



**PUBLIC COUNCIL MEETING MINUTES
October 18, 2016**

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on October 18, 2016 at 4:15 pm.

MEMBERS PRESENT

Mayor Randy Simms
Deputy Mayor Jim Locke
Councillor Lucy Stoyles
Councillor John Walsh
Councillor Dave Aker
Councillor Andrew Ledwell

STAFF PRESENT

Michele Peach, Chief Administrative Officer
Jason Silver, Director, Corporate Services
Gerry Antle, Director, Infrastructure & Public Works
Jason Collins, Director, Community Services
Julia Schwarz, Manager, Planning & Inspections
Mona Lewis, Deputy City Clerk

MEMBERS ABSENT

Councillor Paula Tessier

STAFF ABSENT

Stephen Jewczyk, Director, Planning & Development

Mayor Simms chaired the meeting.

16-10-661 Adoption of Agenda

Motion – Councillor Stoyles/Councillor Ledwell

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

16-10-662 Adoption of Minutes

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the minutes of the public meeting held on October 4, 2016 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

16-10-663 Teen Driver Safety Week

Mayor Simms signed a proclamation declaring October 16 – 22, 2016 as Teen Driver Safety Week in Mount Pearl.

It was acknowledged that Teen Driver Safety Week was a province-wide safety initiative launched by The Jessica Campaign - an advocacy group for the mandatory installation of truck side-guards to prevent needless deaths. The involvement by Jeannette Holman-Price was provided.

The impact of distracted driving was discussed and the possibility of increased penalties for doing this was raised.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

CORPORATE & COMMUNITY SERVICES COMMITTEE

16-10-664 Invoices for Approval

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT the following invoices be approved for payment:

1.	City of St. John's (Robin Hood Bay Landfill September 2016)	\$ 47,133.80
2.	Air-Tite Sheet Metal Ltd. (Air Quality H. Neil Windsor Municipal Bldg. PP#7)	\$ 15,421.50
3.	J&T Construction (Reid Centre Interior Renovations Claim #4)	\$ 319,621.04
4.	Murray's Horticultural Services (Landscaping Maintenance September 7-13)	\$ 7,119.60
5.	Spartan Fitness (Fitness Equipment - Summit)	\$ 32,197.70
6.	Newfoundland HVAC (Maintenance Contract September-December/16)	\$ 8,065.27

7.	Kelloway Construction Ltd. (Cleaning Services - Summit Aug 2016)	\$ 10,598.38
		\$ 440,157.29

Question called. Motion carried unanimously.

16-10-665 Tax Deferral – Low Income Earners

Motion – Councillor Ledwell/Councillor Stoyles

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

Account #	Amount Deferred
7284	\$1,613.36
5773	\$1,298.64
11281	\$ 698.53
1330	\$2,126.82
5535	\$2,536.17

Question called. Motion carried unanimously.

16-10-666 December 31, 2015 Financial Statements
 PSAB Compliant Financial Statements and Audit Report

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT the PSAB compliant financial statements and corresponding external audit report by Harris Ryan Chartered Professional Accountants for the year ended December 31, 2015 be approved.

Discussion: It was noted that efforts are underway to ensure the statements are filed on a timely basis in 2017.

Question called. Motion carried unanimously.

16-10-667 Professional Development and Training
 Deputy Mayor Jim Locke & Councillor John Walsh
 Athletic Business Conference
 November 17-19, 2016

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT approval be granted, in accordance with the Professional Development & Training Policy, for Deputy Mayor Jim Locke & Councillor John

Walsh to attend the Athletic Business Conference in Orlando, Florida from November 17-19, 2016.

Question called. Motion carried unanimously.

16-10-668 Octoberfest Craft Fair
Reid Community Centre
Saturday, October 29, 2016

For the information of the public, the Octoberfest Craft Fair will be held Saturday, October 29, 2016 at the Reid Community Centre from 10:00 am to 4:00 pm. Admission is \$2 and children under 12 are free. There will be fall inspired food and refreshments provided by Fireside Catering and a children's craft corner hosted by the Association for the Arts in Mount Pearl (AAMP).

16-10-669 Christmas at the Glacier
October 19 – 23, 2016

For the information of the public, the Christmas at the Glacier craft show will be held from October 19 – 23, 2016. For more information on the five day show, please call 745-9627 or visit www.christmasattheglacier.com.

