



**PUBLIC COUNCIL MEETING MINUTES
September 6, 2016**

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on September 6, 2016 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
Jason Collins, Director, Community Services
Mark Stuckless, Project Manager
Mona Lewis, Deputy City Clerk

STAFF ABSENT

Gerry Antle, Director, Infrastructure & Public Works

Mayor Simms chaired the meeting.

16-09-540 Adoption of Agenda

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

16-09-541 Adoption of Minutes

Motion – Deputy Mayor Locke/Councillor Ledwell

RESOLVED THAT the minutes of the public meeting held on August 23, 2016 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING

16-09-542 Dogs Off Leash – Citations

Council was advised that five citations have been issued with respect to dogs off leashes (none since the August 23rd meeting). It was not known if any of the five citations were issued to repeat offenders.

Unrelated to this, the Mayor questioned the penalty for violation of the City's noise regulations. It was clarified that when someone contravenes the City's noise regulations, a violation notice can be issued stipulating a voluntary payment of \$50 if paid within one week, \$75 if paid within two weeks, after which, if no voluntary payment is made, a ticket is issued in the amount of \$100 and registered into the Provincial Fines Administration system.

ACTION REPORT

The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

16-09-543 Prostate Cancer Awareness Month

Mayor Simms signed a proclamation declaring September 2016 as Prostate Cancer Awareness Month in the City of Mount Pearl.

16-09-544 Sexual Violence Awareness Week

Mayor Simms signed a proclamation declaring September 12 – 16, 2016 as Sexual Violence Awareness Week in the City of Mount Pearl and encouraged all citizens to become involved in activities organized throughout the week.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

CORPORATE & COMMUNITY SERVICES COMMITTEE

16-09-545 Invoices for Approval

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT the following invoices be approved for payment:

1.	Afonso Group Limited (10 Bragg Cr Prep & Install Liner)	\$ 5,653.01
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2.	Bae-Newplan Group (2016 Bridge Inspection Program)	\$ 14,026.84
3.	CAN-AM Platforms & Construction Ltd. (Admiralty House Annex Upgrades PP#3)	\$ 82,856.78
4.	Cox & Palmer (Olympic Drive Development)	\$ 6,526.16
5.	DMG Consulting Limited (Topsail & Blackmarsh Upgrading)	\$ 6,927.58
6.	DMG Consulting Limited (Commonwealth/Sunrise Infrastructure Improvements)	\$ 24,106.70
7.	Eastern Audio (City Days 2016 Audio/Visual)	\$ 18,975.00
8.	Emberley Electric Limited (Light Pole for Bannister Street)	\$ 5,301.41
9.	Harvey & Company Limited (Repairs to Unit 727)	\$ 22,611.63
10.	Hitech Communications (Monthly AVL for May)	\$ 6,402.18
11.	J&T Construction (Reid Centre Interior Reno's Claim#3)	\$ 230,932.37
12.	JMJ Construction (Minor Baseball Field Construction Claim# 5)	\$ 39,678.81
13.	JW Lindsay Enterprises Limited (Gymnastics Facility PP# 11)	\$ 20,934.53
14.	Kelloway Construction Ltd. (Monthly Cleaning Summit - July)	\$ 10,598.38
15.	Kelloway Construction Ltd. (Smallwood Arena Demolition Claim# 2)	\$ 71,932.50
16.	KPMG LLP, T4348 (Professional Services - LEAN Initiative)	\$ 13,302.05
17.	Modern Paving Limited (2011 Street Upgrading CP4 PP# 7)	\$ 256,212.18
18.	Morneau Shepell Ltd. (EFAP for Period Ended June 2016)	\$ 6,187.39
19.	Murray's Horticultural Services (Landscaping for Electronic Vehicle Charging Stations)	\$ 8,921.35
20.	Murray's Horticultural Services (Landscaping Maintenance Aug 17-23)	\$ 5,465.56
21.	Open Communications (Development of Community Profile)	\$ 16,077.00

22.	Redwood Construction Limited (St. David's Park Redevelopment Claim# 4)	\$ 226,848.74
23.	Stanley Flowers Limited (Flower Maintenance Aug/16)	\$ 13,667.75
24.	S W Energy Inc. (Striped Speed Bumps)	\$ 8,487.00
		\$1,122,632.90

Question called. Motion carried unanimously.

