

**PUBLIC COUNCIL MEETING MINUTES**  
**May 28, 2013**

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on May 28, 2013 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

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

STAFF ABSENT

Michele Peach, Chief Administrative Officer

**Mayor Simms chaired the meeting.**

13-05-356     Adoption of Agenda

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

13-05-357     Adoption of Minutes

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the minutes of the public meeting held on May 14, 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

### 13-05-358     Proclamation – “Emergency Medical Services Week”

Mayor Simms signed a proclamation declaring May 26 – 31, 2013 as Emergency Medical Services Week in the City of Mount Pearl. EMS personnel were in attendance and highlighted their role in the delivery of emergency medical services as well as some of the activities planned for the week.

### 13-05-359     Proclamation – “Municipal Awareness Week”

Mayor Simms signed a proclamation declaring May 27 – 31, 2013 as Municipal Awareness Week in the City of Mount Pearl. Municipal Awareness Week celebrates the significance of local government in the province. The City’s activities planned for the week were highlighted.

## CORRESPONDENCE

None presented.

## COMMITTEE REPORTS

### PUBLIC WORKS COMMITTEE

#### 13-05-360     Household Hazardous Waste Day

Residents were reminded that a Household Hazardous Waste Day will take place at the Municipal Depot, 59 Clyde Avenue, Donovan’s Business Park on June 8 from 8:00 am to 4:00 pm. Information on the types of items that will be collected is provided on the City’s website. It was noted that “energy efficient lights” are considered household hazardous waste.

#### 13-05-361     Disposal – Ammunition, Unused Fireworks, Other Explosives

Residents wishing to dispose of explosive items such as ammunition, unused fireworks, or other explosives should contact the Royal Newfoundland Constabulary by calling 729-8333 to make the necessary arrangements to drop the item off for proper disposal. Should the items be damaged or have potential for ignition, the RNC will respond and retrieve the item.

#### 13-06-362     Cart – Garbage Collection

The public was reminded that garbage carts are to be placed on residential property by the curb for collection. Residents should refrain from parking vehicles on the

street on collection day in the vicinity of the garbage cart so that the cart is accessible for collection.

COMMUNITY SERVICES COMMITTEE REPORT

13-05-363 Admiralty House Museum - Funding  
Ground Maintenance

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT approval be granted to release funding to the Admiralty House Board of Management, in the amount of \$10,000, for the staff costs associated with grounds maintenance.

Question called. Motion carried unanimously.

13-05-364 Mount Pearl Marlins

Councillor Tessier extended congratulations to members of the Marlins Swim Team in recognition of their success at recent meets.

13-05-365 Summer Activity Guide 2013

For the information of the public, the Summer 2013 Activity Guide has been distributed to residents last week and is available at all City facilities.

The **General Programs** registration began Monday, May 27, for residents and will begin Thursday, May 30, for non-residents.

The **Aquatic Program** registration will begin on Tuesday, June 11, for residents and Thursday, June 13, for non-residents.

CORPORATE SERVICES COMMITTEE

13-05-366 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
4003	\$ 1,565.79
14845	\$ 2,347.01

Question called. Motion carried unanimously.

13-05-367 Request for Tax Consideration

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be granted to exempt 2013 business tax, in the amount of \$2,682.36, for Metro Business Opportunities, 961 Topsail Road, in accordance with Council’s policy for non-profit organizations

Question called. Motion carried unanimously.

