

PUBLIC COUNCIL MEETING MINUTES
December 2, 2014

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on December 2, 2014 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
Mona Lewis, Deputy City Clerk

STAFF ABSENT

Gerry Antle, Director, Infrastructure & Public Works

Mayor Simms chaired the meeting.

14-12-734 Adoption of Agenda

Motion – Councillor Aker/Deputy Mayor Locke

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

14-12-735 Adoption of Minutes

Motion – Councillor Stoyles/Councillor Ledwell

RESOLVED THAT the minutes of the public meeting held on November 18, 2014 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING

14-12-736 Debris Left by Contractor – Admiralty Wood Tennis Courts

Council was advised that the contractor took immediate action to remove debris left on site following work done on the Admiralty Wood tennis courts. It was noted that no further action would be taken as the owner reacted very quickly to correct the matter.

ACTION REPORT

The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

None presented.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

COMMUNITY SERVICES COMMITTEE

14-12-737 Swimming Pool – Stapleton Road

The public was advised that the “old” swimming pool has closed. Further details on aquatic programs are available by contacting the Summit Centre at 748-1002.

14-12-738 Summit Centre – Now Open! Dry-land Fitness Programs & Swimming Pool

The public was advised that the Summit Centre is now open for dry-land and aquatic fitness programs. Further details on programs are available by contacting the Summit Centre at 748-1002 and on the City’s website (www.mountpearl.ca).

14-12-739 Request for Proposals (RFP) Food Service Agreement/Contract - Summit Centre

Motion – Deputy Mayor Locke/Councillor Stoyles

RESOLVED THAT approval be granted to award the provision of food services for the Summit Centre to Fireside Café & Food Service Ltd., for the term of five

(5) years, with an option to renew for an additional two (2) years from the commencement date.

Question called. Motion carried unanimously.

14-12-740 Community Food Drive – Drop Locations

The public was advised that the City has placed containers at City Hall and the Summit Centre for anyone who would like to drop off food for the local Food Sharing Association. In addition, the Minor Hockey Association will be holding its annual food drive on December 13 and the City would be providing support for the initiative. Other opportunities to donate include local churches, schools as well as some business locations.

CORPORATE SERVICES COMMITTEE

14-12-741 Invoices for Approval

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the following invoices be approved for payment:

1.	Bae-Newplan Group (Professional Services – Summit Centre)	\$ 109,892.50
2.	City of St. John's (Regional Waste Water to Oct 31/14)	\$ 435,064.79
3.	City of St. John's (Water Consumption for Oct 2014)	\$ 296,508.56
4.	City of St. John's (Robin Hood Bay Landfill Usage Oct/14)	\$ 46,235.93
5.	Hitech Communications (AV1 Rental Fee Nov/14)	\$ 6,282.52
6.	Kelloway Construction Ltd (Cleaning Services Oct 2014)	\$ 18,456.63
7.	Newfound Construction (Progress Payment #1 2013 Street Upgrading CP1)	\$ 327,192.01
8.	St. John's Transportation Commission (Metrobus Cost October 2014)	\$ 101,353.20
9.	Triware Technology (HP Compaq Elite 8300)	\$ 7,056.29

10.	City of St. John's (Regional Fire – December 2014)	\$ 358,925.08
	Total	\$ 1,706,967.51

Question called. Motion carried unanimously.

INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE

14-12-742 Tender Award – Emergency Generator (City Hall)

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT approval be granted to award the tender for the provision of an emergency generator for City Hall to the lowest qualified bidder, Newfoundland Electrical Ltd., in the amount of \$152, 278.80 (HST included).

Question called. Motion carried unanimously.

14-12-743 Winter Activity Report

An update on work undertaken by the Infrastructure & Public Works Department was presented. Activities include – equipment maintenance; concluding maintenance on fields/trails; water main break repairs and call-outs/work on valve replacements.