16-09-546 Tax Deferrals – 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
5135	\$1,031.00
6261	883.16

Question called. Motion carried unanimously.

16-09-547 Municipalities Newfoundland and Labrador (MNL)
 2016 Convention Sponsorship

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT approval be granted to provide a \$5,000.00 sponsorship in support of the Eastern Night event for the MNL Convention.

Question called. Motion carried unanimously.

16-09-548 Professional Development & Training
 Athletic Business Conference, November 17-19, 2016
 Councillor Lucy Stoyles

Motion – Councillor Ledwell/Councillor Aker

RESOLVED THAT approval be granted, in accordance with the Professional Development & Training Policy, for Councillor Stoyles to attend the Athletic Business Conference in Orlando, FL, from November 17-19, 2016.

Question called. Motion carried unanimously.

16-09-549 Glacier Arena Public Skating Schedule

For the information of the public, the Glacier Arena skating schedule is posted on the City's website; the public skating, Noon Time and Parents & Tots start as early as September 12.

16-09-550 Registration Dates for Fall Programs

For the information of the public, the registration dates for the fall programs are posted on the City's website.

16-09-551 Community Clean Up
Cummins Eastern Canada Staff – Clyde Avenue

Appreciation was extended to the staff at Cummins Eastern Canada who will be undertaking a community clean-up on Saturday, September 10, in the Clyde Avenue area. Other businesses were encouraged to do the same.

16-09-552 Dogs Off Leash

For the information of the public, tickets are being issued to individuals who do not have their dogs on leash pursuant to the Animal Health & Protection Act. Municipal Enforcement Officers will monitor the City's parks, ballfields and green spaces to ensure the enforcement of dogs on leashes.

INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE

16-09-553 Agreement with ACOA - St. David's Park Redevelopment

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT approval be granted for the Mayor and CAO to execute an agreement between the City and ACOA for funding under the "Canada 150 Community Infrastructure Program".

Question called. Motion carried unanimously.

16-09-554 Telelink Contract

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT approval be granted to continue with the services being provided by Telelink for a one-year period.

Discussion: A request for proposals will be called for the service when the agreement has expired.

Question called. Motion carried unanimously.

16-09-555 Private Service Repairs (Water and Sewer)

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the following fee structure for private service repairs be approved:

Service Type	Repair Cost	Replacement Cost	Current Amount Required	Recommended Deposit
Plugged Sewer (per call)	\$100			
Water Service Repair/Replacement	\$1,500	\$200 per meter (\$1,500minimum)	\$300	\$750
Sewer Line Repair/Replacement	\$1,500	\$200 per meter (\$1,500minimum)	\$750	\$750
<i>Note: The current policy allows for low-income residents to have the costs added to tax bill.</i>				

Question called. Motion carried unanimously.

16-09-556 Change Order (RCO) Approval – 2016 Asphalt & Concrete Works (TP-16-009)

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the following change order for the 2016 Asphalt & Concrete Works project be approved:

RCO #	Description	Value (HST Excluded)
	<i>Original Contract Price</i>	\$827,155.00
#02	St. David's Avenue - Install New Storm Sewer; install new valve on existing water main, relocate existing water service, new concrete curb, gutter & sidewalk and all associated works.	\$128,279.00
#01	Previously Approved Commonwealth Avenue - Install new water main, hydrant and all associated works on Commonwealth Avenue in the vicinity of Civic Nos 181-195.	\$168,143.00
	<i>Total Change Orders</i>	\$296,422.00
	Revised Contract Price	\$1,123,577.00

Question called. Motion carried unanimously.

16-09-557 Request for Change Order (RCO) Approvals - Reid Centre Interior Renovations

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the following change order for the Reid Centre Interior Renovations project be approved:

RCO #	Description	Value (HST Excluded)
<i>Original Contract Base Price</i>		<i>\$147,855.00</i>
CO#1	Extra Design Items authorized before tender (Previously Authorized)	\$27,811.00
CO#2	Baffle Design and Specifications for Summit Air Intake <i>(Does Not include Supply and Install Cost from Contractor)</i>	\$3, 250.00
Subtotal of Change Orders (HST Excluded)		\$31,061.00
<i>Subtotal of Adjusted Contract Value (HST Excluded)</i>		<i>\$178,916.00</i>

Question called. Motion carried unanimously.

