



**PUBLIC COUNCIL MEETING MINUTES**  
**April 17, 2012**

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on April 17, 2012 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

Stephen Jewczyk, Director, Planning & Development  
Jason Silver, Director, Corporate Services  
Jason Collins, Director, Community Services  
Mona Lewis, Deputy City Clerk

STAFF ABSENT

MEMBERS ABSENT

Councillor Paula Tessier

Michele Peach, Chief Administrative Officer  
Gerry Antle, Director, Infrastructure & Public Works

**Mayor Simms chaired the meeting.**

12-04-242     Adoption of Agenda

Motion – Councillor Ledwell/Councillor Aker

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

12-04-243     Adoption of Minutes

Motion – Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT the minutes of the public meeting held on April 3, 2012 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

### BUSINESS ARISING

12-04-244     Mount Carson Avenue Project

Council was advised of a revised start date for the Mount Carson Avenue Project that being May 7 and it is anticipated to be finished by late June or early July.

It was noted that some of the (new) curb work at the bottom of Mount Carson Avenue appears to be breaking up. Staff was requested to investigate.

### ACTION REPORT

The action report was accepted as presented.

### PROCLAMATIONS/PRESENTATIONS

12-04-245     Media Release – Director of Community Services

Mayor Simms announced the appointment of Jason Collins as the City's new Director of Community Services, effective April 9, 2012.

12-04-246     Lupus Newfoundland & Labrador

Council was presented with a certificate of appreciation by Deanne Layman, a member of the Lupus NL organization. Ms. Layman also outlined upcoming fundraisers and provided information on the illness.

12-04-247     "Bust a Move for Breast Health" Fundraiser

Mayor Simms recognized employee Cathy Ivany who participated in the above noted fundraiser. Appreciation was extended to Cathy for taking on the initiative when the City was approached to participate as well as to staff for supporting the fundraiser.

### CORRESPONDENCE

None presented.

### COMMITTEE REPORTS

#### PUBLIC WORKS COMMITTEE

12-04-248     Tender for Ornamental Nursery Stock – TP# 12-007

Motion – Councillor Walsh/Councillor Aker

RESOLVED THAT approval be granted to award the tender for the supply and delivery of ornamental nursery stock to Pat's Plants, in the amount of \$11,685.90, the lowest qualified bid.

Question called. Motion carried unanimously.

12-04-249 Tender for Landscape Maintenance TP# 12-001

Motion – Councillor Walsh/Councillor Aker

RESOLVED THAT approval be granted to award the tender for the provision of landscape maintenance to Russell's Land Design Inc., the only bidder, for a one year period, as follows:

Hourly Rate	\$113.00*
Equipment Rentals	\$339.00*
Planting of 1 gallon shrub	\$ 9.05* each
Planting of 3 gallon shrub	\$ 12.05* each
Planting of 5 gallon shrub	\$ 17.10* each
Planting of 30 - 50 mm tree (stakes incl)	\$153.75* each
Planting of 50 - 80 mm trees (stakes incl)	\$211.00* each
Planting of 175 - 250 cm WB (stakes incl)	\$297.50* each

(\*HST included)

Question called. Motion carried unanimously.

12-04-250 Automated Garbage Collection

Councillor Walsh gave a presentation on the proposed automated garbage collection system. He noted that this is one of the City's first initiatives to improve services to residents. Specially-designed garbage carts will be supplied to all households who currently receive weekly garbage collection and these carts will be collected using an automated mechanical arm attached to the City's existing fleet. He noted that this automated collection system is a cleaner, more efficient and safer collection system. The system will be implemented in three phases starting with a (small) test area that will be undertaken in the next month. He noted that the carts will be City-owned and property owners will be charged an annual waste management fee of \$20 to help offset the cost of the carts, retrofitting and replacement.

Motion – Councillor Walsh/Councillor Aker

RESOLVED THAT approval be granted to proceed with the implementation of an automated garbage collection system.

