



**PUBLIC COUNCIL MEETING MINUTES  
October 30, 2012**

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on October 30, 2012 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  
Stephen Jewczyk, Director, Planning & Development  
Jason Silver, Director, Corporate Services  
Jason Collins, Director of Community Services  
Tina O’Dea, Manager, Engineering Services  
Mona Lewis, Deputy City Clerk

MEMBERS ABSENT

Councillor Paula Tessier

STAFF ABSENT

Gerry Antle, Director, Infrastructure & Public Works

**Mayor Simms chaired the meeting.**

12-10-735 Adoption of Agenda

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

12-10-736 Adoption of Minutes

Motion – Deputy Mayor Locke/Councillor Walsh

RESOLVED THAT the minutes of the public meeting held on October 16, 2012 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

### 12-10-737 Electromagnetic Hypersensitivity Awareness Month

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

Ms. Joanne March-Laberge was in attendance and presented information on the affliction.

### 12-10-738 World Town Planning Day

Mayor Simms signed a proclamation declaring November 8, 2012 as World Town Planning Day in the City of Mount Pearl. The Director of Planning & Development extended appreciation to Council for supporting the event. Councillor Aker extended appreciation to City staff in recognition of their expertise and professionalism.

## CORRESPONDENCE

### 12-10-739 Municipalities Newfoundland & Labrador/Department of the Environment

A letter was presented from the MNL along with a response from the Minister of the Environment regarding the City's resolution (presented at the 2011 MNL Convention) - Updating of IDF Curves. The Minister (Honourable Peter Kent) advised that the Department is currently working on ways to enhance IDF information to support climate change adaptation. In addition, plans are also under way to develop a second and expanded version of the national guide on the use, interpretation and application of rainfall IDF values.

## COMMITTEE REPORTS

### PUBLIC WORKS COMMITTEE REPORT

#### 12-10-740 Automated Garbage Collection (Update)

The public was advised of the following:

- The initial delivery of carts to residential properties is completed.
- Collection of carts from properties not requiring a cart for subsidiary apartment is ongoing.

- Staff is communicating with residents who have expressed concerns with the automated system.
- Household garbage will only be collected from the garbage carts provided by the City. Municipal Enforcement Officers will be monitoring the garbage routes to remind residents of any areas where changes are required with respect to the use of garbage carts during household garbage collection.

### COMMUNITY SERVICES COMMITTEE REPORT

12-10-741     Mount Pearl Marlins  
Congratulations

Congratulations were extended to the Mount Pearl Marlins youngest swimmers who started the season (October 13 weekend) in Conception Bay South. Many great swimmers achieved new time standards and will be able to attend a “meet” in Pointe Claire, Quebec in December as well as the Newfoundland Provincial Championships in Deer Lake, March 2013.

12-10-742     Remembrance Run 11K, Sunday, November 11, 2012

The public was advised of a running event scheduled for November 11 commencing at 8:00 AM on the T’Railway sections of Mount Pearl starting at the trail intersection on Commonwealth Avenue across from Pipers.

12-10-743     Remembrance Day Parade  
Wreath Laying Ceremony

On Sunday, November 11, The Royal Canadian Legion, Branch 36 will pay tribute to all those who fought to preserve the values that we hold so dear with a parade and wreath laying ceremony. The Parade will travel from the Mount Pearl Swimming Pool parking lot at 10:00 AM. Under the direction of the Municipal Enforcement, the parade will advance 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.

### CORPORATE SERVICES COMMITTEE

12-10-744     Councillor John Walsh – Professional Development  
2012 Athletic Business Conference & Expo

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be granted, in accordance with the Professional Development & Training Policy, for Councillor John Walsh to attend the 2012

Athletic Business Conference & Expo in New Orleans, Louisiana from November 28 – December 1, 2012.

Question called. Motion carried unanimously.

12-10-745 Tax Deferrals – Low Income Earner

Motion – Deputy Mayor Locke/Councillor Aker

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

Roll Number	Amount Deferred
3345044-1-0140-000	\$ 3,518.08
3345952-0-0290-000	\$ 600.13

Question called. Motion carried unanimously.

