



PUBLIC COUNCIL MEETING MINUTES
March 22, 2016

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on March 22, 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.

16-03-160 Adoption of Agenda

Motion – Councillor Stoyles/Councillor Aker

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

16-03-161 Adoption of Minutes

Motion – Councillor Walsh/Councillor Ledwell

RESOLVED THAT the minutes of the public meeting held on March 8, 2016 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING

16-03-162 Canada Post – Community Mailboxes

Councillor Stoyles advised that she never supported the conversion of door-to-door mail delivery to community mailboxes. She expressed her dissatisfaction with the service and noted residents' complaints, i.e. difficulty in reaching Canada Post officials to report problems; frozen locks; boxes being left open. She questioned if a response had been received with respect to the use of sand for ice control. She also asked members of Council whether residents should refer problems to City staff for follow up with Canada Post officials. Members of Council did not support this suggestion as it was not a good use of municipal resources. They also advised that they've had no major issues with the service and received very few complaints. It was confirmed that Canada Post contacted their contractors and advised that sand is not to be used. Councillor Stoyles advised that she will continue to present her concerns and complaints at public council meetings.

ACTION REPORT

The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

16-03-163 Volunteer Week Proclamation

Mayor Simms signed a proclamation declaring April 10 – 16, 2016 as Volunteer Week in the City of Mount Pearl. Joanne MacDonald (Honourary Chair, Volunteer Week 2016) and Debbie O'Rielly (Coordinator, Volunteer Mount Pearl) were in attendance and spoke of the significance of the volunteer community.

16-03-164 Purple Day for Epilepsy

Mayor Simms signed a proclamation declaring March 24 as Purple Day for Epilepsy in the City of Mount Pearl in an effort to raise the awareness and understanding of epilepsy and to support all those who live with seizures each day. Deputy Mayor Locke advised of the initiative students at Mount Pearl Senior High undertook to raise awareness of this worthwhile cause.

CORRESPONDENCE

16-03-165 Department of Environment & Conservation (Pollution Prevention Division)

A letter was presented from the Department of Environment & Conservation reminding municipalities that burning demolition waste from derelict structures such as old or abandoned houses, barns, sheds, etc. was prohibited as it is in direct contravention of Section 12 of the *Air Pollution Control Regulations 2004*. It was noted that this information is included when a demolition permit is issued.

Deputy Mayor Locke also reminded residents that only permitted items (i.e. seasoned wood) are to be used in chimineas.

COMMITTEE REPORTS

CORPORATE & COMMUNITY SERVICES COMMITTEE

16-03-166 Invoices for Approval

Motion – Councillor Stoyles/Councillor Ledwell

RESOLVED THAT the following invoices be approved for payment:

1.	City of St. John's (Robin Hood Bay Landfill)	\$ 31,939.53
2.	Avalon Coal, Salt & Oil (Salt)	\$ 155,739.39
3.	FairTax Recovery Consultants Ltd (HST Recovery)	\$ 58,968.94
4.	Battlefield Equipment Rentals (Scissors Lift for Summit)	\$ 37,879.01
5.	RICOH Canada Inc. (Laserfische)	\$ 15,757.17
6.	Saunders Equipment Ltd (Snowblower Attachment)	\$ 23,198.90
7.	Pomerleau Inc. (Gymnastics Facility)	\$ 25,000.00
8.	Custom Cabinets & Supplies Ltd (Install Shelving at Depot)	\$ 9,750.00
9.	Air-Tite Sheet Metal Ltd (Indoor Air Quality - Depot)	\$ 41,025.78
10.	Weir's Construction Ltd (2012 Street Upgrading PP#3)	\$ 202,016.82
11.	Weir's Construction Ltd (Team Gushue Park Phase 2 PP#2)	\$ 314,926.13
12.	Tract Consulting Inc. (St. David's Park Redevelopment Plan)	\$ 17,598.62
13.	Opus International Consultants (Asset Management Program)	\$ 43,537.04
14.	Kelloway Construction Ltd (Cleaning Services February)	\$ 16,761.63

		\$ 994,098.96
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Question called. Motion carried unanimously.

16-03-167 Professional Development and Training – Director, Corporate Services
Institute of Internal Auditors Conference

Motion – Councillor Stoyles/Councillor Ledwell

RESOLVED THAT approval be granted, in accordance with the Professional Development and Training Policy, for the Director of Corporate Services to attend the Institute of Internal Auditors Conference being held in New York, NY, from July 17 – 20, 2016.

Question called. Motion carried unanimously.