Discussion: Members of council expressed their support of the project, noting that it has worked well in similar municipalities. It was acknowledged that issues may arise that will need to be resolved in order to make the program successful. Reference was also made to the unbudgeted expenditure and Council's

decision to proceed rather than defer to the next budget process. Appreciation was also extended to staff for their research and their continuing efforts to have the project proceed.

Question called. Motion carried unanimously.

#### COMMUNITY SERVICES COMMITTEE REPORT

12-04-251     Mount Pearl 20 Minute Makeover  
April 28 to June 30, 2012

Information was presented on the 20-Minute Makeover being held from April 28 – June 30, 2012. The 20-Minute Makeover event encourages individuals, groups, schools and businesses to get outside for 20 minutes to lend a hand and help keep Mount Pearl beautiful. The “kick –off” will take place on Saturday, April 28, 9:00-10:00am, at the Reid Community Centre (refreshments will be provided). Further information is available on the City’s website ([www.mountpearl.ca](http://www.mountpearl.ca)). Appreciation was extended to the corporate sponsor – Tim Horton’s.

It was suggested that commercial property owners (particularly along Old Placentia Road) be requested to clean up the areas surrounding their property. Individuals who consume the products and leave the garbage to blow around were also encouraged to take responsibility.

12-04-252     Audio/Lighting – City Days Celebration 2012

Motion – Deputy Mayor Locke/Councillor Stoyles

RESOLVED THAT approval be granted to award the quotation for the provision of audio visual equipment for City Days Celebrations to Atlantic Audio Limited, the lowest qualified bidder, in the amount of \$14,125.00 (HST included).

Question called. Motion carried unanimously.

#### CORPORATE SERVICES COMMITTEE REPORT

12-04-253     Tax Exemption Request  
School Lunch Association

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be granted, in accordance with Council’s policy for charitable organizations, to exempt the School Lunch Association, for its location in Mary Queen of the World School, for business tax in the amount of \$646.65.

Question called. Motion carried unanimously.

12-04-254 Gas Tax Funding Agreement Annual Expenditures and Outcomes Report  
 Year Ended December 31, 2011

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the 2011 Annual Expenditures and Outcomes Report for year ended December 31, 2011, as audited by Harris Ryan Chartered Accountants, be approved.

Question called. Motion carried unanimously.

12-04-255 Invoices for Approval

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the following invoices be approved for payment:

1.	Avalon Coal Salt & Oil Limited (Road Salt January 2012)	\$ 202,157.67
2.	ESRI Canada (Software License Renewals)	\$ 9,504.43
3.	City of St. John's (Regional Fire Services February 2012)	\$ 334,312.24
4.	City of St. John's (Regional Fire Services March 2012)	\$ 334,312.24
5.	City of St. John's (Regional Fire Services April 2012)	\$ 334,312.24
6.	Dillon Consulting (Professional Services Public Transit Study)	\$ 6,931.87
7.	Hickman Motors (Purchase of Police Vehicle Tender #11-027)	\$ 48,345.54
8.	St. John's Transportation Commission (Metrobus Service March 2012)	\$ 80,510.38
9.	Municipal Assessment Agency (Second Quarter Assessment Fees)	\$ 71,064.50
10.	Modern Paving (2010 Street Upgrading CP3)	\$ 5,627.40
11.	Modern Paving (2010 Street Upgrading CP4)	\$ 137,810.52
	Total	\$ 1,564,889.03

Question called. Motion carried unanimously.

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

12-04-256     Planning and Development Department  
Annual Report for 2011

Council was advised that the Planning and Development Department Annual Report for 2011 has been completed and posted to the City's website. Highlights of the report were provided.

12-04-257     Municipalities Newfoundland and Labrador (MNL) Mayors' March  
Potential Fundraiser for the Heart and Stroke Foundation

Council was provided an update on the above noted annual fundraising activity of Municipalities Newfoundland and Labrador. This fundraising effort, lead by mayors of municipalities from across Newfoundland and Labrador, is an initiative of individual municipalities and the funds raised are presented as a group donation to the Heart and Stroke Foundation at the Annual MNL Conference. With the support of Council, the Economic Development, Communication & Tourism Committee coordinated this year's efforts by contacting a number of City of Mount Pearl businesses with a request to make a contribution to this fundraiser. The total amount raised by the City of Mount Pearl will be announced when the fundraiser has been completed, and all funds donated will be presented at the next MNL Conference as part of the Mayors' March initiative.