12-10-746 Uncollectible Accounts  
Tax Write Offs

Motion – Deputy Mayor Locke/Councillor Aker

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

Name	Principal	Interest	Other	Total
Excel Electrical Limited	\$574.39	\$29.05		\$603.44
Chrome it Accessories Inc.	\$1,053.82	\$34.65	\$147.00	\$1,235.47

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

Question called. Motion carried unanimously.

12-10-747 Invoices for Council Approval

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the following invoices be approved for payment:

1.	Afonso Group (Water Testing September 2012)	\$ 7,966.50
2.	Bae Newplan Group (Professional Services - Pearlgate Recreation Centre)	\$ 6,780.00

3.	Bae Newplan Group (Professional Fees - Servicing Above 190m Contour)	\$ 7,573.83
4.	City of St. John's (Landfill Usage September 2012)	\$ 46,189.21
5.	City of St. John's (Water Consumption September 2012)	\$ 156,149.37
6.	Grand & Toy (3 Work Stations and Desk )	\$ 6,166.55
7.	Kelloway Construction Ltd. (Cleaning Services September 2012)	\$ 11,959.16
8.	St. John's Transportation Commission (Metrobus Service for September 2012)	\$ 71,532.18
9.	MVT Canadian Bus, Inc. (Para Transit Service - July, August & September 2012)	\$ 61,224.76
10.	Newfoundland HVAC Limited (Quarterly Maintenance & Service)	\$ 7,925.01
11.	Nortrax (Fleet Maintenance)	\$ 5,134.87
12.	Power Vac Services (Demolition of 23 Forest Avenue)	\$ 17,091.25
13.	Urban Contracting J.J. Walsh Limited (Demolition of 23 Forest Avenue)	\$ 19,068.75
13.	Marco Services (Multiplex CP3 – Progress Payment # 5)	\$1,914,129.15
	Total	\$2,338,890.59

Question called. Motion carried unanimously.

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

12-10-748 Mount Pearl – Paradise Chamber of Commerce  
 Quarterly Meeting

An update of the Committee's quarterly meeting with the Board members of the Chamber of Commerce was provided. Topics discussed included the 2013 budget process as well as:

- Introduction and role of new Marketing and Communications Officer
- City's Economic Development Strategy,
- City's Anti-Litter Campaign,
- Chamber's Advocacy Committee,
- Chamber's upcoming new website, and
- City's Pearl Awards for Urban Design and Gardens.

ENGINEERING SERVICES COMMITTEE

12-10-749     Multiplex - Update

An update on the Multiplex construction was presented. It is anticipated that the camera monitoring the project's progress will be in place next week.

12-10-750     32 Forest Avenue  
Quotation Award – Abatement (Environmental Hazard Removal)

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT approval be granted to award the quotation for the environmental hazard removal at 32 Forest Avenue to the lowest qualified bidder, Power Vac, in the amount of \$3,500 (plus HST).

Question called. Motion carried unanimously.

12-10-751     32 Forest Avenue  
Quotation Award – Demolition

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT approval be granted to award the quotation for the demolition of the dwelling at 32 Forest Avenue to the lowest qualified bidder, G.S. Hunt, in the amount of \$14,500 (plus HST).

Question called. Motion carried unanimously.

PLANNING AND LAND USE DEVELOPMENT COMMITTEE

12-10-752     Pearl Awards for Urban Design and Gardens  
World Town Planning Day  
Thursday, November 8, 2012

The public was advised that the Annual Pearl Awards for Urban Design and Gardens Ceremony will take place on Thursday, November 8, 2012, which is also World Town Planning Day. This awards program celebrates excellence in the aesthetics of the City through the urban design of properties and gardens that enhance their grounds. The ceremony not only recognizes those properties that excel in these categories but is a celebration of community pride by all those who are nominated and participate in the Awards program.

