



PUBLIC COUNCIL MEETING MINUTES
April 5, 2016

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on April 5, 2016 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
Gerry Antle, Director, Infrastructure & Public Works
Jason Collins, Director, Community Services
Mona Lewis, Deputy City Clerk

MEMBERS ABSENT

Councillor Paula Tessier

Mayor Simms chaired the meeting.

16-04-194 Adoption of Agenda

Motion – Councillor Aker/Deputy Mayor Locke

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

16-04-195 Adoption of Minutes

Motion – Councillor Stoyles/Councillor Ledwell

RESOLVED THAT the minutes of the public meeting held on March 22, 2016 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

16-04-196 Child Abuse Prevention Month Proclamation

Mayor Simms signed a proclamation declaring April as Child Abuse Prevention Month in the City of Mount Pearl. Ms. Bev Moore-Davis was in attendance and spoke on the importance of understanding the problem of child abuse and the need to become more educated and aware of the issue. She advised that a walk to raise awareness – Miles for Smiles – is scheduled for April 24, 2016 at 1:00 pm, Bowring Park.

16-04-197 Daffodil Month Proclamation

Mayor Simms signed a proclamation declaring April as Daffodil Month in the City of Mount Pearl. Sharon Smith, Board Chair of the Canadian Cancer Society NL, spoke on behalf of the Association.

Daffodil Month is a national fundraising campaign of the Canadian Cancer Society. Money raised during Daffodil Month helps local patients living with cancer and their families. In addition to the sale of daffodils, pins are also being sold. The public was asked to wear the daffodil pin on April 27 to show support of cancer patients.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

CORPORATE & COMMUNITY SERVICES COMMITTEE

16-04-198 Professional Development and Training – Director, Planning & Development Canadian Institute of Planners Conference

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT approval be granted, in accordance with the Professional Development and Training Policy, for the Director of Planning & Development to attend the Canadian Institute of Planners Conference being held in Quebec City, July 5 – 8, 2016.

Question called. Motion carried unanimously.

16-04-199 Stars & Legends Gala – Sport NL – April 16

Council extended congratulations to the three finalists from Mount Pearl who have been nominated for a Sport NL provincial (annual) award. They are Samantha Marsh, Junior Female Athlete of the Year (for air rifle shooting); Brian Hunt, Volunteer of the Year (for baseball) and Sean Cleary, Senior Male Athlete of the Year (for Softball).

16-04-200 Advertising Request – Mount Pearl Show Choir Etcetera 30 Program

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT approval be granted to place a full page ad in the Etcetera 30 program at a cost of \$500 (plus HST).

Question called. Motion carried unanimously.

16-04-201 Invoices for Approval

Motion – Councillor Stoyles/Councillor Ledwell

1.	Bae-Newplan Group (Gymnastics Facility)	\$ 9,071.64
2.	CIMCO Refrigeration (Service Check Glacier)	\$ 11,849.45
3.	Hitech Communications (AVL Rental Feb)	\$ 6,462.02
4.	Hitech Communications (AVL Rental Mar)	\$ 6,462.02
5.	JMJ Construction (Baseball Field)	\$ 6,089.80
6.	Kelloway Construction Ltd. (Cleaning Feb)	\$ 27,531.64
7.	Modern Paving Limited (Asphalt & Concrete PP#4)	\$ 65,090.83
8.	Newfoundland Design Associates Limited (Team Gushue Park Prof Svcs)	\$ 21,657.49
9.	Receiver General for Canada (Station Renewals)	\$ 6,256.00
10.	Saunders Equipment Limited (Asphalt Recycler)	\$ 127,684.35

11.	Saunders Equipment Limited (Hydraulic Pump)	\$ 6,606.88
12.	Tucker Electronics Ltd. (Interactive Fitness System)	\$ 8,898.70
13.	Workplace NL (Assessment Fee)	\$ 194,358.06
		\$ 498,018.88

Question called. Motion carried unanimously.

16-04-202 Local Government Gas Tax Funding Agreement Financial Statements

Motion – Councillor Stoyles/Councillor Ledwell

RESOLVED THAT the Local Government Gas Tax Funding Agreement Annual Expenditures and Outcomes Report for the year ended December 31, 2015, as audited by Harris Ryan Chartered Accountants, be approved.

Question called. Motion carried unanimously.

INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE

16-04-203 Contract - Street Markings TP16-008

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted to award the street markings contract to the lowest, qualified bidder, Clearaway Contracting Ltd., for the bid amount of \$514,921.23 (HST included).

Discussion: A question was raised as to whether the bid was competitive as only one bid was received. It was noted that there are not many companies that offer this service but this bid was comparable to last year's. It is planned to investigate the cost of private sector versus undertaking the work in-house. It was indicated that the thermoplastic applications in centre lines showed less deterioration and will continue in selected areas.

