



PUBLIC COUNCIL MEETING MINUTES
April 20, 2010

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on April 20, 2010 at 4:15 pm.

MEMBERS PRESENT

Mayor Randy Simms
Deputy Mayor Jim Locke
Councillor Lucy Stoyles
Councillor John Walsh
Councillor Paul Lane
Councillor Dave Aker

STAFF PRESENT

Gerard Lewis, CAO
Michele Peach, Director, Corporate Services
Ray Osmond, Director, Community Services
Stephen Jewczyk, Director, Planning & Development
Scott Lush, Director, Infrastructure & Public Works
Mona Lewis, Deputy City Clerk

Councillor Tessier was absent.

Mayor Simms chaired the meeting.

10-04-273 Adoption of Agenda

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

10-04-274 Adoption of Minutes

Motion – Councillor Walsh /Councillor Lane

RESOLVED THAT the minutes of the public meeting held on April 6, 2010 be adopted as presented

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING

10-04-275 Ramp from Outer Ring Road – Kenmount Road/McNamara Drive

Council was advised that no response has been received to date from the Town of Paradise on the above noted intersection.

ACTION REPORT

The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

10-04-276 World Landscape Architecture Month

Mayor Simms signed a proclamation declaring April as World Landscape Architecture Month in the City of Mount Pearl.

Ms. Julia Schwarz, President of the NL Association of Landscape Architects, outlined some initiatives of the Association and extended appreciation to Council for their support.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE

No report.

COMMUNITY SERVICES COMMITTEE

10-04-277 YMCA-YWCA Youth Discovering Employment Skills Link Program

Information was presented on the YMCA Skills Link – Youth Discovering Employment Program – a partnership program with the Mount Pearl Crime Prevention Committee that provides youth with training in life skills, employability skills and job search/career exploration. The YMCA-YWCA of the Northeast Avalon is currently accepting referrals from community agencies for 10 youth (ages 15-30) from the Mount Pearl region. For more information on this program, community agencies can contact Charles Luther, YMCA-YWCA.

10-04-278 2009 Citizen of the Year

Appreciation was extended to City staff and the Kinsmen Club of Mount Pearl for hosting such a successful event, noting the many volunteer hours that the Club's members also give to the community. Congratulations were extended to recipient Harry Bartlett as well as to the other four nominees (Steve Best, Elsie Chafe, Andrew Ledwell and Keith Smith) in recognition of their service to the City of Mount Pearl.

10-04-279 Focus on Youth Awards

Council was advised that there have been 84 nominations (various categories) for the 2009 Focus on Youth Awards. It was noted that the public speaking portion of the Male and Female Youth of the Year selection process takes place on April 21, commencing at 7:00 pm in the Council Chambers.

10-04-280 Provision of Catering Services – Focus on Youth Awards

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted to award the quotation for the provision of catering services for the Focus on Youth Awards to the low bidder, Martin's Catering, in the amount of \$14.50 per person (tax included).

Question called. Motion carried unanimously.

10-04-281 Sport Alliance – Final Installment Subsidy

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted to release the remaining balance of funding (\$80,000) to the Sport Alliance in accordance with the Memorandum of Understanding between the Alliance and the City.

Question called. Motion carried unanimously.

10-04-282 20 Minute Makeover

The Community Services Department is gearing up for its annual spring anti-litter campaign in collaboration with like-minded community organizations and the Department of Infrastructure & Public Works. The 20-Minute Makeover event encourages individuals, groups, schools and businesses to get outside for just 20 minutes to lend a hand and help keep Mount Pearl beautiful.

Council was advised that Tim Horton's will again be the major sponsor for this event and will be providing \$2,000 cash as well as t-shirts, prizes and refreshments.

The kick-off is scheduled for Saturday, May 8, 9:00-10:00 am, at the Reid Community Centre (refreshments will be provided) and will continue between May 8 – June 26, 2010.

Free bags are available at City Hall, Reid Community Centre and Public Works Depot. Special 20 Minute Makeover bags and flyers will also be available at Tim Horton's drive-thru in Mount Pearl beginning May 1, 2010.