16-10-670 Safety Skeleton Municipal Enforcement Program

The Municipal Enforcement Division will be delivering a "Safety Skeleton Patrol" on Halloween night. This patrol includes a team of neighbourhood watch committee members, municipal enforcement officers and possibly the RNC to take to the streets to remind motorists to slow down, kids to be safe and become extra eyes for mischievous behaviour.

INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE

16-10-671 Request for Change Order Approval – St. David's Park Redevelopment
(Change Order Update)

Motion – Councillor Aker/Councillor Stoyles

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

RCO #	Description	Value (HST Included)
	<i>Original Contract Price (13% HST)</i>	<i>\$2,209,065.00</i>
	<i>2% HST increase on original scope after July 1, 2016</i>	<i>\$30,180.94</i>
	<i>Adjusted Contract Price (HST Included)</i>	<i>\$2,239,245.94</i>
CO14	Not Approved by Engineering Services	\$0
CO15	Changes to the accessible ramp in front of the legion building; existing ramp had to be modified to connect	\$5,560.35

	to new sidewalk next to Legion to be accessible.	
CO16	Changes to the mechanical building that operates the bubbler fountain.	\$1,104.47
CO17	Anti-graffiti coating to be supplied and applied on exposed concrete walls on cenotaph.	\$1,618.27
	<i>Total Change Orders</i>	\$8,283.09
	<i>Previously Approved Change Orders</i>	\$109,898.58
	Revised Contract Price	\$2,357,427.61

Question called. Motion carried unanimously.

16-10-672 Request for Change Order Approval – Admiralty House Annex Upgrades

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the following change orders for the Admiralty House Annex Upgrades project be approved:

RCO #	Description	Value (HST Excluded)
	<i>Original Contract Price + Contract Allowances</i>	\$608,845.14
CO2	Aluminum flashing and insulation around perimeter of building.	\$1,704.92
CO3	Paved and painted accessible parking stall with signage. Service NL requirement.	\$4,270.00
CO4	Water meter.	\$907.50
CO5	Removal of unsuitable material encountered under the concrete slab in the lobby and replace with structural fill to achieve compaction.	\$2,549.00
CO6	Fencing modifications.	\$1,598.30
	<i>Total Change Orders</i>	\$11,029.72
	<i>Previously Approved Change Orders</i>	\$12,542.32
	Revised Contract Price (HST Excluded)	\$632,417.18

Question called. Motion carried unanimously.

16-10-673 Request for Change Order Approval – Street Upgrading (Pumphrey & Princeton Building Canada Fund 17-BCCC-15000002)

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the following change order for the Street Upgrading Pumphrey & Princeton Building Canada Fund project be approved:

RCO #	Description	Value (HST Included)
	<i>Original Contract Price</i>	<i>\$131,530.93</i>
01	Additional engineering was required due to approved time extension of the contract.	\$17,286.54
	<i>Total Change Orders</i>	<i>\$17,286.54</i>
	<i>Revised Contract Price</i>	<i>\$148,817.47</i>

Question called. Motion carried unanimously.

16-10-674 Request for Change Order Approval – 2011 Street Upgrading CP 4 (Third Street & Wilcox Place)

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the following change order for the 2011 Street Upgrading CP4 (Third Street & Wilcox Place) project be approved:

RCO #	Description	Value (HST Included)
	<i>Original Contract Price</i>	<i>\$632,863.00</i>
02	Additional engineering was required due to approved time extension of the contract.	\$10,445.72
	<i>Total Change Orders</i>	<i>\$10,445.72</i>
	<i>Previously Approved Change Orders</i>	<i>\$9,300.00</i>
	<i>Revised Contract Price</i>	<i>\$652,608.72</i>

Question called. Motion carried unanimously.

16-10-675 Memorial University Project Proposal for Water Main System Analysis (Sponsored Research Agreement)

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted to execute an agreement with Memorial University for a water main system analysis at an annual cost of \$12,000 (potential extension for two more years).

Discussion: The project involves an engineering graduate student working with the City's water and sewer division with an aim to consider a means of predicting water main deterioration and failure.

Question called. Motion carried unanimously.

16-10-676 Solid Waste Regulations – Amendment

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT amendments to the Solid Waste Regulations be adopted as presented.