12-10-753     Property Condition  
                  54 Third Street

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the Order issued on October 30, 2012 to the property owner of 54 Third Street in relation to the state of disrepair and non-compliance in terms of permits not being issued be ratified.

Question called. Motion carried unanimously.

12-10-754     Proposed Two Lot Subdivision – DA12-00747  
                  Residential Subdivision (Two Lots)  
                  7 and 9 Corte Real Place

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the application to subdivide the parcel at 7-9 Corte Real Place, to create two (2) residential lots be approved and a Subdivision Development Permit issued subject to the following conditions:

1. Newfoundland Power's conditions
2. Engineering Services Division's conditions
3. Finance Division's conditions
4. Planning and Development Department's conditions
5. The development meeting the Mount Pearl Development Regulations 2010

Question called. Motion carried unanimously.

12-10-755     Mount Carson Terrace – Phase 5B – DA12-00664  
                  Ten-Lot – Residential Subdivision  
                  Pinnacle Engineering Limited (on behalf of Donovan Homes Limited)

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT a subdivision application by Pinnacle Engineering Limited (on behalf of Donovan Homes Limited) for a proposed 10 (ten) lot residential subdivision (Mount Carson Terrace – Phase 5B) be approved and a development permit issued subject to the following conditions:

- Kenmount Hill Infill Comprehensive Development Scheme goals, objectives and policies
- RMD and OS Land Use Zone requirements
- Department of Environment & Conservation Certificate of Approval
- Newfoundland Power conditions
- Canada Post conditions

- Requirements of applicable City Departments
- signing of a Subdivision Development Agreement
- Temporary emergency access road is required as Dunrobin Street now exceeds maximum permitted road length in a subdivision; Engineering Services Division to determine if temporary emergency access road to be constructed and paved by the City or by the developer; the temporary emergency access road shall be maintained and snow cleared by the Developer;
- Two-metre wide walkway to be constructed in 15 metre buffer (north of lot 45); It is the developer's responsibility to design and construct this walkway in consultation with City; and
- Revised engineering plans required to be submitted illustrating current Mount Carson Avenue location.

Discussion: Council expressed concern with the temporary emergency access road as to its location and impact on the entrance to Masonic Park. It was also questioned whether a paved road was necessary as that may invite usage as opposed to an unpaved road. It was agreed that the application would be approved subject to a review, in consultation with the Municipal Enforcement Superintendent, of the temporary road access. Clarification was also provided on the open space requirement in that it refers to the open space that was originally open space in the Kenmount Park Subdivision.

Question called. Motion carried unanimously.

12-10-756 Ratification of Order – 11 Mount Carson Place

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the Order issued on October 23, 2012 to the property owner of 11 Mount Carson Place in relation to the state of disrepair and poor maintenance of the building be ratified.

Question called. Motion carried unanimously.

12-10-757 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 text of the Mount Pearl Development Regulations 2010 that, if enacted, will:

1. In Section 11.13 USE ZONE SCHEDULES – COMMERCIAL-GENERAL [SPECIAL] (CG-S) USE ZONE add the following:



- a. In Section 11.13.1, add in alphabetical order “*Group Child Care*” to the list of permitted uses.

The purpose of this amendment is to allow as a permitted use Group Child Care in the CG-S use zone.

12-10-758     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 text of the Mount Pearl Development Regulations 2010 that, if enacted, will:

1. In Section 2- DEFINITIONS define and add “*Front Yard*” to the list of definitions.
2. In Section 11- USE ZONE SCHEDULES: more specifically in the COMMERCIAL-GENERAL (CG); COMMERCIAL – MIXED (CM); COMMERCIAL – HIGHWAY (CH) and INDUSTRIAL- LIGHT (IL) Use Zones, in the Development Standards Section, subsection *ii Minimum Landscaping on Lot* clarify the language and specify conditions as to where in these Use Zones open storage of goods and machinery may be permitted in the front or flanking street side yard.

