centre. Proceeds benefit Breast Cancer research and community charities.

12-05-351 Youth Week – Motivational Speaker

Deputy Mayor Locke also commented on another Youth Week event held at the senior high schools whereby motivational speaker, Jeremy Bennett, spoke to the students.

12-05-352 Condolences

Deputy Mayor Locke extended condolences to the family of Mount Pearl physician, Dr. Randy Smith, on the passing of his brother, Donald.

12-05-353 Knights of Columbus – Public Speaking

Councillor Tessier extended congratulations to the students who participated in the Knights of Columbus Annual Bill Rossiter Memorial Grade 6 Speak-Off, in particular the winners, Brianna Hepditch, Viktoria Stormyr, and Andrew Hepditch.

12-05-354 Coyote

Councillor Tessier advised that information is located on the City's website as what to do if you encounter a coyote.

12-05-355 Briefing Session – May 15, 2012

Councillor Aker advised of the briefing session scheduled for this evening for the proposed redesignation and rezoning of 166 Park Avenue.

12-05-356 Waterford River Clean-Up Blitz

Councillor Aker advised that on Saturday, June 2, the City will be hosting its annual Waterford River Clean-Up Blitz. Volunteers are needed to assist in picking up litter and small debris along the river banks of the Waterford River from 10:00 am to 12:00 Noon. Community volunteers, including residents and community groups will meet at City Hall, to sign up and receive supplies and begin the clean up along the T'Railway, east of Commonwealth Avenue. Immediately following the Clean-Up, volunteers are invited to a barbecue which will be held at the Centennial Park grounds beginning at 12:00 Noon.

ADJOURNMENT

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

Chairperson

Deputy City Clerk