Discussion: The following points were made:

- Since the implementation of the garbage carts, diversion rate has dropped.
- It is a mandatory waste management program, using blue bags for recycling and transparent, clear bags for garbage.
- Goal is to divert waste from landfills by ensuring residents recycle and dispose of hazardous materials properly.
- To accommodate privacy needs, the use of two small privacy bags i.e. supermarket bags (no larger than 21.6"x23") per cart, per week are permitted.
- Retailers have been advised of the program to allow them an opportunity to stock the clear bags. (reminder to retailers of program implementation)
- A communication plan to bring the information to residents is in place, anticipating a February implementation date.
- The program will be enforced through the auditing of garbage carts.
- An increase in recycling will result in cost savings and environmental benefits.
- Blue bags will continue to be used for recycling.

Councillor Stoyles advised that she does not support the implementation of clear bags and the use of two privacy bags as many residents will be inconvenienced and concerned with privacy issues. She recognized the need to recycle and suggested that education alone would improve the recycling statistics.

Question called. Motion carried with Councillor Stoyles voting against the motion.

16-10-677 Project Updates

Updates on various projects ongoing throughout the city were presented.

16-10-678 Public Works Maintenance Updates

Maintenance updates were provided on roads, fleet, parks and UTM.

PLANNING AND DEVELOPMENT COMMITTEE

16-10-679 Application for 8-Foot Fence Height
 17 Roosevelt Avenue

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT an application for an eight-foot fence at 17 Roosevelt Avenue be approved.

Question called. Motion carried unanimously.

16-10-680 Rescinding of Order – 181-183 Commonwealth Avenue

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT approval be granted to rescind the order issued for 181-183 Commonwealth Avenue as the outstanding matters have now been completed or are in the process of being resolved to the satisfaction of the City.

Question called. Motion carried unanimously.

16-10-681 Fougere Menchenton Architecture (Eastern Health)
 Change of Use, Renovations, Building Extensions and Site Work
 3 Beclin Road

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT an application by Fougere Menchenton Architecture, on behalf of Eastern Health, to undertake renovations to the existing building and site work at 3 Beclin Road to accommodate a food production and distribution facility be approved and a development permit be issued subject to the following conditions:

1. Environmental Health division of Service NL approval;
2. a revised Site Plan to be submitted illustrating:
 - a. existing services,
 - b. traffic circulation patterns,
 - c. location of commercial garbage bins and screening (enclosures),
 - d. curbing required to rear building wall,
 - e. dimensions to all existing property boundaries from building, and
 - f. parking calculation;
3. submission of a landscaping plan illustrating:
 - a. 20% landscaping - currently only 12% of the site is landscaped according to the numbers illustrated on the submitted site plan;
 - b. all land within 3 m of a fronting street line is required to be landscaped;
 - c. all land within 1 m of another lot line is required to be landscaped; and

- d. trees, shrubs and planting to be illustrated - a minimum of 10 plantings required;
4. submission of pre and post storm water calculations due to the increase in paved area on the site;
5. a Joint Servicing Agreement is required;
6. City Inspector's conditions;
7. Engineering Services approval;
8. St. John's Regional Fire Department's conditions; and
9. the development meeting the City of Mount Pearl Development Regulations 2010.

Question called. Motion carried unanimously.

16-10-682 Canwell Building Materials
Proposed Expansion to Existing Non-Compliant Gravel Exterior Storage Yard
42 Sagona Avenue

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT an application by the property tenant, Canwell Building Materials, to expand the existing exterior storage yard at 42 Sagona Avenue for the storage of building materials similar to the building materials currently stored on site be approved and a Development Permit be issued subject to the following conditions:

1. there are no grade changes to the expansion area and the area will be backfilled with a minimum of 3" of stone and Class "A" road gravel;
2. submission of a revised site plan illustrating a minimum of 10 parking spaces;
3. \$4500.00 Refundable Landscaping Deposit is to be submitted;
4. all areas disturbed by construction shall be re-instated with a minimum of sodding;
5. dust mitigation required during construction;
6. 10 metres of sodding required to be maintained from fenced yard to front property line;
7. City Inspector conditions;
8. NL Power conditions;
9. St. John's Regional Fire Department conditions; and
10. the development meeting Mount Pearl Development Regulations 2010.

Question called. Motion carried unanimously.

16-10-683 Notice of Motion
Indoor Firearms Shooting Range

Deputy Mayor Locke 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 would, at a regular meeting of Council, move an amendment to the Mount Pearl Development Regulations 2010 that, if enacted, will:

1. In Section 2 – Definitions, add the definitions for “Firearm” and “Indoor Firearms Shooting Range”;
2. In Section 7 – Special Developments, add a section titled “Indoor Firearms Shooting Range” that outlines the conditions which apply to the use;
3. In Section 9 - Off-Street Parking And Loading Regulations, under Subsection 9.2, General Parking Requirements, add the following to the list of uses and minimum off-street parking requirements;

Indoor Firearms Shooting Range One parking space per shooting lane
not including any ancillary shop use.