16-09-558 Request for Change Order (RCO) Approvals - Reid Centre Interior Renovations

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the following change order for the Reid Centre Interior Renovations project be approved:

RCO #	Description	Value (HST Excluded)
<i>Original Contract Base Price</i>		<i>\$1,069,313.27</i>
Contract Cash Allowances		
<i>To Cover Costs for unforeseen site Conditions</i>		<i>\$10,000.00</i>
<i>For Mechanical and Electrical Work in kitchen 119 renovations</i>		<i>\$10,000.00</i>
<i>For Sanitary Drain repairs</i>		<i>\$50,000.00</i>
<i>Original Contract Price Subtotal + Cash Allowances</i>		<i>\$1,139,313.28</i>
Cash Allowance		
CO1 (rev.1)	Extra labor and Material Charges due to Electrical Modifications. (Coordination Study Not Included)	\$20,500.00
CO2 (rev.1)	To Supply materials and labor due to the following: <ul style="list-style-type: none"> ▪ Washroom changes required in Service NL review. 	\$13,946.41

	▪ Ceiling tiles for lobby.	
CO3	Door Modifications to change doors from wooden to fire rated steel doors for doors 118.2 and 118.3	\$2,100.00
CO4 (NEW)	Paint lines be changed to be horizontal paint lines.	\$9,152.73
CO5 (NEW)	For new breakers for panels A& C.	\$4,900.00
CO6 (NEW)	Move electrical from behind bulkheads in the existing youth centre – existing electrical boxes were for power and controls would have been covered up by new bulkheads.	\$4,220.00
CO7 (NEW)	Time and Material investigation for sanitary repairs for underground work.	\$1,168.12
	Subtotal	\$55,987.26
<i>Estimates for Upcoming Changes Covered by Cash Allowance</i>		
<i>Estimate CO8 (NEW)</i>	<i>Conduit for CCTV cameras in Gym – conduit was not identified in tender documents. For protection purposes the cables for CCTV cameras should be placed in conduits.</i>	<i>\$690.00</i>
<i>Estimate CO9 (NEW)</i>	<i>New conduits in the board room.</i>	<i>\$500.00</i>
<i>Estimate CO10 (NEW)</i>	<i>Furr out wall in supervisor's office 105 C and new drywall on wall between offices 105A & B</i> <i>Furr out wall in 105C.</i> <i>Drywall between wall 105A & B</i>	<i>\$1,000.00</i>
<i>Estimate CO11(NEW)</i>	<i>Furring of existing steel columns in washrooms.</i>	<i>\$1,500.00</i>
<i>Estimate CO12 (NEW)</i>	<i>Extra for RFI response – overloaded circuit.</i>	<i>\$2,500.00</i>
<i>Estimate CO13 (NEW)</i>	<i>New heater for reception counter.</i>	<i>\$600.00</i>
<i>Estimate CO 14 (NEW)</i>	<i>Insulate 3 existing rain water leaders.</i>	<i>\$700.00</i>
<i>Estimate CO16 (NEW)</i>	<i>Time and Materials work for various items.</i>	<i>\$4,500</i>
	<i>Estimates for Upcoming Changes Subtotal</i>	<i>\$11,990.00</i>
	<i>Subtotal of Change Orders (HST Excluded)</i>	<i>\$67,977.26</i>
	<i>Subtotal of Contract Cash Allowance(HST Excluded)</i>	<i>\$70,000.00</i>
	<i>Contract Cash Allowance Remaining (HST Excluded)</i>	<i>\$2,022.74</i>
	Revised Contract Subtotal Price Due to Cash Allowance items	<i>\$0.00</i>

RCO #	Description	Value (HST Excluded)
RCO#8R1	To supply and install a new hand wash sink and soap dispenser to be placed in the Reid Centre kitchen. Requirement from Environmental Health Officer review Service NL.	\$3,912.34
	Revised Contract Subtotal Price + Cash Allowances (HST Excluded)	\$1,143,225.62

Discussion: Clarification on CO4 (paint lines to be changed to horizontal paint lines) was requested.

Question called. Motion carried unanimously.