12-04-258     Congratulations and Best Wishes  
To New Businesses in the City of Mount Pearl

Council acknowledged new businesses that have opened in Mount Pearl since January 1, 2012, and extends congratulations and best wishes for their success.

12-04-259     Secondary Signage

Motion – Councillor Stoyles/Councillor Walsh

RESOLVED THAT approval be granted to install the first secondary sign at the Kenmount Road entrance location, and the second secondary sign at the Bruce Street entrance from Kenmount Road into the Donovans Business Park.

Discussion: It was noted that the signs will be consistent with the theme already developed for the City's identification signage and will have electronic message boards with high pixel resolution for community messaging purposes.

Question called. Motion carried unanimously.

## ENGINEERING SERVICES COMMITTEE

### 12-04-260 Team Gushue softball hut – status of project

The status of the construction for the Team Gushue softball hut building was presented:

- Roof shingling started April 9<sup>th</sup> and will continue as weather permits;
- Siding is delayed pending receipt of doors – approximately 4 weeks;
- Mechanical and electrical contracts were scheduled to close on Friday, April 13; however, this will be delayed 1 week to accommodate changes in kitchen and storage area.

It was noted that work is progressing and it is anticipated that the project will be completed by the end of July.

### 12-04-261 Second Street – On Street Parking Issue

The current street width is inadequate to accommodate parking on both sides of Second Street. In determining which side of the street to assign the “no parking” section, it was decided to establish the no parking area on the “even” side of the street from #2 to #36, in order to accommodate pedestrian traffic using the trail between Second Street and Roosevelt Avenue,

Advisory letters will be issued to residents prior to the signage being placed within the next couple of weeks.

### 12-04-262 Masonic Park Intersection/Mount Carson Avenue Realignment

The Mount Carson Avenue street upgrading project is scheduled to start during the week of May 7, 2012.

The general public is reminded to observe the posted speed limit of 50 km/h in the vicinity of Masonic Park. It is important to maintain the posted speed, particularly in the intersection area of Masonic Park, as residents are entering and exiting Masonic Park.

In the interim, arrangements will be made with Municipal Enforcement to place a traffic calmer unit in the vicinity in order to promote public awareness of the posted speed limit.

The importance of having the street markings painted was pointed out.

12-04-263 Street Upgrading – (2011- CP1)

Street upgrading is scheduled to start during the week of April 16, 2012 in the areas of Donovan Street, Keough Crescent, Woodford Drive and Woodford Place. For Donovan Street, the project will also include replacement of underground water lines. Information brochures have been delivered to residents of these streets and the brochure information is also available from the City's website.

PLANNING AND LAND USE DEVELOPMENT COMMITTEE

12-04-264 Waterford River – Clean Up Blitz  
Scheduled for June 2, 2012

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT approval be granted to proceed with plans for the 2012 Waterford River Clean Up Blitz scheduled to take place on Saturday, June 2, 2012, from 10:00 am to 12:00 noon, with a barbecue to follow at City Hall.

Discussion: Mount Pearl residents, community groups, students, and businesses were encouraged to participate in this endeavour to protect and enhance the Waterford River area in Mount Pearl.

Question called. Motion carried unanimously.

12-04-265 Application for Development – Site Work and Pedestrian Access – DA11-00025  
Canadian Auto Recycling Limited  
1206-1210 Topsail Road and 6 Cory King Drive

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT an application by Canadian Auto Recycling Limited for an additional Use (Retail), site work and pedestrian access between adjoining parcels for 1206-1210 Topsail Road and pedestrian access between adjoining parcels for 6 Corey King Drive be approved and a development permit issued subject to the following conditions:

- i. The recycling yard is to be screened so that it is not visible from Topsail Road;
- ii. Engineering Services Division conditions;
- iii. Finance Division conditions;
- iv. Inspection Services Division conditions;
- v. Planning Division conditions;
- vi. City of Mount Pearl Development Regulations, 1988; and,
- vii. City of Mount Pearl Landscape Guidelines.

