

PUBLIC COUNCIL MEETING MINUTES
September 3, 2013

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on September 3, 2013 at 4:15 pm.

MEMBERS PRESENT

Mayor Randy Simms
Deputy Mayor Jim Locke
Councillor Lucy Stoyles
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
Sean McKenna, Manager, Community Services Programs
Mona Lewis, Deputy City Clerk

STAFF ABSENT

Gerry Antle, Director, Infrastructure & Public Works
Jason Collins, Director, Community Services

Mayor Simms chaired the meeting.

13-09-604 Adoption of Agenda

Motion – Councillor Stoyles/Councillor Ledwell

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

13-09-605 Adoption of Minutes

Motion – Councillor Tessier/Councillor Aker

RESOLVED THAT the minutes of the public meeting held on August 20, 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

13-09-606 Sexual Violence Awareness Week Proclamation

Mayor Simms signed a proclamation declaring September 16 - 22, 2013 as Sexual Violence Awareness Week in the City of Mount Pearl.

Kayla Follett, Program Coordinator, NL Sexual Assault Crisis & Prevention Centre, was in attendance and expanded upon the purpose of Sexual Violence Awareness Week as well as the planned activities.

13-09-607 Prostate Cancer Awareness Month

Mayor Simms signed a proclamation declaring September as Prostate Cancer Awareness Month in the City of Mount Pearl.

Bill Baker, representing the Avalon prostate cancer support group, provided information on prostate cancer as well as outlined activities planned for the month.

13-09-608 Mount Pearl Arts Week Proclamation

Mayor Simms signed a proclamation declaring the week of September 14 – 22, 2013 to be Arts Week in the City of Mount Pearl.

Christine Hennebury, Chairperson, Association for the Arts in Mount Pearl, was in attendance and outlined the activities planned for the week and expressed appreciation to Council for their support. Further information is available on their website – www.aamp.ca.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE

13-09-609 Dog Park

The public was advised that the new dog park, located off 43 Clyde Avenue, adjacent to the Powers Pond boat house, officially opened on August 27, 2013. The

park is also accessible through the trail system that runs through the Powers Pond Park. The facility includes park benches, a water fountain, security lighting and a separate small dog section.

13-09-610 Public Works (Update)

The public was advised that the final bulk garbage collection for 2013 starts September 9 in accordance with the scheduled route and the criteria for items that will be collected. Further information is available on the City's website.

Residents were reminded that bags of leaves and grass will be collected by the City if placed in clear garbage bags and placed an arm's length from the garbage cart on the regular collection day. The pilot project for leaf composting continues in the lower Park Avenue area until November 30 at which time the project will be reviewed to determine participation and the viability of carrying the process forward throughout the City in 2014.

City crews continue to maintain roads, sidewalks and open areas as well as the maintenance of our parks and playground equipment.

The public was also advised that the water level at Bay Bulls Big Pond has risen as a result of the recent rainfall. Residents were requested to continue to conserve water.

COMMUNITY SERVICES COMMITTEE REPORT

13-09-611 Motorized Dirt Bikes/ATV Usage on City Trails
Victory Lane Area

The public was reminded that it is against regulations to use motorized vehicles on City trails. Particular reference was made to the trail near Victory Lane. It was noted that plans are under way to erect a barrier and other means to deter this activity in this area.

13-09-612 Healthy Lifestyle Challenge Expo

It was acknowledged that the recently held Healthy Lifestyle Challenge Expo was a great success. Appreciation was extended to the exhibitors, volunteers, staff and residents who participated in the Expo.

13-09-613 Running Event – September 22, 2013

The public was advised that a running event will be held on September 22, 2013 starting at 8:00 AM in accordance with the specified route. Representatives from St. John Ambulance and the RNC as well as municipal enforcement officers will be in attendance for the duration of the run.

13-09-614 MS Society of Canada - 1st Annual MS Bike Event
Saturday, September 28, 2013

The public was advised that the MS Society will be holding a fundraiser (bike event) on September 28, 2013. The route will start and end at the Bowring Park Bungalow and will pass by Mount Pearl by means of Pitts Memorial Drive. The event does not require any stoppage of normal traffic along the route, although many times law enforcement officers will close particular streets within 1 km of the start/finish points and escort cyclists for a short period of time.

13-09-615 Zumba Fitness Classes 2013

Details on (new) zumba fitness classes were provided. Further information is available in the fall activity guide.