16-09-559 Project Updates

Updates on various projects ongoing throughout the city were presented. It was noted that the cenotaph is being relocated from Park Place to St. David's Park this week. Discussions are underway with the Legion officials regarding plans for the November 11 ceremony.

16-09-560 Public Works Maintenance Updates

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

PLANNING AND DEVELOPMENT COMMITTEE

Councillor Stoyles left the meeting during presentation of the following item due to possible perceived apprehension of bias.

16-09-561 Rockmount Properties Inc. / Sundara Condominium Corporation
 Change of Use from Apartment Building to Assisted Living Facility
 835 Blackmarsh Road

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT the proposed change of use of an existing three-storey apartment building in condominium ownership to an assisted living facility located at 835 Blackmarsh Road be approved and a development permit be issued subject to the following:

1. the development shall comply with the Mount Pearl Development Regulations and the Mount Pearl Building Regulations;
2. any interior work shall require the developer to obtain the appropriate permits (building, plumbing, electrical and occupancy permits); and

3. the development shall meet the conditions of the City Inspector.

Discussion: It was recognized that the motion being considered was for a development application for a change in use (not a rezoning) for this building. It was also acknowledged that there were no plans to renovate immediately but renovations would commence in 2017 including a dining room, common room, hair salon, kitchen and other personal care services. All personal care would take place in the private suites. It was noted that the majority of the existing condo owners were supportive of the change.

Question called. Motion carried unanimously.

Councillor Stoyles returned to the meeting.

16-09-562 Wartsila Canada – General Industry Use (Spray Booth)
27 Sagona Avenue

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT the application for installation of sandblasting and painting equipment at 27 Sagona Avenue be approved subject to the following conditions:

1. City Inspector
2. Service NL
3. St. John's Regional Fire Department
4. Department of Environment and Conservation
5. Occupational Health and Safety Division
6. Proposed development meeting the City's development regulations

Question called. Motion carried unanimously.

16-09-563 NewLab Oxygen Ltd. – Commercial Renovations
(Propane Tank Upgrade and Spray Booth)
19 Sagona Avenue

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT the proposed installation of sandblasting and painting equipment, renovations to the principal building to accommodate the installation of the aforementioned equipment, upgrading of the exterior propane tank to 18,927 litres capacity, and use of the quonset hut for storage at 19 Sagona Avenue be approved subject to the following conditions:

1. City Inspector
2. Finance Division
3. Service NL
4. St. John's Regional Fire Department
5. Department of Environment and Conservation
6. Proposed development meeting the City's Development Regulations

Discussion: It was indicated that application had been referred to the Department of Environment & Conservation and was released from further assessment.

Question called. Motion carried unanimously.

16-09-564 Consolidation of Property
Atlantican General Trading
2 and 8 Dundee Avenue

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT an application by Atlantican General Trading to consolidate 2 and 8 Dundee Avenue into one parcel (civic 2 Dundee Avenue) be approved AND FURTHER THAT a development permit for consolidation of property be issued with a condition that any future development of the site would require a separate development permit.

Question called. Motion carried unanimously.

16-09-565 TD Tree Planting Day - Saturday, September 10, 2016
Hosted by Partnership of TD Friends of the Environment Foundation,
Conservation Corps NL, and the City of Mount Pearl

For the information of the public, the TD Tree Day will be held on Saturday, September 10, 2016 – 10:00 am to 12:00 noon, as a result of a partnership between TD Bank Friends of the Environment, the Conservation Corps of Newfoundland and Labrador and the City of Mount Pearl. This year the selected site is in and around the newly created community garden at the Gloria Pearson Community Centre on Holden Street. It was noted that the guidelines/framework for use of the community gardens will be researched and established moving forward.

16-09-566 Karwood Contracting Ltd.
Request Regarding Development Permit DP16-029
33-39 Municipal Avenue

Motion – Deputy Mayor Locke/Councillor Walsh

RESOLVED THAT approval be granted to adjust the expiry date of Development Permit 16-029 for 33-39 Municipal Avenue to Karwood Contracting Ltd. by 3 weeks to September 21, 2016.

Question called. Motion carried with Councillor Aker abstaining from voting due to possible perceived apprehension of bias.