Question called. Motion carried unanimously.



12-04-266 Change of Use, Accessory Building, Consolidation and Site Work – DA11-00240  
Mobile Trailer Repair 1998 Inc.  
853 and 855 Topsail Road

**Item deferred to allow for clarification on the amount of fill that is required to be removed.**

12-04-267 Proposed Construction of House at Rear of Current Residence – DA12-0030  
11 Park Avenue / Avery Place

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the application by the property owner at 11 Park Avenue to construct a second dwelling on the property in the rear yard be refused for the following reasons:

1. the applicant has not submitted sufficient and reliable information to undertake a comprehensive assessment of the proposal;
2. the property has not been approved for a residential subdivision;
3. there is a trunk sewer line that transects the rear portion of the property and it is unclear as to its exact location and the size of the associated easement; this information is required as this will have an impact on the location of development on this portion of the property; and
4. based on the current information available supplied by the applicant as part of the development application, the portion of the property proposed for building a second dwelling cannot accommodate a dwelling when the RMD development standards are applied to this portion of the property.

Question called. Motion carried unanimously.

12-04-268 Occupancy – Residential High Density (RHD) – DA12-0186  
Payless Tire  
1 Riverview Avenue

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the Occupancy Permit application for 1 Riverview Avenue be refused on the basis that the proposed Light Industry Use (Workshop) is not a permitted or discretionary use in the Residential High Density (RHD) Use Zone and that the continuance of a non-conforming use cannot resume as the period of discontinuance exceeds six months.

Question called. Motion carried unanimously.

12-04-269      Ongoing Municipal Plan and  
Development Regulations Amendments

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT pursuant to the Urban and Rural Planning Act:

1. The Mount Pearl Development Regulations 2010 Amendment No. 3, 2012 (Residential Accessory Buildings Amendment) and Mount Pearl Development Regulations 2010 Amendment No. 4, 2012 (Patio on Flanking Street Side Yard Amendment) be adopted.
2. The Mount Pearl Municipal Plan 2010 Amendment No. 1, 2012 and Mount Pearl Development Regulations 2010 Amendment No. 5, 2012 (291 Old Placentia Road Amendment) be adopted.

Question called. Motion carried unanimously.

12-04-270      Rescinding of Order  
48 Bannister Street

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the Orders (issued on February 2 and amended on March 20 to the property owner of 48 Bannister Street) be rescinded as the debris and materials have been removed to the satisfaction of the City.

Question called. Motion carried unanimously.

12-04-271      Development Permit List

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the Development Permit list for the period of April 2 – 13, 2012 be accepted as presented.

Question called. Motion carried unanimously.

12-04-272      Building Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT building permits issued for the period of April 2 - 13, 2012, showing a total construction value of \$3,584,400.00, be approved as presented.

Question called. Motion carried unanimously.

## NEW BUSINESS

### 12-04-273 Volunteer Week/Citizen of the Year

Members of Council extended appreciation to all volunteers as well as congratulations to the nominees for Citizen of the Year (Eric Beckett, Gail Brittain, Sandra Hoysradt, Roy Locke and the Ladies of the Wednesday Café – Church of the Good Shepherd) and the winner, Christine Hennebury.

### 12-04-274 Community Sector Council

Councillor Ledwell also acknowledged the volunteers who were recognized by the Community Sector Council, with particular reference made to the Mount Pearl residents – City employee Sean McKenna (nominated by Recreation NL); Alex White (nominated by the Canadian Hard of Hearing Association); Betty Pennell and Pauline Osborne (nominated by the Seniors Independence Group) and Shirley Boone (nominated by Children's Wish Foundation).

