

PUBLIC COUNCIL MEETING MINUTES
November 19, 2013

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on November 19, 2013 at 4:15 pm.

MEMBERS PRESENT

Mayor Randy Simms
Deputy Mayor Jim Locke
Councillor Lucy Stoyles
Councillor John Walsh
Councillor Paula Tessier ⁽¹⁾
Councillor Dave Aker

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

STAFF ABSENT

Councillor Andrew Ledwell

STAFF ABSENT

Jason Collins, Director, Community Services

⁽¹⁾ Councillor Tessier arrived at 5:15 pm.

Mayor Simms chaired the meeting.

13-11-747 Adoption of Agenda

Motion – Councillor Walsh/Councillor Aker

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

13-11-748 Adoption of Minutes

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the minutes of the public meeting held on November 5, 2013 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

13-11-749 Crohn's & Colitis Awareness Month

Mayor Simms signed a proclamation declaring November as Crohn's & Colitis Awareness Month in the City of Mount Pearl.

Chapter President, Ms Catherine Parnell, was in attendance and provided information on the organization and the disease. She advised of their annual fundraiser – "The Gutsy Walk" scheduled for June 8, 2014.

13-11-750 Torngat Award

Mayor Simms advised that at the recent MNL Convention, the City received the 2013 Torngat Award for Excellence in Governance. The award recognized Mount Pearl's achievements in its efforts to minimize risks and challenges associated with information management. The City has developed a comprehensive Information Governance Framework, which incorporates information management in all the City's core functions, supports cutting edge technology, accelerates decision making, minimizes compliance risks, privacy risks and achieves efficiencies.

Appreciation was extended to the Information Technology and Records Management divisions and to all City employees for always seeking constant improvement in providing municipal services in our community.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

COMMUNITY SERVICES COMMITTEE REPORT

13-11-751 Mount Pearl Remembrance Day Ceremony

Congratulations were extended to the Royal Canadian Legion Branch 36 for their preparation and dedication to the Remembrance Day Parade and Ceremony. A thank you was also extended to the residents of Mount Pearl for your attendance at this special ceremony.

13-11-752 Congratulations – Certificate of Appreciation
City of Mount Pearl, Community Events Coordinator

Congratulations were extended to the Community Events Coordinator, Krista Tucker, in recognition of thanks and appreciation by the Royal Canadian Legion Branch 36 ceremony held on November 11th.

CORPORATE SERVICES COMMITTEE

13-11-753 Professional Development – Deputy Mayor Locke

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted, in accordance with the Professional Development & Training Policy, for Deputy Mayor Locke to attend the Athletic Business Conference & Expo being held in San Diego, California, November 21 - 23, 2013.

Question called. Motion carried unanimously.

13-11-754 Uncollectible Account - Tax Write Off

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted to write off the balance and remove the following account from the City's records.

Account No.	Principal	Interest	Other	Total
9429	\$23,577.44	\$1,13.87	\$175.60	\$25,666.91

Discussion: It was noted that the business has closed and all collection efforts have been exhausted.

Question called. Motion carried unanimously.

13-11-755 Invoices for Approval

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the following invoices be approved for payment:

1.	Bae Newplan Group (Pearlgate Recreation Center Additional Services)	\$ 44,964.96
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2.	Baker Flooring Contracts Limited (Flooring St. David's)	\$ 5,344.90
3.	City of St. John's (Regional Fire Services - November 2013)	\$ 342,526.00
4.	City of St. John's (Water Consumption September 2013)	\$ 147,184.58
5.	City of St. John's (Landfill Usage September 2013)	\$ 46,246.19
6.	Flint Trading Inc. (Thermoplastic Materials)	\$ 28,641.02
7.	GCR Tire Centre (Tires)	\$ 8,985.76
8.	Henderson Recreation Equipment Limited (Play Steel Structure)	\$ 14,125.00
9.	Henderson Recreation Equipment Limited (Play Steel Structure)	\$ 11,639.00
10.	Henderson Recreation Equipment Limited (Play Steel Structure)	\$ 5,593.50
11.	Henderson Recreation Equipment Limited (Play Steel Structure)	\$ 11,300.00
12.	Henderson Recreation Equipment Limited (Play Steel Structure & Swings)	\$ 30,171.00
13.	Henderson Recreation Equipment Limited (Play Steel Structure)	\$ 12,995.00
14.	kAp Consulting Inc. (Emergency Management Plan Review)	\$ 7,345.00
15.	Kelloway Construction Ltd. (Cleaning Services October 2013)	\$ 16,432.05
16.	Stantec Consulting Ltd. (Structural Analysis/Condition Assessment Smallwood Fieldhouse)	\$ 7,437.66
	Total	\$ 740,931.62

Question called. Motion carried unanimously.

13-11-756 2012-2013 Annual Report

The Municipal Assessment Agency Annual Report 2012-2013 was presented for the information of Council. A copy is available upon request at the Director of Corporate Services' office or can be found on the Municipal Assessment Agency's website - www.mma.ca.

INFRASTRUCTURE & PUBLIC WORKS COMMITTEE

13-11-757 Multiplex - Update

Council was provided with an update on the Multiplex.