16-09-567 Development Permits

Motion – Deputy Mayor Locke/Councillor Walsh

RESOLVED THAT development permits issued for the period of August 22 – September 2, 2016 be approved as presented.

Question called. Motion carried unanimously.

16-09-568 Building Permits

Motion – Deputy Mayor Locke/Councillor Walsh

RESOLVED THAT building permits issued for the period of August 22 – September 2, 2016, showing a total construction value of \$390,250.00, be approved as presented.

Question called. Motion carried unanimously.

NEW BUSINESS

16-09-569 Back to School Safety Reminder

Deputy Mayor Locke reminded motorists of the importance to drive safely in school zones as students return to school.

16-09-570 Overhead Light – Walking Trail

Deputy Mayor Locke advised that an overhead light located on the walking trail in the vicinity of Sunrise/Carleton was reported defective some time ago and has not been fixed. Matter referred to IPW for follow up.

16-09-571 Curbside Giveaway Program

Deputy Mayor Locke advised that the Curbside Giveaway Program scheduled for September 10 in the Power's Pond area has been positively received by residents. Residents in the neighbourhood can place unwanted, reusable items at their curb. These items will be free for others to take with the intention of reducing the amount of waste that ends up in the landfill.

16-09-572 Condolences

Councillor Stoyles extended condolences to the family and friends of Mary Woolridge. She noted that Ms. Woolridge was a founding member of the Seniors Independence Group, a volunteer and a long-time resident of Masonic Park.

16-09-573 Condolences

Councillor Stoyles extended condolences to the family and friends of Donna Sears, a long-time resident of Mount Pearl.

16-09-574 Reid Music

Councillor Stoyles extended congratulations to Reid Music on the occasion of their 25th anniversary in business. Mr. & Mrs. Reid's contribution to the community was acknowledged with appreciation. (Letter of congratulations to be forwarded by Mayor Simms.)

16-09-575 Congratulations – Joy Newhook

Councillor Stoyles extended congratulations to Joy Newhook who received a Literacy Learners Award. (Letter of congratulations to be forwarded by Mayor Simms.)

16-09-576 Baseball Under 13 National Tournament

Councillor Stoyles extended best wishes to all teams in the Baseball Canada 13U National Atlantic Championships taking place September 8 – 11 in Mount Pearl.

16-09-577 Congratulations – Kinsmen & Kinettes

Councillor Stoyles extended congratulations to Roger Parsons and Clayton Button on receiving the Kinsmen Association highest honor – Life Membership. (Letters of congratulations previously forwarded by Mayor Simms.) Congratulations were also extended to Donna Collens who was chosen Kinette of the Year. (Letter of congratulations to be forwarded by Mayor Simms.) She advised that Richard Levandier was re-elected President for 2016-2017.

16-09-578 Challenge Cup

Councillor Walsh extended congratulations to the Mount Pearl First Choice Haircutters on placing second in the Challenge Cup Championship as well as to the St. Lawrence Laurentians on winning the trophy. Both teams will participate in the Canadian Challenge Cup championship taking place in St. John's next month.

16-09-579 Pride Crosswalk

Councillor Walsh commented on the painting of the pride crosswalk at Ruth Avenue/Old Placentia Road representing the City's support of the pride campaign. Appreciation was extended to staff for coordinating the project.

16-09-580 Avalon Dragon Boat Races

Councillor Tessier extended congratulations and appreciation to City staff who participated in the recent Avalon Dragon Boat Races, noting the funds raised in support of breast cancer survivors.

16-09-581 Graffiti – Utility Boxes

Councillor Tessier commented on the success of the “Out of the Box” program and the need for utility providers to support the City’s efforts to clean up graffiti by removing the graffiti from their utility boxes. She urged all service providers to ensure their equipment is kept in good condition.

Deputy Mayor Locke noted the graffiti on a building (pump station) adjacent to Glenhill Plaza. Matter referred to IPW for follow up.

16-09-582 Boys Under 16 Soccer Team

Councillor Aker extended congratulations to the Mount Pearl Boys Under 16 Soccer Team on the provincial win in Corner Brook.

16-09-583 Students & Teachers – Best Wishes

Councillor Ledwell extended best wishes to students and teachers for a safe and successful school year.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:40 pm on a motion by Councillor Ledwell.

Chairperson

Deputy City Clerk