



PUBLIC COUNCIL MEETING MINUTES
October 20, 2015

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on October 20, 2015 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⁽¹⁾
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

⁽¹⁾ Arrived when noted.

Mayor Simms chaired the meeting.

15-10-677 Adoption of Agenda

Motion – Councillor Stoyles/Councillor Ledwell

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

15-10-678 Adoption of Minutes

Motion – Deputy Mayor Locke/Councillor Walsh

RESOLVED THAT the minutes of the public meeting held on October 6, 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.

Councillor Aker arrived.

SAFETY MESSAGE

15-10-679 Safety Message - Halloween

Councillor Walsh reminded parents to have their children wear light colored costumes and reflective clothing on Halloween night and not to criss-cross the street when trick-or-treating. He also encouraged motorists to be extra cautious as children are excited and may forget pedestrian safety rules. An overall reminder to residents to wear reflective clothing while walking/running/jogging was extended.

PROCLAMATIONS/PRESENTATIONS

None presented.

CORRESPONDENCE

15-10-680 Department of Municipal & Intergovernmental Affairs

A letter was presented from the Department of Municipal & Intergovernmental Affairs providing information on the procedures respecting the creation of a Municipal Crown lands reserve. The creation of a reserve allows for a phased approach to residential, industrial or commercial development within an area over a period of five years, as demand and municipal finances warrant.

COMMITTEE REPORTS

CORPORATE & COMMUNITY SERVICES COMMITTEE

15-10-681 Invoices for Approval

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT the following invoices be approved for payment:

1.	Urban Flooring Ltd. (Changes to Floor – Summit Centre – Warranty)	\$ 40,081.10
2.	Municipal Assessment Agency (Fourth Quarter - Assessment Fees)	\$ 70,084.00
3.	Century 2K (Data/Voice Communications Equip Maintenance)	\$ 14,690.00

4.	Crosbie Industrial Services Ltd. (Hazardous Waste Truck & Disposal)	\$ 13,147.55
5.	Emberley Electric Limited (Repairs Lighting - Pool)	\$ 9,159.32
6.	Infinity Construction Ltd. (Road Work 15-33 Farrell Dr – Emergency Repairs)	\$ 40,573.88
		\$ 187,735.85

Question called. Motion carried unanimously.

15-10-682 Oktoberfest Craft Fair - Success

Appreciation was extended to all who participated and assisted in making the annual Oktoberfest Craft Fair a huge success.

INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE

15-10-683 New Minor Baseball Field, off Munden Drive
Request to Appoint Prime Consultant – Design of Field Lighting

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted, contingent upon the successful negotiation of the final terms of the prime consultant agreement, to award the contract for the consulting services for the design, specifications and tendering and contract administration of the baseball field lighting and electrical components to Progressive Engineering and Consulting Inc. for the proposal amount of \$20,042.02 (HST Included).

Question called. Motion carried unanimously.

15-10-684 New Minor Baseball Field, off Munden Drive
Request for Change Order Approval – Field Backstop and Fencing

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the following change orders for the field backstop and fencing for the new minor baseball field (off Munden Drive) project be approved:

Title	Details	Amount (HST Incl)
RCO#01	Change the height of the fence on the third baseline from 8 feet to 10 feet high to allow higher netting above ground, to allow access for City equipment (mowers) to maintain the field.	\$2,753.49

RCO#02	To extend the backstop across the front of the dugouts (8 meters each side), to minimize foul balls over the dugout. To change width of access gate from 3 meters to 7.3 meters on a request from minor baseball to allow access to and from for their portable batting cage.	\$17,451.72
	Total (HST Included)	\$20,205.21

Question called. Motion carried unanimously.

15-10-685 Team Gushue Park Facility Parking Lot Improvements (Phase 2)

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the following change order for the Team Gushue Park Facility Parking Lot Improvements (Phase 2) project be approved:

Title	Details	Amount (HST Incl)
RCO#03	Removal of unsuitable material (USM) from area adjacent soccer field fence, replacement with 4" minus rock fill. Spot repairs of USM encountered. Estimated quantity of excavation and imported 4" minus 1050 cubic meters. Quantity may vary according to conditions encountered. This will increase the contract end date by five (5) days.	\$50,307.60
	Total (HST Included)	\$50,307.60

Question called. Motion carried unanimously.

15-10-686 Team Gushue Park Facility Parking Lot Improvements (Phase 2)

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the following change order for the Team Gushue Park Facility Parking Lot Improvements (Phase 2) project be approved:

Title	Details	Amount (HST Incl)
Scope of work extension	Addition of parking lot lighting and associated wiring, bases, poles and controls. This will increase the contract end date by 15 days.	\$352,791.65
	Total (HST Included)	\$352,791.65

Question called. Motion carried unanimously.