16-03-168 Professional Development & Training – Councillors Tessier & Ledwell
FCM Conference, June 2-5, 2016

Motion – Councillor Stoyles/Councillor Ledwell

RESOLVED THAT approval be granted, in accordance with the Professional Development & Training Policy, for Councillors Tessier and Ledwell to attend the FCM Conference being held in Winnipeg, MB from June 2-5, 2016.

Question called. Motion carried unanimously.

16-03-169 Mount Pearl Sport Alliance
First Installment – 2016 Operating Grant

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT approval be granted to release the Mount Pearl Sport Alliance first installment of the 2016 operating grant, in the amount of \$87,000, in accordance with their MOU agreement with the City to cover the administration portion.

Question called. Motion carried unanimously.

16-03-170 Request for Tax Consideration

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT approval be granted to exempt 2016 property taxes in accordance with Council's past practice and 2016 business taxes in accordance with Council's policy for charitable organizations for the following:

Name	Address	Type	Annual Amount
Knights of Columbus	7 Greenwood Ave	Business and Property (100%)	\$10,236.03

Question called. Motion carried unanimously.

16-03-171 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
795	\$6,449.01
4718	\$2,229.03
6572	\$856.12
6199	\$3,198.52
8643	\$4,420.47

Question called. Motion carried unanimously.

INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE

16-03-172 Request for Change Order Approvals – Gymnastics Facility

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the following change orders for the gymnastics facility project be approved:

RCO #	Description	Value (HST Excluded)
	<i>Original Contract Price</i>	<i>\$3,195,170.00</i>
CO7	Winterization Costs: November to December 23, 2015	\$20,263.00
CO8	Winterization Costs December 24, 2015 to January 30, 2016	\$45,598.70
CO9	Supply and Install Electric Conduit for future illuminated building signage	\$1,848.00
CO10	Supply and Install of Vending Machine Receptacle	\$731.49
CO11	Glazing Change to door 102	\$472.34

	<i>Total Change Orders (CO), includes previous CO's (HST excluded)</i>	\$3,212,924.17
	<i>Total Contract (HST)</i>	417,680.14
	Revised Contract Price (HST Included)	\$3,630,604.31

Question called. Motion carried unanimously.

16-03-173 Snowclearing Regulations (Amended)

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the amended Snowclearing Regulations be approved as presented.

Discussion: It was noted that the change was a housekeeping matter to include section 202 from City of Mount Pearl Act and reference the appropriate regulations.

Question called. Motion carried unanimously.

16-03-174 Contract Recommendation – Turf Maintenance Material TP16-011

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT approval be granted to award the tender for Turf Maintenance Material to the lowest qualified bidder, East-Chem (NL), for the bid amount of \$24,072.50 (HST included).

Discussion: It was confirmed that the products being used are safe for the environment; there are no pesticides or chemical sprays.

Question called. Motion carried unanimously.

16-03-175 Change Order – 2012 Street Upgrading CP1 (Sagona Avenue)

Motion – Councillor Tessier/Councillor Aker

RESOLVED THAT the following change order for the 2012 Street Upgrading CP1 (Sagona Avenue) project be approved:

RCO #	Description	Value (HST Included)
	<i>Original Contract Price</i>	\$226,142.38
#04	Additional engineering was required due to the contractor surpassing the number of working days allowed for the project. The additional engineering fee was removed from	\$8,546.51

	the contractors Contract Payment number 6. This amount is to be paid to the consultant for the engineering cost incurred during this time.	
	<i>Total Change Orders (HST included)</i>	\$8,546.51
	Revised Contract Price (HST Included)	\$234,689.89

Question called. Motion carried unanimously.

16-03-176 Project Update

It was noted that the Gymnastics Facility is approximately 85% complete with an anticipated completion date of May 2016.

16-03-177 Public Works

It was noted that winter maintenance is ongoing. In addition, a comparison of the 2016 budget noted no major savings to previous years. Salt usage is high given frequent freeze/thaws and wet conditions to prevent icing. Seasonal layoffs are scheduled for this week; permanent operators will manage limited night shift and full day shift.

PLANNING AND DEVELOPMENT COMMITTEE

16-03-178 Development Permits

Motion – Deputy Mayor Locke/Councillor Walsh

RESOLVED THAT development permits issued for the period of March 7 – 18, 2016 be approved as presented.

Question called. Motion carried unanimously.

16-03-179 Building Permits

Motion – Deputy Mayor Locke/Councillor Walsh

RESOLVED THAT building permits issued for the period of March 7 - 18, 2016, showing a total construction value of \$3,553,975.00, be approved as presented.

