



**PUBLIC COUNCIL MEETING MINUTES
November 17, 2015**

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on November 17, 2015 at 4:15 pm.

MEMBERS PRESENT

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

MEMBERS ABSENT

Mayor Randy Simms
Deputy Mayor Jim Locke

15-11-746 Appointment of Councillor Stoyles as Chair

Motion – Councillor Walsh/Councillor Tessier

RESOLVED THAT Councillor Stoyles be appointed to Chair the meeting.

Question called. Motion carried unanimously.

Councillor Stoyles chaired the meeting.

15-11-747 Adoption of Agenda

Motion – Councillor Ledwell/Councillor Aker

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

15-11-748 Adoption of Minutes

Motion – Councillor Ledwell/Councillor Tessier

RESOLVED THAT the minutes of the public meeting held on November 3, 2015 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING/ACTION REPORT

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

PROCLAMATIONS/PRESENTATIONS

None presented.

SAFETY MESSAGE

15-11-749 Safety Message

Councillor Aker reminded residents that the “move over” law came into effect in March 2014 and is designed to protect those who drive emergency and other designated vehicles such as our municipal enforcement and public utility and service vehicles. The law requires drivers to slow down and move over when approaching a designated vehicle that is stopped in a lane or on the edge/shoulder of a road. The general rule is to create a buffer lane by slowing down and putting as much distance as possible between you and the stopped vehicle.

CORRESPONDENCE

15-11-750 Office of Climate Change & Energy Efficiency
(Government of Newfoundland & Labrador)

A letter was presented from the Office of Climate Change & Energy Efficiency providing information regarding accessing the provincial climate data.

COMMITTEE REPORTS

PLANNING AND DEVELOPMENT COMMITTEE

15-11-751 Proposed Municipal Plan and Development Regulations Amendment
(16-24 Glendale Avenue)

Background

The City is in receipt of an application dated November 26, 2014 from LAT49 on behalf of Gibraltar Development Ltd. to amend the Mount Pearl Municipal Plan and Development Regulations to accommodate a proposal to redevelop property for the purposes of constructing a condominium apartment building at 16 - 24 Glendale Avenue.

The applicant is requesting that the property be re-designated from RURAL and GENERAL COMMERCIAL to RESIDENTIAL and rezoned from Rural, Commercial-General and Residential - Medium Density (RMD) to Residential - High Density (RHD) to accommodate a 3 to 4 storeys 60 unit condominium apartment development.

Due to the nature of the proposal and to provide sufficient public information on this proposal, a Land Use Impact Assessment (LUIA) was required of the developer. The LUIA has been available on the City's website since June 10, 2015.

As a result of the issues raised at the briefing session, Council proceeded with the following studies in an effort to address these concerns:

- Land Use Impact Assessment Report
- Height and Viewscapes Study
- Value Impact and Analysis Study
- Analysis of Existing Infrastructure

These studies are available on the City's website. Council now has the information required to make a decision on the amendment.

Motion – Councillor Walsh/Councillor Ledwell

RESOLVED THAT the Mount Pearl Municipal Plan 2010 Amendment No. 15, 2015 and the Mount Pearl Development Regulations 2010 Amendment No. 48, 2015 (16-24 Glendale Avenue Amendment) be adopted by Council AND FURTHER THAT Stan Clinton be appointed Commissioner for the public hearing scheduled for December 10, 2015.

Discussion: Council supported the proposed amendment to allow the authority to consider a future proposal for a 3-4 storey 60 unit residential condominium apartment building at 16–24 Glendale Avenue. The proposed amendment would allow Council to consider the apartment development proposal and that the

current infrastructure and road network in the area can support the proposed redevelopment of the site. Members of council believe the proposal would be a positive addition to the City's housing. The process to notify members of the public of the upcoming hearing was clarified. Approval of the amendment allows the process to move forward to the next level of consultation.

Question called. Motion carried unanimously.

15-11-752 Newfoundland Design Associates Limited (on behalf of Marlay Construction Ltd.)
Moffatt Road Subdivision Development – Phase 5
Residential Subdivision (39 Single Family Lots)

Motion – Councillor Walsh/Councillor Ledwell

RESOLVED THAT the subdivision application by Newfoundland Design Associates Limited (on behalf of Marlay Construction Limited) to develop Phase 5 of Pearlview West (Moffatt Road Subdivision) including the development of 39 single dwelling lots and associated open space, be approved and that a development permit be issued subject to the following conditions:

1. Newfoundland Power requirements;
2. St. John's Regional Fire Department's requirements;
3. Inspection Services requirements;
4. Engineering Services Division requirements;
5. Planning & Development Department requirements;
6. Mount Pearl Development Regulations;
7. Receipt of Department of Environment & Conservation Certificate of Approval;
8. Canada Post requirements;
9. Finance Divisions requirements; and
10. signing of a Subdivision Development Agreement.