PLANNING AND DEVELOPMENT COMMITTEE

14-12-744 Request for Variance on Accessory Building Height Standard
 52 O'Flaherty Crescent

Further to a development permit issued on November 10, 2014 to accommodate a 10% variance request to increase the maximum permitted building height of the accessory building in the rear yard of the property at 52 O'Flaherty Crescent, staff re-inspected the property to re-measure the shed. This revealed that there was a discrepancy in how the building height of the shed was calculated. Given the incorrect information on the shed and miscalculation of the height of the shed and in consideration of the concerns raised by the neighbouring property, Council no longer supported approving the 10% variance to the shed.

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT approval be granted to revoke the condition of the previous development permit to permit a 10% variance to the building height of the shed AND FURTHER THAT the permit be reissued on the basis that the accessory

building (shed) shall meet the maximum building height for an accessory building as outlined in the Mount Pearl Development Regulations 2010.

Discussion: It was suggested that the matter of establishing a building height definition for accessory buildings that defines building height for accessory buildings as the highest point of the accessory building from finished grade of the property or lot be referred as a discussion item with the City's MHA's. It was also requested that the matter of regulating roof styles as well as the height of a specific roof be referred to the Planning & Development Committee for consideration and subsequent report.

Question called. Motion carried unanimously.

14-12-745 Application for Driveway Access Redesign Expansion and Site Work
877 Topsail Road – Newfoundland Power

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT pursuant to the Mount Pearl Development Regulations 2010, Council use its discretionary authority (Regulation 4.5) to approve the driveway width as proposed by Newfoundland Power at 877 Topsail Road, with a permit to be issued subject to the following conditions:

- modifications being introduced for increased pedestrian safety
- all site work being undertaken at the same time
- adherence to all other municipal policies and regulations

Discussion: It was confirmed safety mitigation measures will be a condition of the permit.

Question called. Motion carried unanimously.

14-12-746 Wash Bays – Second Building on Lot and Associated Site Work
LAT 49 Architecture Inc. (on behalf of Avalon Ford)
621 Kenmount Road

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT an application by LAT 49 Architecture Inc. (on behalf of Avalon Ford) to undertake the construction of a second building on the lot with a gross floor area of 350 m² (3768 square feet) to accommodate wash bays and storage be approved and a Development Permit be issued subject to the following conditions:

1. St. John's Regional Fire Department conditions,
2. City Inspector's conditions,

3. Engineering Services Division conditions,
4. Planning Services conditions, and
5. The development meeting Mount Pearl Development Regulations 2010.

Question called. Motion carried unanimously.

14-12-747 Application for a Telecommunications Structure (Self-Supporting Tower)
Grundy Telcom Integration Inc.
(on behalf of Seventh Day Adventist Church, Owner of VOAR Radio Station)
727 Kenmount Road

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT an application by Grundy Telcom Integration Inc., on behalf of the Seventh Day Adventist Church, owner of VOAR Radio Station, to erect a 106.68 metre high telecommunications structure (self-supporting tower), associated transmission shelter and perimeter fencing within the east portion of the property at 727 Kenmount Road be approved and a Development Permit be issued subject to the following conditions:

1. Bell Aliant conditions,
2. City Inspector conditions,
3. Engineering Services Division conditions,
4. Finance Division conditions,
5. Industry Canada conditions,
6. NAV Canada conditions,
7. Newfoundland Power conditions,
8. Service NL conditions,
9. St. John's Regional Fire Department conditions,
10. Planning Services Division conditions, and
11. the development meeting Mount Pearl Development Regulations 2010.

Discussion: It was noted that the City does not have authority to include a fall zone requirement as a condition of the permit, however, in this instance there is substantial green space.

Question called. Motion carried unanimously.

14-12-748 Occupancy of a Tank Farm Without a Permit
30 Kyle Avenue

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT an Order be issued to the property owner of 30 Kyle Avenue to cease occupancy of the property until such time the outstanding matters have

been addressed to the satisfaction of the City and an Occupancy Permit has been issued.

Question called. Motion carried unanimously.

