

**PUBLIC COUNCIL MEETING MINUTES**  
**October 22, 2013**

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on October 22, 2013 at 4:15 pm.

MEMBERS PRESENT

Mayor Randy Simms  
Deputy Mayor Jim Locke  
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

Councillor Lucy Stoyles

**Mayor Simms chaired the meeting.**

- **Mayor Simms advised that Councillor Stoyles was recovering from injuries suffered in a recent car accident and extended best wishes for a speedy recovery. Members of council also extended get well wishes to Councillor Stoyles.**

13-10-676     Adoption of Agenda

Motion – Councillor Ledwell/Deputy Mayor Locke

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

13-10-677     Adoption of Minutes

Motion – Councillor Tessier/Councillor Aker

RESOLVED THAT the minutes of the public meeting held on October 8, 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

13-10-678     Electromagnetic Hypersensitivity Awareness Month

Mayor Simms signed a proclamation declaring the month of November as Electromagnetic Hypersensitivity Awareness Month in the City of Mount Pearl.

13-10-679     Waste Reduction Week in Canada

Mayor Simms signed a proclamation declaring October 21 – 27, 2013 as Waste Reduction Week in the City of Mount Pearl.

13-10-680     National Teen Driver Safety Week

Mayor Simms signed a proclamation declaring October 20 – 26, 2013 as National Teen Driver Safety Week in the City of Mount Pearl. Lloyd Hobbs, Manager, Traffic Safety with Safety Services NL was in attendance and outlined the focus of the week.

13-10-681     Presentation – Lifeguards Recognized

Mayor Simms recognized two of the City's lifeguards, April Kenny and Jeffrey Webber, who recently provided assistance to a patron who had a cardiac episode following a morning swim. On behalf of the patron, he acknowledged their quick thinking, training and assistance.

#### CORRESPONDENCE

None presented.

#### COMMITTEE REPORTS

##### PUBLIC WORKS COMMITTEE

13-10-682     Cremation Services (domestic pets) - Contract

Motion – Councillor Walsh/Councillor Tessier

RESOLVED THAT approval be granted to continue with the current service provider for cremation services, Devonshire Pet Memorial Services Inc., for the contract period of October 1, 2013 – October 1, 2014.

Discussion: It was noted that costs have increased respectively by \$5 (new fee \$39) and \$12 (new fee \$58) for cats and dogs. Appreciation was extended to the various animal organizations for their assistance.

Question called. Motion carried unanimously.

13-10-683 Water Fountain (Lower Powers Pond)

The public was advised that a water fountain will be placed in the lower Powers Pond in the spring 2014.

13-10-684 Dog Park – Winter Level of Service

The public was advised that access to the dog park will be limited, depending upon snowfall. While the dog park will remain open for public use, the water fountains will be disconnected and no snow clearing services will be carried out. Signage to this effect will be put in place; however, patrons who continue to utilize the park during the winter period will do so at their own risk.

The entrance to the dog park is shared by the City's snow clearing equipment to access the snow dumping area. A parking area will be delineated for the dog park with concrete barriers placed to separate traffic flow. The area will be monitored to assess whether further action is required to improve the safe flow of traffic to and from the site.

13-10-685 Recycle My Cell

Council was advised of information from the Canadian Wireless Telecommunications Association (CWTA) outlining a program to collect and recycle cellular phones, with the goal to minimize the number of handsets entering landfills. The City will be registered as an official affiliate of CWTA and it was agreed that drop-off locations would be identified to allow residents the opportunity to use this service.

13-10-686 Public Works – Update

The leaf/grass collection pilot project continues each Monday with approximately 15-20 bags being collected weekly. The final week for collection during the pilot period is November 18 at which time a report will be provided which will assess the viability of the project.

The Multi Materials Stewardship Board recently conducted a waste audit for Mount Pearl which will indicate the extent of recycling possibilities and information on decisions for future improvement.

#### Parks

Crews continue with the installation of playground equipment and cutting back of the riverbanks until the layoff of seasonal employees takes place.

#### Roads

Roads crews are working on repairs to guard rails and continuing with the installation of reflectors as well as asphalt repairs. It was noted that asphalt repairs will continue as long as weather conditions permit and asphalt plants remain open.

#### 13-10-687 Automated Garbage Collection Project (update)

The automated garbage collection project has now been in operation for one year and the following points are noted:

- 9600 carts have been distributed with only 1% of residents registering concerns or issues with the system.
- Each complaint has been dealt with on an individual basis and in some cases a site visit was made to determine a suitable solution.
- Carts are assigned to residential properties and remain with the property. Homeowners are required to remove the cart from the curb once garbage is collected and to ensure the cart is stored in a safe location to prevent damage or loss.
- There is an investigation process which takes place to locate lost or missing carts. This process involves municipal enforcement and public works staff.
- Residents are reminded that carts are to be placed at the end of the driveway and should not be placed on the sidewalk for collection.