4. In Section 11 – Use Zone Schedules, under subsections 11.10.2 of the Commercial – Mixed Use Zone and 11.19.2 of the Industrial – Light Use Zone titled Discretionary Uses, add “Indoor Firearms Shooting Range” to the lists of discretionary uses.

The purpose of this amendment is to define indoor firearms shooting range, outline the conditions and parking requirements for the use and identify the use as a discretionary use within the Commercial – Mixed (CM) and Industrial- Light (IL) use zones.

16-10-684

Notice of Motion
Below Grade Development

Deputy Mayor Locke 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 would, at a regular meeting of Council, move an amendment to the text of the Mount Pearl Development Regulations 2010 that, if enacted, will:

5. In Section 2 – Definitions, add the following definition:

***“BELOW GRADE DEVELOPMENT”** is the development of a portion or portions of a building completely below grade which does not have any immediate above grade vertical development and does not include a basement;*

6. In Section 2 – Definitions, revise the following definition to read:

***“BUILDING LINE”** means a line established by Council that runs parallel to a street line and is set at the closest point to a street that **an above grade** vertical building may be placed.*

7. In Section 6, General Development Standards; Subsection 6.6, Building Line and Setback; change the following:
 - a. After Subsection 6.6.2, add the following:

- 6.6.3 Below grade development shall be permitted in accordance with the following conditions:
- (a) the limits of the building below grade shall remain within the subject property boundaries;
 - (b) any portion of the building above grade shall meet the required development standards within the associated use zone schedule;
 - (c) the below grade development shall not have any negative impact on any existing or proposed servicing or City infrastructure, existing or proposed roads or adjoining properties;
 - (d) an easement shall be registered at the Registry of Deeds illustrating the location of the below grade development;
 - (e) agreement to be signed that even though below grade development is permitted to encroach into required minimum side yard, no additional vertical development shall occur;
 - (f) the development shall not be below any established water table;
 - (g) onsite parking requirements for below grade uses shall be the same for above grade use requirements; and
 - (h) the below grade development shall not adversely affect the possible widening or future development of streets.

The purpose of this amendment is to define below grade development, add below grade development to Section 6 – General Development Standards and outline the general provisions required in order for below grade development to occur.

16-10-685 Development Permits

Motion – Deputy Mayor Locke/Councillor Walsh

RESOLVED THAT development permits issued for the period of October 3 - 14, 2016 be approved as presented.

Question called. Motion carried unanimously.

16-10-686 Building Permits

Motion – Deputy Mayor Locke/Councillor Walsh

RESOLVED THAT building permits issued for the period of October 3 - 14, 2016, showing a total construction value of \$5,731,700.00, be approved as presented.

Question called. Motion carried unanimously.

NEW BUSINESS

16-10-687 Northeast Avalon Joint Council (NEAJC)

Councillor Stoyles advised that the NEAJC is meeting on October 19, Town of Paradise, at 6:30 pm for any councillor available to attend.

16-10-688 Wedding Anniversary

Councillor Stoyles extended congratulations to residents Bren & Bernice King on their 70th wedding anniversary.

16-10-689 Condolences

Councillor Stoyles extended condolences to the family and friends of resident, Bruce Callahan.

16-10-690 Condolences

Councillor Stoyles extended condolences to the family and friends of Fred Burke, noting that Mr. Burke was the son of retired employee Carole Burke and brother to Tony Burke.

16-10-691 Kiwanis High School Short Story Award

Councillor Walsh advised he attended the awards ceremony for the inaugural Kiwanis High School Short Story competition. He extended congratulations to all participants, in particular, the three finalists from Mount Pearl Senior High School.

16-10-692 Funding Announcement – ACOA

Councillor Aker, and other members of Council, extended appreciation to ACOA and the Department of Veterans Affairs for their contribution towards the completion of the cenotaph in the amounts of \$200,250 and \$25,000 respectively. MP Seamus O'Regan, on behalf of ACOA, made the presentation on October 11, 2016 at St. David's Park.

16-10-693 20 Years of Service – Councillor Stoyles

Councillor Aker, and other members of Council, extended congratulations to Councillor Stoyles on receiving a 20 year Long Service Award at the recent Municipalities Newfoundland & Labrador convention.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:35 pm on a motion by Councillor Ledwell.

Chairperson

Deputy City Clerk