13-05-368 Invoices for Approval

Motion – Deputy Mayor Locke/Councillor Aker

1.	Afonso Group Limited (Water Sampling April 2013)	\$ 7,232.00
2.	Bae-Newplan Group (Professional Fees - Olympic Dr Sanitary Sewer Study)	\$ 6,102.00
3.	Bae-Newplan Group (Professional Fees - Pearlgate Recreation Centre)	\$ 72,743.75
4.	City of St. John's (Landfill Usage - April 2013)	\$ 42,267.90
5.	City of St. John's (Water Consumption - April 2013)	\$ 248,837.29
6.	City of St. John's (Regional Fire Service - May 2013)	\$ 342,526.00
7.	Datafix (2013 Municipal Election - MVV List Management Services, Internet Voter Lookup; Progress Pmt #1)	\$ 5,989.00
8.	Kelloway Construction Ltd. (Cleaning Services - April 2013)	\$ 11,959.16
9.	St. John's Transportation Commission (Metrobus Service - April 2013)	\$ 82,459.48
10.	Marco Services Ltd. (Pearlgate Recreation Multiplex CP3 Progress Pymt 12)	\$ 2,124,832.85
11.	Newfoundland Hardwoods (Purchase of Poles-Team Gushue Baseball Field Poles/Nets)	\$ 11,187.00
12.	Pacific Safety Products Inc. (MEO External Carrier Vests)	\$ 6,016.85
13.	Saunders Equipment Ltd. (Fleet Maintenance Inventory)	\$ 8,032.06

14.	Wastequip (Containers for Rear Loaders)	\$ 18,020.00
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Question called. Motion carried unanimously.

13-05-369 Canadian Mental Health Association  
“Not Myself Today” Campaign

The public was advised that the City will be participating in an awareness campaign focused on mental health in the workplace. It is titled "not myself today campaign" and it officially launches on June 6. The City is proceeding as a partner in the initiative to create awareness among employees of the importance of good mental health and how to support or respond when employees need assistance. The City's program will include an official launch on June 6 and a series of awareness sessions and promotional material over the next year.

Council expressed their support of the initiative as well as its continuation in the City's workplace.

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

No report.

ENGINEERING SERVICES COMMITTEE

13-05-370 Multiplex - Update

An update on the Multiplex construction was presented.

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT change order 21, in the amount of \$67,567.50, for the Multiplex project be approved.

Discussion: The change order represents costs associated with additional mass rock removal.

Question called. Motion carried unanimously.

13-05-371 Request for Proposals (RFP) and Project Management Plan (PMP)

- 2013 Street Upgrading RFP is advertised and is scheduled to close June 5, 2013.
- 2013 Team Gushue Improvements submitted to Municipal Affairs for posting.

13-05-372     Street (Line) Markings

- Line painting started May 21, 2013 with Topsail Road and Commonwealth Avenue. Work will continue, weather permitting and every effort is being made to place first application in an expeditious manner.
- Line marking pilot projects will continue this year. Work is scheduled to start after the application of paint throughout the City.
- The proposed test sites for the thermoplastic markings were identified.

PLANNING AND LAND USE DEVELOPMENT COMMITTEE

13-05-373     Proposed Redevelopment of Property – Drive-Through Bank and Restaurant Earle Consulting Ltd. (on behalf of Cabot Holdings Ltd.) Commercial Renovations to Existing Building, New Building and Change of Use 50 Commonwealth Avenue

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT Council use its discretionary powers pursuant to Regulation 4.5 of the Mount Pearl Development Regulations 2010 to approve the application for commercial renovations to the existing building, construction of a new building and associated site work at 50 Commonwealth Avenue to accommodate a Drive-Through Restaurant Use and a Drive-Through Bank Use and a development permit be issued subject to the commentary and conditions as outlined by:

1. Bell Aliant;
2. St. John's Regional Fire Department;
3. Planning and Inspection Services;
4. Engineering Services Division; and
5. Finance Division.

Discussion: Discussion ensued regarding traffic intensity and the standards for stacking lanes. Council was advised that a significant amount of traffic is not anticipated by the proposed uses. It was clarified that Council has the authority to require another public process should the intensity of use change.

Question called. Motion carried unanimously.

13-05-374 Proposed Amendment - St. John's Urban Region Regional Plan - City of St. John's Letter dated May 13, 2013 and Regarding Blackhead Road and Blackhead Crescent

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the City respond to the City of St. John's 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 13, 2013.

Question called. Motion carried unanimously.