Question called. Motion carried unanimously.

16-03-180 Notice of Motion
Amendment – Mount Pearl Anti-Litter Regulations

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 would, at a regular meeting of Council move an amendment to the text of the Mount Pearl Anti-Litter Regulations that, if enacted, will:

1. In Section 2, Interpretation, revise the definition of “Authorized Receptacle” as follows:

“AUTHORIZED RECEPTACLE” means a rigid container that is placed to provide for the collection of litter as required by Council.

2. In Section 2, add the following definitions:

“BAKERY” means a factory for producing, mixing, compounding or baking bread, biscuits, or any other bakery product, but does not include a restaurant or other premises where any such product is made for consumption on the premises.

“BAR” means a building or portion thereof in which food and drink or both, including alcoholic beverages are prepared for sale or sold for consumption by the public.

“COMMERCIAL PROPERTY” means a building or portion thereof which is used as a Bakery, Bar, Convenience Store, Drive-Through Use, Gas Bar, Lounge, Night Club, Restaurant, Service Station, Shop, Shopping Centre, Take-Out Food Service, Tavern, and may include any other commercial uses so deemed by Council.

“CONVENIENCE STORE” means a retail store which is compatible with a residential area or use not exceeding a floor area of two hundred square metres (200 m²) and in which at least eighty percent (80%) of the retail floor space is devoted to the sale and display of groceries.

“DRIVE-THROUGH USE” means the use of land, buildings, or structures, or parts thereof, to provide or dispense products or services, either wholly or in part, through an attendant or a window or automated machine, to persons remaining in motorized vehicles that are in a designated stacking lane. A drive-through facility may be in combination with other uses such as, shop, restaurant, or take-out food. A drive-through facility does not include a car washing establishment, automobile service station, or a gas bar.

“GAS BAR” means an establishment comprising gasoline pumps, with or without a shelter for an attendant, but does not include a facility for the repair of motor vehicles, a commercial garage, or a car wash.

“LOUNGE” means a room or area adjoining a restaurant set aside for the sale of alcohol for consumption on the premises, with or without food and where no area has been set aside for live dancing or entertainment, either in the lounge or adjoining restaurant.

“NIGHTCLUB” means a building or portion thereof that is primarily used or occupied for the provision of music, pre-recorded music or live music, for dancing by club patrons and food and beverages may be served but shall not include a restaurant.

“RESTAURANT” means a building or part thereof, designed or intended to be used or occupied for the purpose of serving the general public with meals or refreshments for consumption on the premises.

“SERVICE STATION” means any land or building used exclusively for the sale of petroleum products, automotive parts and accessories, minor repairs, washing, and polishing of motor vehicles.

“SHOP” means a building or part thereof used for retail trade wherein the primary purpose is the selling or offering for sale of goods, wares, or merchandise by retail or the selling or offering for sale of retail services but does not include an establishment wherein the primary purpose is the serving of meals or refreshments, an amusement use, a general garage, or a service station.

“SHOPPING CENTRE” means a group of shops and complementary uses with integrated parking and which is planned, developed, and designed as a unit containing a minimum of 5 retail establishments.

“TAKE-OUT FOOD SERVICE” means a building in which the primary purpose is the preparation and sale of meals or refreshments for consumption off the premises.

“TAVERN” includes a nightclub and means a building licensed or licensable under the *Liquor Control Act* wherein meals and food may be served for consumption on the premises and in which entertainment may be provided.

3. Amend the Mount Pearl Development Regulations to require commercial properties to provide a minimum of one exterior garbage receptacles for the collection and disposal of litter. For larger and multitenant properties and drive through restaurants, the number will be determined by the City. Ongoing disposal and maintenance of garbage receptacles to be subject to the anti-littering regulations.
4. Add the following section immediately after section 6;

AUTHORIZED RECEPTACLE ON A COMMERCIAL PROPERTY

- a) The owner or occupant of a Commercial Property shall provide a minimum of one exterior authorized receptacle for the collection and disposal of litter. For larger and multitenant properties and drive through restaurants, the number shall be determined by the City.
- b) The authorized receptacle will be located on the commercial property as required by the City all year round and shall not be removed without the approval of the City.

- c) All authorized receptacles shall at all times be kept in good and sanitary condition and shall be accessible for inspection by the City at all reasonable times. A regular schedule of litter and waste removal from the authorized receptacle shall be required to ensure that the authorized receptacle is in a sanitary and slightly condition.
- d) If the City has condemned any authorized receptacle as unfit, such receptacle shall be removed along with the garbage. The owner or occupant of the commercial property from which the condemned authorized receptacle has been removed shall immediately replace the authorized receptacle which is satisfactory to the Council.