13-11-758 Playgrounds

An update on playground repairs was provided.

13-11-759 River Banks

Cutting back of grass on the riverbanks is ongoing and it is anticipated that all areas will be completed by the end of November.

13-11-760 Asphalt/Concrete

Asphalt/concrete repairs are continuing subject to weather conditions.

13-11-761 Equipment Status

It was noted that equipment maintenance is ongoing in preparation for the upcoming winter season.

PLANNING AND DEVELOPMENT COMMITTEE

13-11-762 Proposed Development Regulations Amendment No. 24, 2013
Text Amendment to Correct Numerical Reference
Commercial-General (CG) Use Zone Text Amendment

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT the proposed Mount Pearl Development Regulation 2010 Amendment No. 24, 2013 be adopted by Council.

Discussion: The purpose of the proposed amendment is to correct an incorrect numerical reference within the text of the CG use zone as follows:

In Section 11.12, USE ZONE SCHEDULES – COMMERCIAL – GENERAL (CG) USE ZONE,

1. under sub-section 11.12.1(o):
 - (a) Delete “*Hotel (Subject to Regulation 11.11.10)*” and replace with “*Hotel (Subject to Regulation 11.12.10)*”.

Question called. Motion carried unanimously.

13-11-763 Proposed Development Regulations 2010 Amendment No. 25, 2013
Indoor Parking Facilities Text Amendment

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT the proposed Mount Pearl Development Regulation 2010 Amendment No. 25, 2013 be adopted by Council.

Discussion: The purpose of the proposed amendment is to provide Council with the authority to regulate indoor parking facilities.

Question called. Motion carried unanimously.

13-11-764 Moffatt Road Subdivision Development – Phase 3
MAE Design Ltd. (Prospect Development Ltd. and Marlay Construction Ltd.)
44-Lot Residential Subdivision Development

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT a development application for a proposed 44 lot residential subdivision (Phase 3 – Moffatt Road), as submitted by MAE Design Ltd. on behalf of Prospect Development Ltd., be approved with the following conditions to apply as outlined in the technical report dated November 13, 2013:

- Moffatt Road Comprehensive Development Scheme goals, objectives and policies,
- RSU-3 and RMD Land Use Zone requirements,
- Department of Environment & Conservation requirements,
- St. John’s Regional Fire Department requirements,
- Newfoundland Power conditions,
- Canada Post conditions,
- Finance Division requirements,
- Planning and Development Department requirements,
- Engineering Services Division / Public Works and Infrastructure Department requirements,
- issuance of a Development Permit,
- signing of a Subdivision Development Agreement by two property owners, and
- municipal and provincial subdivision design standards.

AND FURTHER THAT the conditions in the development permit and agreement reference:

- confirmation of who will be developing individual lots (developers or individual builders);

- lots 12-19 are not to be developed and no building permits issued, until such time as the Wilkes Avenue amendment has been adopted and approved by Council, and the amendment has come legally into effect; and
- the subdivision agreement specify that the developer is to advise all builder and future property owners of proposed lots 1-11 that they are located in the RSU-3 Land Use Zone, and that subsidiary apartments are not a permitted use within the RSU-3 land use zone.

AND FURTHER THAT the Developer be advised that all landscaping, open space, and other requirements of previous phases of the Moffatt Road Development must be completed prior to Council considering any future Phase (Phase 4 and/or others) of the development currently known as the Moffatt Road Development.

Discussion: It was reiterated that the developer would be advised that Council is not prepared to consider approval for Phase 4 until such time all landscaping and open space requirements are fulfilled. It was also noted that residents of Pollux Drive would be made aware of this information should they contact the City.

Question called. Motion carried unanimously.

13-11-765 Proposed Demolition, New Building, Consolidation of Parcels, and Site Work
J & P Contracting – 1084-1090 Topsail Road

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT the application by J. & P. Contracting Inc. to demolish the two existing residential single detached dwellings at 1084 and 1090 Topsail Road, construct a three storey mixed use multi-tenant building with a total floor area of 1864 m², consolidate the two existing parcels and complete associated site work at 1084 - 1090 Topsail Road be approved and a Development Permit issued subject to the following conditions:

1. a revised Site Plan to be submitted and approved by Planning and Engineering Services Division prior to the issuance of any Building Permits; the Site Plan shall illustrate the information required as per the City of Mount Pearl Site and Services Plan Development Information Bulletin and any additional information required by all other departments;
2. a Landscaping Plan and completed Landscaping Cost Estimate shall be submitted and approved prior to the issuance of any Building Permits;
3. 100% Landscaping Security shall be paid prior to the issuance of any Building Permits;
4. St. John's Regional Fire Department conditions;
5. Newfoundland Power's conditions;
6. City Inspector's conditions;
7. Finance Divisions conditions;
8. Engineering Services conditions; and

9. the development meeting the Mount Pearl Development Regulations 2010.

Question called. Motion carried unanimously.