Question called. Motion carried unanimously.

16-04-204 Contract - Landscape Maintenance Tender TP16-010

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted to award the landscape maintenance contract to the lowest, qualified bidder, Murray's Landscape Services, for the bid amount of \$93,319.92 (HST included).

Question called. Motion carried unanimously.

16-04-205 Contract – Smallwood Field House (Arena) Demolition TP-15-021

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the contract for the Smallwood Field House (arena) demolition be awarded to the lowest, compliant bidder, Kelloway Construction Ltd, for the bid amount of \$315,270.00 (HST included).

Question called. Motion carried unanimously.

16-04-206 Project Update

It was noted that the Gymnastics Facility is approximately 86% complete with an anticipated completion date of May 2016.

16-04-207 Public Works

'*Shoulder Season*' period of late winter/early spring have temperatures fluctuating above/below freezing and mixed precipitation. We are still in winter operations mode to ensure these changing conditions are responded to. Motorists were reminded to be aware of quickly changing conditions at this time of year.

PLANNING AND DEVELOPMENT COMMITTEE

16-04-208 Acquisition of Crown Paving Property
Pearlview Open Space Area

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT approval be granted to purchase the property identified as 1016D Topsail Road within the Pearlview Open Space area for the amount of \$30,000 plus the costs associated with the survey and legal work to transfer the property to the City.

Discussion: Council was advised that this is the last piece of land to be acquired and the process for park plan preparation will commence via an RFP process that will include consultation with the public.

Question called. Motion carried unanimously.

16-04-209 Revocation of Airgun Bylaw & Amendment to Noise Regulations

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT the Air Gun Bylaw adopted on the 8th day of August 2, 1994 be revoked AND FURTHER THAT the City of Mount Pearl Noise Regulations 2015 be amended as follows:

In Section 2 Interpretations, add

*“**Airgun**” means a gun commonly referred to as B.B. or pellet gun and all guns operated by pump or spring mechanisms and compressed gas cylinders regardless of muzzle velocity.*

*“**Firearm**” means a device such as a handgun, rifle, shotgun or any other similar device, used or capable of being used to fire a projectile from a cartridge or shot shell;*

In Section 3, General Prohibitions add the following after the first paragraph.

(b) No person shall create a noise within the City through the use of fire arms, airguns or similar noise-making devices, except as approved by Council and subject to the approval of law enforcement and other regulatory agencies.

Question called. Motion carried unanimously.

16-04-210 Public Meeting Protocol

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT the public meeting protocol be adopted as presented AND FURTHER THAT this protocol be posted on the City website, available at public meetings and that presenters at public meetings be advised of the protocol.

Question called. Motion carried unanimously.

16-04-211 65608 Newfoundland and Labrador Inc. (CarTunes)
New Building (Second Building on Lot)
1196-1200 Topsail Road

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT the development application by 65608 Newfoundland and Labrador Inc. to develop a second building on the lot and associated site work at 1196-1200 Topsail Road for a proposed combined Light-Industrial (Warehouse) and Commercial Garage Use be approved and a development permit issued subject to the following conditions:

1. Newfoundland Power's conditions
2. Bell Aliant's conditions
3. St. John's Regional Fire Department's conditions
4. Engineering Services Division's conditions
5. Inspection Services Division's conditions
6. Planning and Development Department's conditions
7. A detailed Landscape Plan, a completed Landscape Cost Estimate Form and a minimum \$4500.00 refundable Landscaping Security fee to be submitted for review and approval by the City prior to any building permits being issued
8. The retention of the natural vegetation, trees and shrubs adjacent to Thomas Byrne Drive shall be maintained
9. A revised detailed Site Plan illustrating the following shall be submitted for review:
 - a. Site plan shall be stamped by a Professional Engineer licensed to practice in the Province of Newfoundland and Labrador
 - b. No portion of the proposed building (including footings or eaves) can protrude into the NL Power easement area, all portions of the new proposed building to be removed from easement area
 - c. Rock pits (soak away areas as per the site plan) are not permitted, all storm water drainage must be connected to the City's storm sewer system, rock pits to be removed from site plan
 - d. Correct western property boundary (property boundary is shown as west edge of access easement area on current plan submitted)
 - e. Access easement area (please hatch on plan)
 - f. The reconfigured parking spaces at the rear of the parking lot shall be illustrated so that all the parking spaces are on the subject parcel and there is a minimum landscaped area at the property boundary
 - g. All paved parking areas to be curbed
 - h. If washrooms or sprinkler system are required, servicing laterals to be illustrated on site plan, including type, size and grades of inverts
 - i. The information on the existing services laterals is missing, illustrate type and size of inverts and also what the size of the catch basin leads are
 - j. If a street excavation is required, street cut and details of street cut to be illustrated on site plan
10. Engineering consultant to submit a pre-post storm water calculation to indicate if existing catch basins can maintain site storm water
11. A Development Agreement for "Two Buildings on One Lot" is required to be signed

12. The exterior facade (siding) of the second building on the lot shall match or be complimentary to the exterior facade (siding) of the existing principal building on the lot

13. The development meeting the Mount Pearl Development Regulations 2010

Question called. Motion carried unanimously.