It was suggested that residents identify their cart by writing their address on it.

#### COMMUNITY SERVICES COMMITTEE REPORT

#### 13-10-688 Oktoberfest Craft Fair

Council was advised that the Oktoberfest Craft fair was well attended. Appreciation was extended to those who participated and assisted with this annual event.

13-10-689     Christmas at the Glacier  
                  October 23-27, 2013

The 2013 Christmas at the Glacier festival takes place Wednesday, October 23 to Sunday, October 27. For more information, call 745-9627 or visit their website [christmasattheglacier.com](http://christmasattheglacier.com).

13-10-690     Remembrance Day Parade/Wreath Laying Ceremony  
                  Monday, November 11, 2013

On Monday, November 11, the Royal Canadian Legion, Branch 36 will be holding a parade and wreath laying ceremony. The parade will travel from the Church of the Ascension, Smallwood Drive parking lot, at 10:00 AM under the direction of the municipal enforcement officers, east on Park Avenue to Worrell Crescent to Park Avenue. The ceremony will commence at 10:55 AM in front of the Cenotaph at Park Place Community Centre.

13-10-691     Running Event - November 11, 2013

The public was advised that a running event will be held on November 11, 2013 commencing at 8:00 AM on the T' Railway sections of Mount Pearl starting at the trail intersection on Commonwealth Avenue across from Pipers. Representatives from St. John Ambulance, Rovers Search & Rescue, Royal Newfoundland Constabulary as well as municipal enforcement officers will be in attendance for the duration of the run.

CORPORATE SERVICES COMMITTEE

13-10-692     Multiplex Borrowing

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be granted, in accordance with Section 117 of the City of Mount Pearl Act, to seek approval from the Minister of Municipal Affairs to borrow the amount of \$15,000,000 (the first portion of the required financing) for the construction of the multiplex.

Discussion: It was indicated that the results of the request for proposals for the financing will be referred to Council for consideration and subsequent approval.

Question called. Motion carried unanimously.

13-10-693 Municipalities Newfoundland and Labrador (MNL)  
2013 Convention Sponsorship

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be granted to provide sponsorship (for nutrition breaks), in the amount of \$5,000.00, for the MNL Convention.

Question called. Motion carried unanimously.

13-10-694 Invoices for Approval

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the following invoices be approved for payment:

1.	Bae Newplan Group (Professional Services for 2011 Street Upgrading)	\$ 24,440.37
2.	Bae Newplan Group (Professional Services Admiralty House Museum Annex)	\$ 14,831.25
3.	Bae Newplan Group (Professional Services Pearlgate Recreation Centre)	\$ 42,375.00
4.	Ed Loveless Contracting Ltd. (Replace Windows at Kenmount Park Centre)	\$ 16,950.00
5.	Emberley Electric Limited (Electrical for New Legion St. David's)	\$ 11,481.87
6.	Grand Concourse Authority (Naturalization & Planting)	\$ 17,641.56
7.	Lighting & Traffic Systems Ltd. (Traffic Signal Servicing & Materials - August 2013)	\$ 12,039.34
8.	Municipal Assessment Agency (Fourth Quarter Assessment Fees)	\$ 69,258.00
9.	St. John's Transportation Commission (Metrobus Service September 2013)	\$ 79,676.25
10.	Newfound Roofing Ltd. (Renovations for New Legion St. David's)	\$ 19,323.00
11.	Newfound Roofing Ltd (Roof Replacement New Legion St. David's)	\$ 14,803.00
12.	Paul Stroud (Plaster & Paint New Legion St. David's)	\$ 7,458.00

13.	Signature Kitchen and Bath (Cabinets at St. David's)	\$ 7,949.86
	Total	\$ 338,227.50

Question called. Motion carried unanimously.

REGIONAL FIRE SERVICES

13-10-695 Memorandum of Understanding  
Regional Fire Services - Town of Paradise

Motion – Councillor Walsh/Councillor Aker

RESOLVED THAT the memorandum of understanding between the Regional Fire Services Committee and the Town of Paradise as it relates to Paradise becoming a full member of the Regional Fire Services be ratified.

Question called. Motion carried unanimously.

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

13-10-696 Notice of Motion  
Amendment – Mount Pearl Development Regulations 2010

Councillor Walsh 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,

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)*”.

The purpose of this amendment is to correct an incorrect reference within the text of the CG use zone.

ENGINEERING SERVICES COMMITTEE

13-10-697 Multiplex - Update

Council was provided with an update on the Multiplex.