13-11-766 Proposed Discretionary Use - Change of Use (Light to General Industry Use)
Metal World Inc. - 48 Glencoe Drive

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT the application by Metal World Inc., to occupy the existing building at 48 Glencoe Drive as a General Industry Use with the building to be utilized for welding and fabricating be approved and a Development Permit be issued subject to the following conditions:

1. Inspection Services conditions;
2. Occupational Health and Safety's condition, if applicable;
3. Planning and Development Department conditions;
4. St. John's Regional Fire Department conditions; and,
5. The development meeting Mount Pearl Development Regulations 2010.

Question called. Motion carried unanimously.

13-11-767 Development Permits

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT development permits issued for the period of November 4 - 15, 2013 be accepted as presented.

Question called. Motion carried unanimously.

13-11-768 Building Permits

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT building permits issued for the period of November 2 - 15, 2013, showing a total construction value of \$634,900.00, be approved as presented.

Question called. Motion carried unanimously.

TRANSPORTATION & PUBLIC SAFETY COMMITTEE

- 13-11-769 Royal Newfoundland Regiment
Battle Fitness Test - T'Railway Route, November 24 & December 8, 2013

The public was advised that the Royal Newfoundland Regiment will use the old rail bed - the T'Railway - within the boundaries of the City of Mount Pearl for a Battle Fitness Test (BFT) on November 24 and December 8, 2013 (mornings).

REGIONAL SERVICES & ENVIRONMENT COMMITTEE

- 13-11-770 Northeast Avalon Regional Economic Development Board

The Northeast Avalon Regional Economic Development Board is scheduled to meet on Wednesday, November 20, 2013 at 4:30 pm.

- 13-11-771 Regional Water Services – Water Level – Bay Bulls Big Pond

The Bay Bulls Big Pond water level has rose slightly during this past month. Residents are encouraged to continue to conserve water.

- 13-11-772 Corporate Waste Management Strategy
Internship Program - Conservation Corps of NL

An update was provided on the Internship Program with the Conservation Corps of Newfoundland and Labrador. A student has been assigned to Mount Pearl for a 12-week period. The goal of this program is to continue the work begun by the Green Team in establishing a corporate waste management strategy for interested businesses in Mount Pearl.

Councillor Tessier arrived at 5:15 pm.

- 13-11-773 Power's Pond – Environmental Issue

For the information of the public who may have noticed a muddy run-off into Power's Pond, a stop work order has been issued by the City of St. John's related to development occurring within St. John's that may be causing silt to run into the pond. We have installed silt fences to help contain the silt and the Department of Fisheries and Oceans is continuing to investigate the matter. It was noted that the silt fences installed by the City will be monitored by staff and whether the City will be reimbursed for our resources is yet to be determined.

NEW BUSINESS

13-11-774 Torngat Award

Councillor Walsh commented on the Torngat Award noting that staff deserve the recognition as it was their project and initiative that won the honor. Appreciation was extended to staff throughout the organization for their role in providing a high level of service to residents.

13-11-775 MNL Convention

Councillor Stoyles extended appreciation to the Manager of Economic Development, Bronda Aylward, for her role on the organizing committee for the MNL Convention. Appreciation was also extended to council for supporting the Moose Management Plan for Highway Safety resolution presented at the convention. She also extended thanks to the Female Youth of the Year, Erin O'Brien, for singing at the Opening Ceremonies.

13-11-776 Northeast Avalon Joint Council (NEAJC)

Councillor Stoyles advised that the NEAJC will be meeting on November 20, 2013 in Paradise. She noted the election of officers will take place then and encouraged attendance.

13-11-777 The Pearl – Newspaper

Councillor Stoyles extended congratulations to Scott Reid, Editor, of the new publication "The Pearl" and wished him well in the endeavour. She suggested that community groups may wish to use this source as a way to get their message out.

13-11-778 Litter

Councillor Aker raised the issue of litter, making particular reference to the litter on property along Old Placentia Road/O'Donel High School which is thought to be originating from the Glenhill Plaza businesses. It was noted that the (Regional Services) and Environment Committee will be pursuing ways to address the overall issue of litter including plans to meet with the business owners.

13-11-779 Lupe's Troops

Councillor Tessier advised that Private Melanie Tucker, a Mount Pearl resident, will be attending a Toronto Maple Leafs hockey game compliments of Leaf Joffrey Lupul who hosts members of the Canadian Forces at each home game.

13-11-780 Litter

Deputy Mayor Locke also commented on Council's efforts to address the issue of litter, referencing Council's Strategic Plan as well as a need to reinvigorate civic pride.

13-11-781 Justin Sturge

Deputy Mayor Locke advised that a former student, Justin Sturge, is travelling to the Philippines to help the victims of the recent typhoon.

13-11-782 Condolences

Deputy Mayor Locke advised of the passing of Marie Butler "Booie" (Dunne), a lifelong resident of Dunne's Lane and the sister of Helen Dunne. He asked that the Mayor forward a letter of condolence to the family.

13-11-783 Speeding

Mayor Simms referenced Council's intention to address speeding, noting that the issue will be considered by the Transportation & Public Safety Committee.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:40 pm on a motion by Councillor Stoyles and seconded by Councillor Walsh.

Chairperson

Deputy City Clerk