The purpose of this amendment is to better define where and subject to which conditions Council may permit the storage of goods and machinery in the front yard of a lot which is defined to be located between the front wall of the building and the street line.

12-10-759     Development Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT development permits issued for the period of October 15 - 26, 2012 be accepted as presented.

Question called. Motion carried unanimously.

12-10-760     Building Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT building permits issued for the period of October 13 – 27, 2012, showing a total construction value of \$2,778,094.00, be approved as presented.

Question called. Motion carried unanimously.

12-10-761     Order – 1073 Topsail Road

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT approval be granted to issue a Cease Occupancy Order for the portion of the building that is being occupied by Heavy Weight Fitness at 1073 Topsail Road and that the deadline for the Heavy Weight occupancy to cease at this location is November 30, 2012.

Question called. Motion carried unanimously.

12-10-762     Development Permit – 5 Merchant Drive  
Tim Horton’s – Reconfigured Drive Thru

Council raised concerns with the proposal for revisions to the Tim Horton’s drive thru at 5 Merchant Drive. It was suggested that the changes may increase traffic problems particularly for patrons who choose to park and go inside the establishment. Staff was requested not to proceed with any further permits until Council reviewed the proposed configuration.

NEW BUSINESS

12-10-763     Credit Union Day – Proclamation

Councillor Stoyles advised that she visited the NL Credit Union on October 18 and signed a proclamation in support of International Credit Union Day.

12-10-764     Atlantic Mayors’ Congress

Councillor Stoyles recognized Mayor Woodrow French, Town of Conception Bay South, for hosting the Atlantic Mayors’ Congress meetings. She advised that three resolutions had been passed and copies would be provided to council. She also requested that a letter of appreciation be forwarded to the former Chair, Peter Kelly, Halifax.

12-10-765 Lights – Centennial/Bannister Street

Councillor Stoyles advised of a note of appreciation from a resident of Bannister Street for the City's quick response in having the street lights on Centennial/Bannister Street repaired.

12-10-766 Northeast Avalon Joint Council (NEAJC)

Councillor Stoyles advised that the next meeting of the NEAJC will be held in Bay Bulls on November 21, 2012.

12-10-767 Mount Pearl-Paradise Chamber of Commerce – Best in Business Awards

Councillor Walsh extended congratulations to all nominees and recipients of the recently held Best in Business Awards.

12-10-768 Soccer Association – 40<sup>th</sup> Anniversary Closing Dinner

Councillor Walsh, along with other members of council, extended congratulations to the Soccer Association, in particular the Chairs of the 40<sup>th</sup> Anniversary Committee – Ed Moyst and Mike Mooney – on a successful celebration.

12-10-769 Condolences

Councillor Walsh, along with other members of council, extended condolences to Councillor Tessier and her family on the passing of her uncle.

Condolences were also extended to Anna Edmunds, a City employee, on the passing of her mother.

12-10-770 St. Peter's Parish

Councillor Ledwell extended congratulations to St. Peter's Parish in recognition of their 30<sup>th</sup> anniversary as a parish and their 10<sup>th</sup> anniversary of their new church building.

12-10-771 Sport Alliance – Bingo Fundraiser

Councillor Aker congratulated members of the Sport Alliance on the success of a recently held fundraiser (Bingo Bonanza).

12-10-772 Mount Pearl Freshwater Suzuki Samurai – Senior Hockey League

Councillor Aker extended best wishes to the Samurai team for a successful season.

12-10-773     Mount Pearl Senior High Girls Volleyball Team

Deputy Mayor Locke extended congratulations to members of the MPSH Girls Volleyball team for placing first in the recent provincial tournament.

12-10-774     Mount Pearl Soccer Association – 40<sup>th</sup> Anniversary

Mayor Simms also extended congratulations to the Soccer Association for a successful 40<sup>th</sup> anniversary celebration. He also acknowledged with appreciation the commitment by Munn Insurance - that being the Future Goals Scholarship Program and the Archives Legacy Project.

ADJOURNMENT

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

---

Chairperson

---

Deputy City Clerk