13-10-698     St. David's – Building (New Legion) Update

Council was provided with an update on the renovations of the St. David's Park building which will be the new home of the Royal Canadian Legion, Branch 36.

PLANNING AND LAND USE DEVELOPMENT COMMITTEE

13-10-699     Proposed Gas Bar and Convenience Store – New Building  
Referral from City of St. John's  
Sobeys Land Holdings Ltd.  
265 Commonwealth Avenue

A development application, as well as a referral from the City of St. John's, pertaining to a Discretionary Use Development application, submitted by Sobeys Land Holdings Limited, to develop a new building and complete associated site work at 265 Commonwealth Avenue (corner of Commonwealth Avenue and Brookfield Road), to accommodate a combined Gas Bar and Convenience Store Use was considered. The development application relates to the portion of the servicing and access aspects of the application, particularly from Commonwealth Avenue which is located in the jurisdiction of the City of Mount Pearl. The site itself is in the jurisdiction of the City of St. John's.

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the following action be approved:

1. that a development permit be issued for the access and water and sewer service connections to and within the City of Mount Pearl subject to the following conditions:
  - a) the design of the access and their connections to the Mount Pearl street system meet the approval of the provincial Department of Works and Transportation,
  - b) a sidewalk be required along Commonwealth Avenue and the City of Mount Pearl portion of Brookfield Road,
  - c) the water and sewer connections to the City of Mount Pearl's water and sewer system shall be in accordance with the requirements of and meet the approval of the City of Mount Pearl Engineering Services Division, and
  - d) the developer will be responsible for the payment of the appropriate service levies, assessments and connection fees to connect to the City of Mount Pearl infrastructure,
2. that the public comments received at the briefing session be forwarded to the City of St. John's and the applicant for their consideration and incorporation into the proposed detailed development of the site;



3. that the City of St. John's on-site detention policy approach apply to this property;
4. the installation of a fenced wooden garbage compound surrounding waste disposal bin(s) is recommended; the collection of waste from the disposal bins shall be restricted to the between the hours of 7:00 am and 11:00 pm (noise regulations);
5. that the City of Mount Pearl review and provide commentary on the proposed landscaping plans for the proposal from the perspective of trying to reduce potential litter from leaving the property;
6. the approval is based on the hours of operation being from 6:00 am to 12:00 midnight as outlined by the applicant; any request to extend the hours of operation should require a new application and further approval; and
7. that a letter be written to the Mount Pearl property owners and residents who made representations to the City and/or attended the briefing session regarding this matter.

Question called. Motion carried unanimously.

13-10-700

Referral from Town of Bauline  
Proposed St. John's Region Regional Plan Amendment;  
Town of Bauline Municipal Plan Amendment No. 4, 2013; and  
Town of Bauline Development Regulations Amendment No. 4, 2013

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT a response be forwarded to the Town of Bauline advising that the City of Mount Pearl has no objections to the proposed amendment as outlined in their letter of September 25, 2013.

Question called. Motion carried unanimously.

13-10-701

Referral from Town of Paradise  
Proposed St. John's Region Regional Plan Amendment No. 11, 2013;  
Town of Paradise Development Regulations Amendment No. 73, 2013

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT a response be forwarded to the Town of Paradise advising that the City of Mount Pearl has no objections to the proposed amendment as outlined in their recent letter.

Question called. Motion carried unanimously.

13-10-702 Referral from Town of Portugal Cove-St. Philips  
Proposed St. John's Region Regional Plan Amendment;  
Town of Portugal Cove-St. Philips Municipal Plan Amendment No. 14, 2013; and  
Town of Portugal Cove-St. Philips Development Regulations Amendment No. 53, 2013

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT a response be forwarded to the Town of Portugal Cove-St. Philips advising that the City of Mount Pearl has no objections to the proposed amendment as outlined in their letter of September 25, 2013.

Question called. Motion carried unanimously.

13-10-703 Pearlview Subdivision Development – Phase 6  
Subdivision Development Agreement

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT approval be granted for the Mayor and Chief Administrative Officer to sign the Pearlview Subdivision Development Agreement for Phase 6 on behalf of the City Council of Mount Pearl.

Question called. Motion carried unanimously.

13-10-704 Proposed Mount Pearl Development Regulations 2010 Amendment  
Flanking Street Sideyards Amendment

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the proposed Mount Pearl Development Regulations 2010 Amendment No. 23, 2013, (Flanking Street Side Yard Amendment) be adopted and submitted to the Department of Municipal Affairs for registration.

Question called. Motion carried unanimously.