### 12-04-275 Bridging the Gap – Recreation NL Award

Councillor Ledwell extended congratulations to Mary Holloway who will be awarded the Bridging the Gap Award by Recreation NL in recognition of her contributions to Special Olympics.

### 12-04-276 NLSA Canada Games Men's Team

Councillor Walsh extended congratulations to the NLSA Canada Games Men's team who were the champions of the 31<sup>st</sup> annual Acropolis Cup, particularly, noting the members who were from Mount Pearl.

### 12-04-277 Follow the Leader – Nutrition Month Challenge

Councillor Stoyles extended congratulations to all participants in the Challenge as well as the winner, Councillor Nancy Hall, from Postville Labrador.

### 12-04-278 Family History Society of NL

Councillor Stoyles advised of a presentation by Pat Walsh (Mount Pearl resident) regarding family tree research scheduled for April 24, 7:30 pm, at the Marine Institute.

### 12-04-279 Kinette Club of Mount Pearl

Councillor Stoyles advised of a fundraiser (Ladies Night) being organized by the Kinette Club scheduled for May 23. Tickets are available by contacting members of the Kinette Club.

12-04-280     Snowclearing Damages – Lawn

Councillor Stoyles advised that lawns damaged by snowclearing equipment should be reported to the Department of Infrastructure & Public Works for subsequent repairs.

12-04-281     Northeast Avalon Joint Council (NEAJC)

Councillor Stoyles advised that the NEAJC is scheduled to meet on April 18 at 7:30 pm in the Town of Holyrood (Marine Centre).

12-04-282     Masonic Park – Rental Applications

Councillor Stoyles provided copies of the rental application forms for Masonic Park units. The forms will be left at City Hall for anyone wishing to obtain a copy.

12-04-283     Hedge – 20 Bannister Street

Councillor Stoyles inquired on the status of the removal of the hedge at 20 Bannister Street. She noted that neighbouring residents raised the issue because of sight restrictions when exiting Churchill Avenue and questioned the length of time it has taken for it to be removed. It was noted that the property owner retained a lawyer and staff have been in contact with him. It was requested that action be taken immediately to have the hedge removed. It was further noted that Council has the authority to regulate private property.

Motion- Councillor Stoyles/Councillor Aker

RESOLVED THAT approval be granted to have the hedge at 20 Churchill Avenue completely removed at the earliest opportunity.

Question called. Motion carried unanimously.

12-04-284     Seniors Independence Group

Councillor Aker extended best wishes to Georgina Smith, the Office Administrator with the Seniors Independence Group.

12-04-285     Mount Pearl Minor Hockey Association – Midget H Tournament - Fortune

Councillor Aker extended congratulations to the players of the MPMHA who participated in the Midget H Tournament as well as to all those who participated in tournaments during the Easter break.

12-04-286     Volunteer Week – Affordable Housing Committee

Councillor Aker extended appreciation to Shirley Boone and Jim Greenland in recognition of their efforts as members of the Affordable Housing Committee.

12-04-287     Marks Work Wearhouse Junior Blades

Deputy Mayor Locke extended congratulations to the Junior Blades for a successful season and also recognized their participation in the upcoming Don Johnson Cup Hockey Tournament.

12-04-288     Street Markings

Deputy Mayor Locke noted that when exiting Topsail Road heading south onto Commonwealth Avenue there is a solid line (street marking) to allow vehicles to merge into traffic. The solid line means that vehicles can't cross into that lane. He also referenced a similar exit from Commonwealth Avenue turning west onto Smallwood Drive extension.

12-04-289     Healthy Lifestyle Challenge

Deputy Mayor Locke extended congratulations to Mayor Simms, Councillor Stoyles and Councillor Ledwell on their healthy lifestyle challenge, noting their success. He encouraged residents to also adopt a healthy lifestyle and exercise program.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:15 pm on a motion by Councillor Stoyles and seconded by Councillor Ledwell.

\_\_\_\_\_  
Chairperson

\_\_\_\_\_  
Deputy City Clerk