13-09-616 Arts Week & ART FUSION

Reference was made to the activities planned for Arts Week as outlined by Ms. Hennebury during the proclamation signing.

CORPORATE SERVICES COMMITTEE

13-09-617 Invoices for Approval

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the following invoices be approved for payment:

1.	Afonso Group (Water Testing - July)	\$ 7,599.25
2.	Bae Newplan Group (Consulting Fees Re Pearlgate Recreation Centre)	\$ 29,945.00
3.	City of St. John's (Regional Fire Services - September)	\$ 342,526.00
4.	City of St. John's (Landfill Usage - July)	\$ 50,820.23
5.	Crown Contracting Inc. (Asphalt Crack Sealing)	\$ 28,277.12
6.	Stanley Flowers Limited (Planting & Maintenance of Baskets and Planters July)	\$ 9,310.15
7.	St. John's Transportation Commission (Metrobus Service - July)	\$ 84,939.24
8.	Weir's Construction Ltd. (2011 Street Upgrading CP2 Payment #2)	\$ 31,278.77

9.	Weir's Construction Ltd. (2011 Street Upgrading CP3 Payment #2)	\$	180,802.93
10	Hickman Motors (2013 Silverado 4 x 2)	\$	32,621.92
		Total	\$ 798,120.61

Question called. Motion carried unanimously.

13-09-618 Municipalities Newfoundland & Labrador

Information was presented on the MNL Annual Convention scheduled for November 7 – 9, 2013 in St. John's.

Discussion ensued regarding the conflict for councillors who work fulltime to run for Board of Director positions due to meetings being held during working hours. It was noted that the issue would (most likely) be raised at the MNL Convention.

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

No report.

ENGINEERING SERVICES COMMITTEE

13-09-619 Tender for 2012 Street Upgrading CP1 Sagona Avenue

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT approval be granted to award the tender for the 2012 Street Upgrading Project (CP1 Sagona Avenue) to the lowest qualified bidder, Farrell's Excavating Ltd., in the amount of \$568,774.20 (HST included).

Question called. Motion carried unanimously.

13-09-620 Multiplex - Update

Council was provided with an update on the Multiplex.

13-09-621 Fire Hydrants – Color

Council was advised that in accordance with the Municipal Water, Sewer and Road Specifications, hydrants are colored red, orange or green based on flow rate. The rationale for this is for firefighting purposes to ensure consistent awareness of available flow rates.

PLANNING AND LAND USE DEVELOPMENT COMMITTEE

- 13-09-622 Referral from Town of Portugal Cove-St. Philips
Proposed St. John's Region Regional Plan Amendment and
Municipal Plan and Development Regulations Amendments
Tuckford Road

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 August 14, 2013.

Question called. Motion carried unanimously.

- 13-09-623 Referral from Town of Petty Harbour- Maddox Cove
Proposed St. John's Region Regional Plan Amendment and
Municipal Plan and Development Regulations Amendments

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT a response be forwarded to the Town of Petty Harbour-Maddox Cove advising that the City of Mount Pearl has no objections to the proposed amendments as outlined in their letter of August 19, 2013.

Question called. Motion carried unanimously.

- 13-09-624 Referral from Town of Logy Bay, Middle Cove, and Outer Cove
Proposed St. John's Region Regional Plan Amendment and
Municipal Plan and Development Regulations Amendments

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT a response be forwarded to the Town of Logy Bay, Middle Cove & Outer Cove advising that the City of Mount Pearl has no objections to the proposed amendment as outlined in their letter of August 16, 2013.

Question called. Motion carried unanimously.

- 13-09-625 Conservation Corps – Newfoundland and Labrador
Green Team Season – Concluding Report

Council was advised that the 2013 Green Team finished on August 16, 2013 concluding their efforts towards cleaning up the Waterford River and its tributaries, as well as reviewing and developing waste management practices with the Mount

Pearl business community. The highlights of their time with the City of Mount Pearl and the Mount Pearl Paradise Chamber of Commerce were provided.

13-09-626 Proposed Building Extension and Request to Eliminate Joint Access Agreement
10434 Newfoundland Limited
35 Commonwealth Avenue

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT a development application by the property owner, 10434 Newfoundland Limited, proposing a 253 m² extension to the rear of the existing building at 35 Commonwealth Avenue for the purposes of a future rental for an additional occupancy and additional floor area for the existing tenant, Gladys Dunne Law Office, be approved and a conditional development permit without the removal of the Joint Access Easement be issued.