13-10-705 Notice of Motion  
Amendment – Mount Pearl Fence Regulations 2011

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 text of the Mount Pearl Fence Regulations 2011 that, if enacted, will:

1. Add a number of clauses that reference requirements and standards for retaining walls.

The purpose of this proposed amendment is to provide Council with the authority to regulate the construction of retaining walls on private property.

13-10-706     Development Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT development permits issued for the period of October 7 – 18, 2013 be accepted as presented.

Question called. Motion carried unanimously.

13-10-707     Building Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT building permits issued for the period of October 5 - 18, 2013, showing a total construction value of \$347,000.00, be approved as presented.

Question called. Motion carried unanimously.

13-10-708     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:

Amend Map 1 - Land Use Zoning Map, as follows:

Rezone the rear portion of eight (8) proposed lots situated on the north side of the proposed Wilkes Avenue from Commercial Mix (CM) to Single Dwelling Unit -3 detached (RSU-3) Use Zone.

The purpose of this proposed amendment is to have the entire area of the proposed residential lots on the north side of a new subdivision street named Wilkes Avenue entirely within the RSU-3 zoning to permit the residential development of these lots.

13-10-709     Referral from the Town of Bay Bulls  
Proposed St. John's Region Regional Plan Amendment  
Town of Bay Bulls Municipal Plan and Development Regulations Amendments

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT a response be forwarded to the Town of Bay Bulls advising that the City of Mount Pearl has no objections to the proposed amendment as this will not directly affect the City of Mount Pearl and will not have any implications for the regional water and sewer systems

Question called. Motion carried unanimously.

NEW BUSINESS

13-10-710     Water Levels – Bay Bulls Big Pond

Councillor Walsh advised that the water level at Bay Bulls Big Pond is approximately 29 ft despite the recent rain (approximately 2 ft lower than 2011). He reminded residents of the year-round water conservation order and encouraged them to continue to conserve water.

13-10-711     Garbage Collection

Councillor Walsh advised that although bulk garbage collection is finished for 2013 he noted that metals are collected separately from other items and usually at a later time during the scheduled route.

He noted that leaves/grass clippings will be collected when placed in clear garbage bags next to the garbage cart (regular household garbage collection) as well as tires.

13-10-712     Neighbourhood Watch Program

Councillor Walsh advised that a Neighbourhood Watch Program is being implemented in the Goldeneye Place/Harlequin Crescent area. He extended appreciation to Wayne Evans for spearheading the program and well as to the City's municipal enforcement officers for their involvement.

Deputy Mayor Locke referenced an information session held in June at the Kenmount Park Centre. At that time it was suggested that residents be advised of the program via a mail-out as well as the City's website.

13-10-713 Street Lights – Tweedsmuir Place

Councillor Ledwell advised that action has been taken to address the street lights that have been out of service on Tweedsmuir Place. NF Power personnel are working on a solution to the problem.

13-10-714 Mount Pearl-Paradise Chamber of Commerce – Best in Business Awards

Councillor Ledwell extended congratulations to nominees and recipients of the Best in Business Awards.

13-10-715 Regional Water

Deputy Mayor Locke inquired if the Regional Water Committee had considered the impact of the Glencrest Development on the regional water system. Councillor Walsh noted that such a significant development would impact the water supply and advised that the issue would be brought to the Committee's attention.

13-10-716 Parking Lot – Glacier

Deputy Mayor Locke commented on the recent (new) paving/delineation of parking spaces at the Glacier and that some users believe there is now less parking. It was requested that Engineering Services staff review the matter.

13-10-717 Traffic Safety

Deputy Mayor Locke referenced concerns with speeding, noting that the matter will be considered by Council at an upcoming strategic planning session. He further reminded motorists to stop for pedestrians at crosswalks and not pass other vehicles on the approach to a crosswalk.

Councillor Tessier reminded motorists to be cognizant of the children on Halloween.

13-10-718 Congratulations – City's MHA's

Congratulations were extended to the City's MHA's – Steve Kent, Paul Davis and Paul Lane on their recent Cabinet appointments.

13-10-719 Hurricane Season

Councillor Tessier suggested residents make the necessary arrangements in anticipation of and preparation for hurricane season.

13-10-720     Performance – Admiralty House

Councillor Aker extended congratulations to the organizers of the interactive program tracing the experiences of the NF Regiment in WWI held on October 19 at Admiralty House (Annex). The Director of Community Services was requested to pass along compliments as well as a suggestion to publicize future events.

13-10-721     H.J. Bartlett Electric Senior Blades

Councillor Aker advised that the season home opener will be held on Friday, November 1 at the Glacier - Blades vs. Cee-Bee's. He encouraged fans to support the team by attending the games.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:30 pm on a motion by Councillor Ledwell and seconded by Councillor Walsh.

---

Chairperson

---

Deputy City Clerk