16-04-212 Variance Request to Maximum Floor Area
Proposed Accessory Building
24 Hillhurst Street

Motion – Deputy Mayor Locke/Councillor Walsh

RESOLVED THAT a 10% variance request to increase the maximum accessory building area standard at 24 Hillhurst Street to 29.32 m² to accommodate the accessory building be approved and a development permit be issued subject to the proposal meeting the conditions of the Development Regulations and Building Regulations.

Question called. Motion carried unanimously.

16-04-213 Development Permits

Motion – Deputy Mayor Locke/Councillor Walsh

RESOLVED THAT development permits issued for the period of March 21 – April 1, 2016 be approved as presented.

Question called. Motion carried unanimously.

16-04-214 Building Permits

Motion – Deputy Mayor Locke/Councillor Walsh

RESOLVED THAT building permits issued for the period of March 21 – April 1, 2016, showing a total construction value of \$190,730.00, be approved as presented.

Question called. Motion carried unanimously.

16-04-215 Notice of Motion
Amendment – Mount Pearl Development Regulations

Deputy Mayor Locke 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 would, 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, add the definition for “ Community Garden”
2. In Section 7 – Special Developments, add a section titled “Community Gardens” that outlines the conditions which apply to the use;
3. In Section 11 – Use Zone Schedules, add “community garden” as a permitted use in Residential, CON, PB and OS use zones.

The purpose of this amendment is to define community garden use, outline the conditions for the use and identify the use as a permitted use within a number of use zones.

NEW BUSINESS

16-04-216 Mount Pearl Senior High – Environmental Club

Deputy Mayor Locke extended congratulations to the Club on their success in being one of three schools selected to ask David Suzuki two questions on environmental rights. The Club participated in the Blue Dot Movement’s Campus Challenge where they competed against other schools and universities in Canada for the most pledges to conserve water.

16-04-217 Congratulations – Mayor Simms

Members of council extended congratulations to Mayor Simms on the birth of his grandson.

16-04-218 Mount Pearl Paradise Skating Club

Councillor Stoyles extended congratulations to the Club on a successful year end show.

16-04-219 Condolences

Councillor Stoyles extended condolences to the family and friends of Brent Cole. Mr. Cole’s contributions as Deputy Mayor of Whitbourne and Chair of SOPAC were acknowledged.

16-04-220 Amendments – Anti-Litter Regulations & Development Regulations

Councillor Walsh advised that the proposed changes to these regulations requiring garbage containers at commercial properties have been acknowledged by some business owners. He was pleased to see the uptake and encouraged the public to forward ideas or input addressing the litter problem to the Planning & Development Department staff.

16-04-221 Snow Clearing Regulations

Councillor Walsh reminded residents that although the overnight on-street parking ban was lifted, parking is not permitted during a storm or 12 hours thereafter.

16-04-222 Mount Pearl Paradise Skating Club

Councillor Aker also extended congratulations to the Club and commented on the value of having Nam Nguyen (2015 Canadian Champion) in attendance.

16-04-223 Citizen of the Year

Councillor Aker advised that the Kinsmen Club Citizen of the Year will be held on April 8 at the Reid Community Centre. Congratulations were extended to nominees Bill Vincent, Sandra Milmore, Donna Collens, Sandy Woolfrey-Fahey and Emma Thornhill.

16-04-224 Gymnastics Facility

Councillor Aker noted that a tour of the gymnastics facility had been arranged for members of council. He reminded attendees to wear safety gear as it is a construction site.

16-04-225 Demolition – Smallwood Arena

Councillor Aker advised that the contractor has 90 calendar days to remove the Smallwood Arena following the contract award.

16-04-226 Waterford River Watershed Management Plan - RFP

Mayors Simms advised of a meeting with the Mayors of St. John's and Paradise regarding the Waterford River Watershed Management Plan RFP. He noted that all three municipalities are very supportive of this initiative and focused on the health of the River. The second phase of this project would be how to make the River a regional asset.

16-04-227 Anti-Litter

Mayor Simms reiterated the importance of working with the community to abolish the problem of litter. It was confirmed that the amendment process includes a public consultation component. Council was informed that officials with the utility companies support working with the City to address the issue of graffiti and a meeting will soon be held to discuss the matter.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:25 pm on a motion by Councillor Ledwell.

Chairperson

Deputy City Clerk