Question called. Motion carried unanimously.

15-11-753 Proposed Street Names
Moffatt Road Subdivision – Phases 4 and 5

Motion – Councillor Walsh/Councillor Ledwell

RESOLVED THAT the street names, Brant Drive and Chambers Cove Avenue, for the Moffatt Road Subdivision Development – Phases 4 and 5 be approved.

Question called. Motion carried unanimously.

15-11-754 Building Permits

Motion – Councillor Walsh/Councillor Ledwell

RESOLVED THAT building permits issued for the period of November 2 - 13, 2015, showing a total construction value of \$1,288,000.00, be approved as presented.

Question called. Motion carried unanimously.

CORPORATE & COMMUNITY SERVICES COMMITTEE

15-11-755 Tax Deferral – Low Income Earners

Motion – Councillor Ledwell/Councillor Aker

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

Account #	Amount Deferred
12009	\$2,368.02

Question called. Motion carried unanimously.

15-11-756 Chamber of Commerce
2015 Best in Business Sponsorship

Motion – Councillor Ledwell/Councillor Aker

RESOLVED THAT approval be granted to provide a \$2,500 sponsorship for the Chamber of Commerce's 2015 Best in Business Awards being held November 20, 2015.

Discussion: It was noted that this is the same amount the City has supported in previous years except this year the City sponsored Community Spirit Award is included in the cost. In previous years it was an additional cost.

Question called. Motion carried unanimously.

15-11-757 Invoices for Approval

Motion – Councillor Ledwell/Councillor Aker

RESOLVED THAT the following invoices be approved for payment:

1.	Bae-Newplan Group (Professional Services Rendered)	\$ 6,780.00
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2.	Bae-Newplan Group (Professional Services Rendered)	\$ 6,562.96
3.	Bae- Newplan Group (Professional Services Rendered)	\$ 8,711.51
4.	City of St. John's (City's share of St. John's Regional Fire Dept Nov/15)	\$ 402,074.33
5.	Dexter Construction Company Limited (Street Upgrading Pumphrey & Princeton Progress Pmt#2)	\$ 178,910.72
6.	Dexter Construction Company Limited (Street Upgrading Pumphrey & Princeton Progress Pmt#3)	\$ 233,488.01
7.	E.C. Boone Limited (Lettering for Buildings)	\$ 9,332.77
8.	Grand Concourse Authority (Paving of Trails)	\$ 23,381.58
9.	Kelloway Construction Ltd (Cleaning Facilities Oct/15)	\$ 16,761.63
10.	Kelloway Construction Ltd (Cleaning Facilities Sept/15)	\$ 16,761.63
11.	Newfoundland Distributors (Supplies for Mechanics Stock)	\$ 8,310.93
12.	Overhead Door (Nfld) Limited (Replacement of door)	\$ 15,433.54
13.	Russell's Land Design (Planting of Shrubs/Bushes at Summit)	\$ 15,368.00
14.	St. John's Transportation Commission (City's Service Costs for Metrobus for Sept/15)	\$ 99,516.21
15.	Trispec Communications Inc (Install Cell Repeater System at Summit)	\$ 15,814.52
16.	Tucker Electronics Ltd (Supply & Install EOC Touch Screen)	\$ 11,593.05
17.	Wolsley Canada (Leak Detection Correlation Equipment)	\$ 23,588.75
		\$1,092,390.14

Question called. Motion carried with Councillor Stoyles abstaining from voting due to a conflict of interest (item 7 – E.C. Boone Limited).

15-11-758 Municipal Assessment Agency
 2014-2015 Annual Report

The Municipal Assessment Agency Annual Report 2014-2015 was presented for the information of Council. A copy is available at the Director of Corporate Services' office or can be found on the Municipal Assessment Agency's website - www.mma.ca. It was noted that the 2016 assessments used the market value as of the base date January 2014. A file review of an assessment can be requested at any time - without filing an appeal. The assessor would review the file and determine if a site visit was needed. Should a property owner wish to appeal, the Notice of Appeal must be completed and a \$25 fee provided to the Agency. The deadline to file an appeal was November 4, 2015.

INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE

15-11-759 Request for Change Order – St. David's Park Redevelopment

Motion – Councillor Tessier/Councillor Aker

RESOLVED THAT the following change order for the St. David's Park Redevelopment project be approved:

Title	Details	Amount
RCO#08	Design fees for the bubbler fountain at the cenotaph location, (including mechanical, electrical, landscape architecture and civil engineering fees for the bubbler fountain and mechanical building).	\$48,002.40
	Total (HST included)	\$48,002.40

Question called. Motion carried unanimously.

15-11-760 Request for Change Order – Gymnastics Facility

Motion – Councillor Tessier/Councillor Aker

RESOLVED THAT the following change order for the Gymnastics Facility project be approved:

Title	Details	Amount
#01 (Credit)	Delete rubberized flooring; add sealing to the gymnasium slab	-\$71,092.10
#05 (Credit)	Deletion of humidification system	-\$6,780.00
	Total (HST Included) <i>CREDIT</i>	(\$77,872.10)

Question called. Motion carried unanimously.

15-11-761 Request for Change Order – Stormwater Management Project

Motion – Councillor Tessier/Councillor Aker

RESOLVED THAT the following change order for the Stormwater Management project be approved:

Title	Details	Amount
RCO #02	Adjustment to the contract to cover final total quantities. The original contract was awarded in 2014 with 50 houses identified. A total of 59 houses had sump pumps disconnected from sanitary sewer.	\$257,905.54
	Total (HST Included)	\$257,905.54

Question called. Motion carried unanimously.

15-11-762 Request for Change Order – Smallwood Drive Sidewalks

Motion – Councillor Tessier/Councillor Aker

RESOLVED THAT the following change order for the Smallwood Drive Sidewalks project be approved:

Title	Details	Amount
RCO #01	Install new sidewalk along Old Placentia Road between Nelder Drive and new Gymnastics Facility.	\$77,135.50
	Total (HST Included)	\$77,135.50

Question called. Motion carried unanimously.

15-11-763 Summit Centre Balcony Rail

Motion – Councillor Tessier/Councillor Aker

RESOLVED THAT a proposal by SNC Lavalin to assess the existing second floor balcony rail at the Summit Centre be approved at a cost of \$7,910.00 (HST included).

Discussion: The work will include study, assessment, design, tendering and contract administration for the implementation of recommendations.

Question called. Motion carried unanimously.

15-11-764 Project Updates

Information was provided on various ongoing projects such as street upgrading and maintenance, pavement marking, the asphalt and concrete repair program,

water and sewer, parks and field maintenance and fleet services for the winter season.

15-11-765 Public Works

An update on watermain repairs/replacement on Commonwealth Avenue and Maple Street was provided. It was noted that the watermain repair on Maple Street was associated with the ongoing construction project. The benefit of using the citizen alert advising residents of the road closure (Commonwealth Avenue – Southbound – at the intersection of Ruth/Park Avenue) was acknowledged. Appreciation was extended to staff for their efforts in carrying out the repairs as quickly as possible. It was noted that protocol is being reviewed with respect to addressing the significant number of calls that were received regarding the break (loss of water).

A winter maintenance report will be provided regularly when conditions warrant.

NEW BUSINESS

15-11-766 Safety Message – “Move Over” Law

Councillor Tessier highlighted another element of the “move over” law that being that drivers are also to yield to emergency vehicles that are approaching traffic.

15-11-767 Remembrance Day Ceremony

Councillor Aker extended congratulations to members of the Royal Canadian Legion, Branch 36, and Community Services staff for organizing a very well-attended Remembrance Day Ceremony.

15-11-768 Food Drive – Mount Pearl Minor Hockey Association (MPMHA)

Councillor Ledwell advised that the City has partnered again with the MPMHA on their annual food drive. It will be held on Saturday, November 28, starting at 9:00 AM. Residents were encouraged to support this initiative.

15-11-769 Safety Concerns – First Street/St. Andrew’s Avenue

Councillor Ledwell advised of some safety concerns at the above noted intersection, noting that staff will be reviewing the area with a view to making suggestions on safety improvement.

15-11-770 Condolences

Councillor Stoyles extended condolences to the family and friends of Michelle Anstey Norman (daughter of Reg Anstey) who recently passed away.

15-11-771 Condolences

Councillor Stoyles extended condolences to the family and friends of Gloria Smallwood who recently passed away. She noted that her son, Kent, worked with the City at one time.

15-11-772 Concert – First United Church

Councillor Stoyles advised that the First United Church is hosting a Christmas concert by the Ennis Sisters on December 19.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:15 pm on a motion by Councillor Ledwell.

Chairperson

Deputy City Clerk