13-05-375 Application to Replace and Expand Two Grain Silos Country Ribbon Inc. - 1273 Topsail Road

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the application by Country Ribbon Inc. for the replacement of two existing grain silos with one new grain silo (19.7 metres height; 14.6 metres diameter) and an additional new grain silo (17.4 metres height; 7.3 metres diameter) in the rear of their existing facility at 1273 Topsail Road be approved and a Development Permit be issued subject to the following conditions:

1. St. John's Regional Fire Department conditions;
2. Newfoundland Power's conditions;
3. City Inspector's conditions;
4. Engineering Services conditions; and,
5. the development meeting Mount Pearl Development Regulations 2010.

Question called. Motion carried unanimously.

13-05-376 Application by Junction Developments Ltd. Proposed Mount Pearl Development Regulations Amendment No. 17, 2013 (79 – 115 Mount Carson Avenue CG Rezoning Amendment)

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT Council adopt the Mount Pearl Development Regulations Amendment No. 17, 2013 (79 – 115 Mount Carson Avenue CG Rezoning Amendment).

Discussion: The proposed amendment is related to a development application to develop a four storey structure with below-grade parking spaces on a portion of 79-115 Mount Carson Avenue. The intended uses included commercial occupancy

units on the ground floor and residential units on the uppermost three storeys, which is contrary to the current zoning, and would have been refused.

Question called. Motion carried unanimously.

13-05-377 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:

In Section 11.27, USE ZONE SCHEDULES – CONSERVATION (CON) USE ZONE,

1. under sub-section 11.27.1:
  - (a) add, in alphabetical order, "Access" and "Parking Lot" to the list of permitted uses; and
  - (b) sequentially re-letter the existing list of uses to incorporate these additions;
2. add immediately after subsection 11.27.3:  
*"11.27.4 Development in the Floodway, Flood Way Fringe and Buffer*

*Development in the Conservation use zone and the designated floodway, floodway fringe and buffer shall be subject to Regulation 6.14."*

The purpose of this 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.

13-05-378 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:

In Section 11.12, USE ZONE SCHEDULES – COMMERCIAL-GENERAL (CG) USE ZONE, under sub-section 11.12.2:



- (c) add, in alphabetical order, “*Apartment Building*” to the list of discretionary uses; and
- (d) sequentially re-letter the existing list of uses to incorporate this addition.

The purpose of this 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 the General Commercial designation.*”

13-05-379     Development Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT development permits issued for the period of May 13 - 24, 2013 be accepted as presented.

Question called. Motion carried unanimously.

13-05-380     Building Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT building permits issued for the period of May 11 - 24, 2013, showing a total construction value of \$2,077,200.00, be approved as presented.

Question called. Motion carried unanimously.

*New Item*

13-05-381     Waterford River Clean Up Blitz

Appreciation was extended to the volunteers (residents, businesses, community groups), sponsors and staff involved in the very successful Waterford River Clean-Up Blitz.

The public was advised that the City was awarded a Green Team again this year as well as the Mount Pearl-Paradise Chamber of Commerce.

Reference was made to Black-McDonald, a business in Donovan’s Business Park that undertakes an annual clean-up in the Park.

NEW BUSINESS

13-05-382     Awards Presentation – 2012 Police Officers of the Year

Councillor Stoyles extended congratulations to the recipients of the 2012 Police Officers of the Year awards (Cpl. Rick Mills and Cst. Robert Hull). She advised that an invitation was extended to the organizing committee to hold the 2013 event in a City of Mount Pearl facility.

13-05-383     2012 Focus on Youth Awards

Members of Council extended congratulations to the winners and nominees of the Focus on Youth Awards. Appreciation was extended to staff and volunteers on a job well done.

13-05-384     Kinette Club of Mount Pearl  
Kinsmen, Kinette & Kin Clubs of Kin Canada Zone D

Councillor Stoyles extended congratulations and appreciation to the members of the Kinette Club as well as Kin Canada Zone D on the success of their recent fundraiser as well as the fundraisers held throughout the year in support of various charities.

13-05-385     Best Wishes – Deputy Mayor Shannie Duff, City of St. John’s

Members of Council extended best wishes as well as appreciation to Deputy Mayor Duff following her announcement that she would be retiring and not seeking re-election.