The purpose of this amendment is to require commercial properties to have year round garbage receptacles available for the collection of litter.

16-03-181 Notice of Motion
Amendment – Mount Pearl Development Regulations

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 would, at a regular meeting of Council move an amendment to the text of the Mount Pearl Development Regulations that, if enacted, will:

1. In Section 2 – Definitions, add the definition for "Authorized Receptacle":
2. In Section 6 – Special Developments, add the following section titled "Commercial Development and Garbage Receptacles" immediately after Section 6.9:

On site Authorized Receptacles shall be required for commercial developments in accordance with the Mount Pearl Anti-Litter Regulations.

The purpose of this amendment is to require new commercial developments or properties as outlined in the anti – litter regulations to provide a minimum of one garbage receptacle as a condition of development permit.

16-03-182 Notice of Motion
Mount Pearl Air Gun Bylaw – Revocation

Councillor Walsh gave notice that, in accordance with Section 39 of the City of Mount Pearl Act, 1988 and Council's public notification policy, he would, at a regular meeting of Council move that the Mount Pearl Air Gun Bylaw adopted by Council on August 8, 1994 and came into effect on August 8, 1994 be revoked.

As part of the ongoing review and updating of City regulations, it has been determined that the regulation with respect to the firing, discharging and/or transporting of airguns is not within the scope of Council's legislative authority. This would fall under federal jurisdiction. Further that the noise nuisance created by air guns is better regulated through the noise regulations.

16-03-183 Notice of Motion
 Amendment – Mount Pearl Noise Regulations

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 would, at a regular meeting of Council move an amendment to the text of the Mount Pearl Noise Regulations 2015 that, if enacted, will:

In the Definitions section, add the following definitions;

"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.

The purpose of this proposed amendment is to add airgun and firearms to the list of general prohibitions of uses that create noise.

NEW BUSINESS

16-03-184 Condolences – Dodd Family

Members of Council extended condolences to the family and friends of George Dodd and paid tribute to him in recognition of his service to the community, in particular, his involvement with the Mount Pearl Lions Club.

16-03-185 International Student – Senior High Schools

Deputy Mayor Locke spoke of the international youth exchange program, in particular, Mirari Loyarte, a student from the Basque Country in Spain attending Mount Pearl Senior High. He provided details on the significance of Red Bay Labrador to Mirari and plans undertaken to give her an opportunity to travel to Red Bay. Appreciation was extended to Provincial Airlines for providing a complimentary flight.

16-03-186 Reminder – Easter Break

Deputy Mayor Locke reminded residents/motorists to be aware of increased pedestrian traffic during the upcoming school Easter break.

16-03-187 Syrian Families

Councillor Stoyles advised that the Church of the Good Shepherd and Mary Queen of the World (jointly) as well as St. Peter’s Parish sponsored and have been assigned Syrian families. The efforts of all involved were acknowledged and appreciation was extended to all.

Councillor Aker extended appreciation to the Mount Pearl Senior High and O’Donel students for supporting this initiative by holding fundraisers.

16-03-188 Condolences – Brittain Family

Councillor Stoyles extended condolences to Gail Brittain and her family on the passing of her sister Peggy Brewer.

16-03-189 Snowclearing Regulations - Parking

Councillor Walsh reminded residents that the on-street parking ban ends April 1; however, the regulations stipulate that it is in effect during a storm or 12 hours thereafter. He encouraged residents to be aware of the weather conditions and if warranted, not park on the street.

16-03-190 O’Donel High School – “High School Musical” Production

Councillor Walsh extended congratulations to the cast and crew of the “High School Musical” production on a fabulous show. He also noted that he was delighted to see representatives of O’Donel and Mount Pearl Senior High Schools in the production.

16-03-191 Condolences – Porter Family

Councillor Ledwell advised of the passing of another member of the Lions Club, Randy Porter, and extended condolences to his family and friends.

16-03-192 Skating Schedule - Glacier

Councillor Ledwell advised of changes to the skating schedule, noting that further details were available on the City website.

16-03-193 Youth of the Year

Mayor Simms advised that Council had their annual dinner with the Youth of the Year (Noubahar Hasnain and Harrison Latham) and their families as their term

nears an end. He noted the successes of Noubahar and Harrison and wished them well in their future endeavours.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:20 pm on a motion by Councillor Tessier.

Chairperson

Deputy City Clerk