14-12-749 Request to Waive Heat Pump Requirements
32 Sauve Street

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT an application to install a heat pump on the side of 32 Sauve Street be refused as it conflicts with Regulation 6.16 of the Mount Pearl Development Regulations 2010 AND FURTHER THAT the original building permit (#23385) and its conditions for the placement of the heat pump in the rear yard of the property continue to be supported.

Question called. Motion carried unanimously.

14-12-750 Development Permits

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT development permits issued for the period of November 17 - 28, 2014 be approved as presented.

Question called. Motion carried unanimously.

14-12-751 Building Permits

Motion – Councillor Ledwell/Councillor Walsh

RESOLVED THAT building permits issued for the period of November 17 - 28, 2014, showing a total construction value of \$3,843,200.00, be approved as presented.

Question called. Motion carried unanimously.

TRANSPORTATION & PUBLIC SAFETY COMMITTEE

14-12-752 Notice to Residents
Snow Clearing Regulations

The public was advised that the following Snow Clearing Regulations came into effect December 1, 2014:

Section 3: Minimum Fine - \$30.00

No vehicle is permitted to be parked on any street within the City from December 1 to March 31 each year, both days inclusive, between the hours of 1:00am and 8:00am.

Section 4: Minimum Fine - \$30.00

No vehicle is permitted to be parked on any street within the City during a storm and for 12 hours thereafter.

Section 5:

Any unattended vehicle parked upon any street contrary to these regulations may be removed and impounded at the owner's expense.

Section 6: Minimum Fine - \$30.00

During the period from the first day of December in each year to the thirty-first day of March in any succeeding year, both days inclusive, no person shall shovel, plow, blow or cause to be shoveled, plowed or blown, any residue snow from a driveway or parking lot onto any highway, carriage way or sidewalk within the municipal boundaries of the City.

14-12-753 Santa Claus Parade & Tree Lighting Ceremony

The public was advised that the Parade and Tree Lighting Ceremony takes place on Saturday, December 6 starting at 10:00 am and 6:30 pm respectively. Further details are available on the City's website.

NEW BUSINESS

14-12-754 H. Neil Windsor Municipal Building

Members of council commented on the naming ceremony honouring Neil Windsor whereby the municipal depot was officially named the H. Neil Windsor Municipal Building. Congratulations and appreciation was extended to Mr. Windsor in recognition of his contribution to Mount Pearl. Appreciation was also extended to staff who organized the event.

14-12-755 Summit Centre

Deputy Mayor Locke extended congratulations to members of the Marlin swim team on their success at the very first swim meet held at the Summit Centre. It was noted that the event was successful and organizers were very pleased with the facility.

14-12-756 Marconi – Girl Guides 55th Anniversary

Councillor Stoyles advised that the Marconi Girl Guides group recently celebrated their 55th anniversary. She asked that a letter of congratulations be forwarded to the group from Mayor Simms.

14-12-757 Regional Committees

Councillor Stoyles advised that the Regional Committees (water, wastewater and fire) recently met and she would be providing updates to Council.

14-12-758 Parade – Food Donations

Councillor Walsh suggested that the message to bring along a nonperishable food item to the Parade be communicated via twitter and other social media.

Councillor Tessier noted that monetary donations could also be made to support the food bank.

14-12-759 Swim Meet

Councillor Tessier also spoke on the swim meet, the technology used to obtain the scores and the success of the participants (three national records set).

14-12-760 Summit Centre

Various members of council spoke on the Summit Centre, commenting on the structure, programming and other features.

14-12-761 Food Drive

Councillor Aker provided further details on the food drive being organized by the Minor Hockey Association as well as the role of the St. Vincent de Paul Society for the distribution of food.

14-12-762 Mount Pearl Lions Club/Santa Claus Parade

Councillor Ledwell extended congratulations and appreciation to the Lions Club for hosting a successful Parade over the years, noting the amount of volunteer time required to put off the event.

14-12-763 Naming of Rooms – Summit Centre

Mayor Simms advised that in addition to the official opening of the Summit Centre on December 18, there would also be a ceremony naming two rooms in honour of two community leaders.

ADJOURNMENT

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

Chairperson

Deputy City Clerk