13-05-386     Summer Activity Guide

Councillor Stoyles highlighted the summer outings planned by the Seniors Independence Group as well as the special summer rate for the fitness centre (Reid Community Centre).

13-05-387     Adopt an Open Space

Councillor Walsh commented on residents who have “adopted an open space” and maintained (some landscaping/litter removal) the area. It was noted that the area at Sunrise/First was damaged by snowclearing activities and has been included on the list for repair.

13-05-388     Water Conservation

Councillor Walsh clarified the water conservation order, noting that it was approximately four years ago since a water ban was required.

13-05-389     Bulk Garbage

Councillor Walsh reminded residents that bulk garbage is to be placed to the curb no earlier than the evening prior to collection and must be out prior to 8:00 am on the day of collection. Further information on the bulk garbage collection guidelines is available on the City's website.

13-05-390     Street Upgrading, Asphalt & Concrete Works Project

Councillor Ledwell advised that the above noted project is expected to commence in the next two weeks. The scope of work in Donovan's Business Park includes:

- Street Upgrading on Glencoe Drive from Kyle Avenue to Civic number 142 including curb and gutter repair and associated works
- Asphalt milling and patching of approximately 4400 square meters of asphalt in Donovan's Business Park

In other areas of the city:

- Removal and replacement of curb and gutter and associated works at select locations

13-05-391     807 Kinsmen Air Cadets

Councillor Ledwell extended congratulations to the 807 Kinsmen Air Cadets on the occasion of their annual ceremonial review.

13-05-392     St. John's /Mount Pearl Multiple Sclerosis Chapter – Awards Ceremony

Councillor Ledwell advised that he attended the above noted awards ceremony and extended congratulations to Chapter President Zita Kavanagh-Taylor who was the recipient of the President's Award.

13-05-393     Waterford River Clean Up

Deputy Mayor Locke also commented on the success of the Waterford River Clean Up Blitz.

13-05-394 Open Space – Dumping of Garbage

Deputy Mayor Locke spoke of incidents of residents throwing materials (from small renovation projects) from their property onto the City's open space/trail system. Residents were asked not to do this and encouraged to take ownership of and pride in their City.

13-05-395 Kinette Club of Mount Pearl  
Kinsmen, Kinette & Kin Clubs of Kin Canada Zone D

Deputy Mayor Locke also expressed appreciation of the above noted groups' fundraising efforts.

13-05-396 Repairs – Snowclearing

Deputy Mayor Locke extended appreciation to the Infrastructure & Public Works Department staff as they undertake repairs resulting from snowclearing damage.

13-05-397 Focus on Youth Awards

Councillor Tessier extended appreciation to the outgoing Female and Male Youth of the Year (Megan Howse and Adam Keating) and congratulations to the 2012 Female and Male Youth of the Year (Erin O'Brien and Tyler Flynn).

13-05-398 Youth Action Team (YAT) – Youth Week

Councillor Tessier extended congratulations to YAT on a successful Youth Week.

13-05-399 Neighborhood Watch Information Session

Councillor Tessier advised that a Neighbourhood Watch Information, hosted by the Crime Prevention Committee and the Royal Newfoundland Constabulary, will be held on June 6, 7:00 pm, at the Kenmount Park Community Centre.

13-05-400 D.A.R.E. – St. Peter's Elementary

Mayor Simms advised that he attended the recent D.A.R.E. Graduation at St. Peter's Elementary. He extended congratulations to the students.

13-05-401 Fiscal Framework Meeting

Mayor Simms provided an update from a recent meeting of representatives of the seven largest municipalities (that had their MOG's eliminated) with Municipalities Newfoundland & Labrador to discuss a plan of action. As a result of this meeting, two working committees will be formed (one representing the seven municipalities

and one representing the other municipalities) and led by MNL. A steering committee is scheduled to meet with Government on June 11.

13-05-402 Multiplex Article – “The Telegram”

Mayor Simms referenced a recent article in “The Telegram” regarding the Multiplex and clarified that the project is currently on budget and on time as has been reported during public council meetings.

ADJOURNMENT

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

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Chairperson

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Deputy City Clerk