Discussion: An account of the development of this property was provided. It was acknowledged that the City did not pursue options for land banking in this area and unless there was a private interest, the development appears to be the pattern for these properties.

Question called. Motion carried unanimously.

13-09-627 50 Commonwealth Avenue
Earle Consulting Ltd. (on behalf of Cabot Holdings Ltd.)
Revisions to Previously Approved Discretionary Use Proposal
Commercial - General (CG) Use Zone

On June 7, 2013, the City issued a Development Permit to Earle Consulting Ltd. for a partial demolition and renovation of a strip mall with two drive-through uses at 50 Commonwealth Avenue. Subsequently, the applicant resubmitted a revised application that eliminated one of the drive-through uses and decreased the size of the existing strip mall.

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT approval be granted to issue a revised development permit to reflect the revised plans for the development at 50 Commonwealth Avenue.

Question called. Motion carried unanimously.

13-09-628 Development Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT development permits issued for the period of August 19 – 30, 2013 be accepted as presented.

Question called. Motion carried unanimously.

13-09-629 Building Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT building permits issued for the period of August 17 - 30, 2013, showing a total construction value of \$5,575,850.00, be approved as presented.

Question called. Motion carried unanimously.

13-09-630 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:

In Section 6- General Development Standards, amend Regulation 6.4, titled Buffers, by adding the following regulation immediately after regulation 6.4.2:

6.4.3 Flanking Street Side Yards

Where an industrial, commercial or civic development permitted in any Use Zone abuts a street that is used as an access into a residential area or zone, a structural barrier or fence may be required by Council in the flanking street side yard and the structure or barrier shall be maintained by the owner or occupier of the property to the satisfaction of Council.

The purpose of this proposed amendment is to provide Council with the authority to require flanking street side yard fencing or structural barriers for screening purposes on commercial, industrial or civic lots that are located on streets that provide access to residential neighbourhoods or zones.

13-09-631 Acquisition of Property
 34 Forest Avenue

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT approval be granted to purchase the property at 34 Forest Avenue in the amount of \$238,380.00 which includes the demolition of the dwelling by the property owner, the restoration of the site to a condition satisfactory to the City and the submission of a letter of environmental clearance for the property once the work is completed on the property.

Question called. Motion carried unanimously.

13-09-632 O’Dea, Earle (on Behalf of Property Owners)
 Proposed Replotting of Property Boundaries
 1176 and 1186 Topsail Road

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the replotting of the property boundary between 1176 and 1186 Topsail Road and the resulting subdivision of land be approved as proposed.

Question called. Motion carried unanimously.

NEW BUSINESS

13-09-633 Healthy Lifestyle Challenge

Members of council commented on the success of the Healthy Lifestyle Challenge event and extended appreciation to organizers and participants. It was suggested that consideration be given to holding the event in September.

13-09-634 Municipal Election

Members of council extended best wishes to each other in the upcoming campaign and appreciation to staff for their efforts during Council’s term of office.

Reference was also made to the number of candidates running, noting that the high number was indicative of the interest in the democratic process.

13-09-635 Appreciation – Dog Park

Councillor Tessier (as well as Deputy Mayor Locke) extended appreciation to the Grand Concourse and staff involved in the building of the dog park.

13-09-636 Condolences

Condolences were extended to the family of Bob Hillier. Bob's contribution to the community, particularly his involvement with the Sport Alliance, Youth Opportunity Fund and sport in general were acknowledged with much appreciation.

13-09-637 Congratulations – Mayor

Members of council recognized Mayor Simms' acclamation and extended congratulations.

13-09-638 Condolences

Condolences were also extended to the family of Evelyn Newhook, a long-time resident of Mount Pearl.

13-09-639 Seniors Independence Group

Councillor Stoyles advised that the Seniors Independence Group will be resuming activities on Wednesday, September 11.

13-09-640 Canadian Red Cross – PFD Loan Program

Councillor Stoyles advised that the Canadian Red Cross offers a PFD (personal flotation device) Loan Program whereby PFD's and lifejackets are available for loan at no cost.

13-09-641 Illegal Dumping

Mayor Simms advised of an incident of illegal dumping in the wooded area off Evans Place which had been reported to the media. It was noted that City staff will be removing the materials. He asked citizens to report suspicious activity.

ADJOURNMENT

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

Chairperson

Deputy City Clerk