15-10-687 Contract Award - Street Upgrading, Smallwood Drive Sidewalks

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the contract for the Street Upgrading, Smallwood Drive Sidewalks project be awarded to the lowest compliant bidder, Infinity Construction Ltd., for the bid amount of \$485,617.50 (HST included).

Discussion: Council noted that consideration is given to incorporating new design methods when new sidewalks and other infrastructure are constructed to be more user-friendly for people using wheelchairs.

Question called. Motion carried unanimously.

15-10-688 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.

PLANNING AND DEVELOPMENT COMMITTEE

15-10-689 Window Shop
Proposed Subdivision of Single Family Lot into a Double Dwelling Lot
13 Parsons Avenue

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT the application for the subdivision and variance of the lot at 13 Parsons Avenue for the purpose of constructing a second semi-detached unit as part of a double dwelling be approved and a development permit be issued subject to the following conditions:

- a) the variance request for one lot to have a minimum lot area of 381.7 m² be approved;
- b) proposed development to meet all other development standards of an RMD use zone;
- c) the design and styling elements of the development shall be complimentary and sympathetic to the character of the neighbourhood; the external design and styling of the dwellings shall be approved by the City prior to the issuance of a building permit;
- d) the new dwelling be assigned the civic address "13A Parsons Avenue";

- e) the dwellings shall meet standard municipal residential construction policies, including the National Building Code of Canada; and
- f) the servicing of the lots shall be approved by the Department of Infrastructure and Public Works.

Question called. Motion carried unanimously.

15-10-690 Sobeys Development
Request to Renew Development Permit for One Year
Needs C-Store and Gas Bar (Access and Service Connections)
265 Commonwealth Avenue

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT a request by Sobeys Development to extend the Development Permit No. DP13-072 (issued to undertake access and service connections into the property located at 265 Commonwealth Avenue for the purposes of developing a convenience store and gas bar) by a period of one (1) year be approved.

Question called. Motion carried unanimously.

15-10-691 Outdoor Display Court
Blue Water Marine & Equipment Ltd.
16 Allston Street

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT an application by Blue Water Marine to develop an outdoor display court within the existing front yard at 16 Allston Street to accommodate a display of equipment be approved and a development permit issued subject to the following conditions:

1. Newfoundland Power's approval
2. The display court shall:
 - a. be located solely on the subject property and not within the City's street right of way;
 - b. maintain a minimum three metre (3 m) setback from any property boundary;
 - c. not be located within the sight triangle of the driveway and street;
 - d. not be located within any easements;
 - e. not be located within three metres (3 m) of any service lateral;
 - f. maintain an appropriate distance from utility lines and guy wires;
 - g. maintain proper sight lines of the building from the street;
 - h. not exceed forty percent (40%) of the overall landscaped frontage measurement in length;
 - i. not be located within the front yard parking lot;

- j. not reduce the minimum number of parking spaces required for the main uses on the lot;
 - k. be subject to the review and approval of a landscaping plan which includes tree, shrub and sod plantings as per the Mount Pearl Landscaping Regulations and Guidelines;
 - l. maintain hard level surfacing (gravel shall not be permitted as a surfacing material) and continuous access with the parking lot;
 - m. have lighting which is focused on the equipment or vegetation and not into oncoming traffic or adjacent properties;
 - n. not have flashing lights; and
 - o. not impede winter snow clearing operations;
3. the City is not liable if equipment is damaged during routine maintenance operations; and
 4. the development meets the City of Mount Pearl Development Regulations 2010.

Discussion: It was noted that this is a seasonal display court (equipment would not be displayed during the winter).

Question called. Motion carried unanimously.

Councillor Tessier arrived at 4:40 pm.

15-10-692 Newlab Engineering Ltd. (Newfoundland & Labrador English School District)
Portable Classroom
25 Jackman Drive

Motion – Deputy Mayor Locke/Councillor Walsh

RESOLVED THAT an application from Newlab Engineering Ltd., on behalf of the Newfoundland and Labrador English School District, for the placement and construction of a one-storey portable classroom and corridor link at Newtown Elementary School, 25 Jackman Drive, be approved and a development permit issued subject to the following conditions:

1. the development meeting the Mount Pearl Development and Building Regulations
2. the portable classroom and corridor link to comply with the National Building Code
3. grading will have to be such that storm water is managed properly and does not pool against the buildings and structures

4. the site to be restored to meet the City's sloping and landscaping requirements

Question called. Motion carried unanimously.

15-10-693 Development Permits

Motion – Deputy Mayor Locke/Councillor Walsh

RESOLVED THAT development permits issued for the period October 5 – 16, 2015 be approved as presented.

Question called. Motion carried unanimously.

15-10-694 Building Permits

Motion – Deputy Mayor Locke/Councillor Walsh

RESOLVED THAT building permits issued for the period of October 5 - 16, 2015, showing a total construction value of \$416,500.00, be approved as presented.

Question called. Motion carried unanimously.

15-10-695 Eastern Newfoundland Regional Appeal Board - Supplementary Decision
Municipal Avenue

Council was advised that the supplemental decision from the Appeal Board arising out of Justice Stack's decision to refer the decision to the Appeal Board to consider the aspects of "reasonable apprehension of bias" has been received. Rather than rehear the matter, the Appeal Board chose to provide the supplementary decision based on the hearing held on July 21, 2014. The Board determined that there was no reasonable apprehension of bias on the part of Councillors Walsh and Aker. In conclusion, the Appeal Board confirmed the decision of the Council in this matter.

It was noted that the Concerned Citizens Group can still appeal this decision to court. A decision of a Board may be appealed to the court not later than 10 days after that decision has been received by the appellant on a question of law or jurisdiction.

Council was pleased with the decision noting the need for the development.

15-10-696 Prospect Development Limited
Signing of Moffatt Road Phase 4 Subdivision Agreement

Motion – Deputy Mayor Locke/Councillor Walsh

RESOLVED THAT approval be granted for the Mayor and Chief Administrative Officer to execute the Moffatt Road Phase 4 subdivision development agreement on behalf of the City.

Question called. Motion carried unanimously.

NEW BUSINESS

15-10-697 Congratulations – Seamus O’Regan

Members of council extended congratulations to Mr. O’Regan on his recent election as M.P. for St. John’s South-Mount Pearl. Council looks forward to working with Mr. O’Regan.

15-10-698 Appreciation – Ryan Cleary

Members of council extended appreciation to Mr. Cleary for his efforts and commitment during his term as M.P. for St. John’s South-Mount Pearl.

15-10-699 Assessment Notices

Councillor Stoyles commented on the property assessments for the 2016 tax year, noting the overall average of 14% increase. It was acknowledged that the assessment was an estimate of the actual value of the property as of January 2014. Residents can contact the Municipal Assessment Agency or the City if they have questions. Residents wishing to appeal their assessment can submit their appeal to the Municipal Assessment Agency by November 4, 2015 along with a \$25 appeal fee.

15-10-700 Condolences

Councillor Stoyles extended condolences to the family and friends of the late Josephine Barron. She noted that Mrs. Barron was a tremendous volunteer, particularly with the Mary Queen of the World Parish.

15-10-701 Employee Recognition Awards

Councillors Stoyles and Walsh extended congratulations to employees who received awards at the recent Employee Recognition Awards event as well as appreciation to all employees for their efforts.

15-10-702 Seniors Independence Group

Councillor Walsh extended congratulations to the Seniors Independence Group on a successful afternoon tea as well as the continuing development of innovative programs for their members.

15-10-703 Motorized Vehicles – Trails

Councillor Tessier reminded residents that it was illegal to use motorized vehicles in the City's walkways. She noted that the municipal enforcement division is working with the RNC to address this problem.

15-10-704 First Baptist Church – 60th Anniversary

Councillor Aker extended congratulations to the First Baptist Church on their 60th anniversary.

15-10-705 Congratulations – Carol Ann Kelloway

Councillor Ledwell extended congratulations to Carol Ann Kelloway on being named the Pearlgate Track & Field Volunteer of the Year. An award well deserved!

15-10-706 Outdoor Pools (History)

Deputy Mayor Locke provided the locations of the outdoor pools that existed years ago in Mount Pearl, noting that the concrete belonging to the pool that was located off Glencoe Drive still exists.

15-10-707 Congratulations – Darryl Butt

Councillor Stoyles extended congratulations to Darryl Butt on his selection to join the American Hockey League staff to officiate games as a linesman at Mile One for the St. John's Ice Caps for the 2015/2016 season. Mr. Butt grew up in Mount Pearl and is the son of Brenda Butt.

15-10-708 Credit Union Day

Mayor Simms advised that he signed the Credit Union Day proclamation and commented on their success.

15-10-709 Federal Government

Mayor Simms raised a couple of issues to discuss with M.P. O'Regan – a new federal funding program to address waste water needs and a new federal infrastructure fund for municipal governments.

15-10-710 Caregivers Proclamation

Mayor Simms advised that at the Seniors Independence afternoon tea, a proclamation was signed by Deputy Premier Steve Kent and Minister Clyde Jackman recognizing October as Caregiver Month.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:10 pm on a motion by Councillor Ledwell.

Chairperson

Deputy City Clerk