While registration is not mandatory, it is appreciated and helps measure the success of the event. Schools, businesses, groups, neighborhoods, families and individuals can register their event by contacting Sean McKenna at 748-1046 or smckenna@mountpearl.ca, by picking up a registration form at City Hall, the Reid Community Centre, Infrastructure & Public Works Depot, or by registering on line at www.mountpearl.ca.

As a thank you and in recognition for participation, the names of all involved will be publicized on the City's website following the event.

CORPORATE SERVICES COMMITTEE

10-04-283 Federation of Canadian Municipalities (FCM)
"Mike Badham Award for Outstanding International Volunteer Contribution"
Attendance at Annual Conference

Council was advised that the Director of Corporate Services, Michele Peach, has been named the 2010 recipient of FCM's Mike Badham Award for Outstanding International Volunteer Contribution. FCM carries out international work in nearly 20 countries worldwide and Ms. Peach was one of 61 FCM volunteers who helped municipalities throughout Sri Lanka and Indonesia following the devastating Indian Ocean tsunami in December 2004. Ms. Peach was part of a project team which modernized financial management systems in several Sri Lankan municipalities with great success. Mount Pearl's leadership and her continuity as the team leader in this project over a three year period was cited as being instrumental in achieving this success as it kept the project moving as needed and created greater ownership by Mount Pearl and by Ms. Peach in final project results.

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT approval be granted for the Director of Corporate Services and Councillor Lane to travel to Toronto to attend the FCM awards ceremony being held on May 30, 2010 in accordance with the City's professional development & training policy.

Discussion: It was noted that most, if not all, of Ms. Peach's travel costs will be reimbursed by FCM. Congratulations were extended to Ms. Peach.

Question called. Motion carried unanimously.

10-04-284 Better Business Bureau

Item referred to Committee of the Whole.

10-04-285 The Royal Canadian Legion – Newfoundland & Labrador Command Veteran's Service Recognition Book

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT approval be granted to place a ¼ page advertisement in The Royal Canadian Legion annual "Veteran's Service Recognition Book" at a cost of \$295.00 (HST included).

Question called. Motion carried unanimously.

10-04-286 Financial Assistance
Meagan Clark – International Student Volunteer Program

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT approval be granted to provide financial assistance, in the amount of \$100, to Meagan Clark, a resident/student of Mount Pearl in support of her participation in an international student volunteer program.

Discussion: It was noted that Ms. Clark was selected as a Canadian representative and will be working in an environmental conservation project in New Zealand this summer.

Question called. Motion carried unanimously.

10-04-287 Request for Financial Assistance
Steps for Life Walk

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT approval be granted to provide a \$100 donation in support of the Steps for Life walk being held May 2, 2010 at Quidi Vidi Lake.

Discussion: The public was advised that Steps for Life is a fundraising walk to help support families of workplace tragedy. It raises funds to support Threads of Life programs and services for families who've suffered from a

workplace tragedy as well as raising awareness about the importance of health and safety within workplaces and to the public. It was noted that this is the first time this walk was held in this region and that Councillor Lane will be attending the walk.

Question called. Motion carried unanimously.

10-04-288 St. John Ambulance
Fundraiser

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT approval be granted to purchase two tickets (\$65 each) for use by the Mayor (or his designate) to an event (dinner/show – April 29) being organized by St. John Ambulance to celebrate their Centennial as well as raise funds to upgrade their community services communications system.

Question called. Motion carried unanimously.

10-04-289 Uncollectible Account
Tax Write Off

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT approval be granted to write off the balance and remove the following account from the City's records.

Name	Principal	Interest	Other	Total
Advanced Bodywork Limited	\$372.92		\$10.00	\$382.92

Discussion: It was noted that this business has closed and all collection efforts have been exhausted.

Question called. Motion carried unanimously.

10-04-290 Request for Tax Consideration
Knights of Columbus, 7 Greenwood Crescent

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT approval be granted to exempt 2010 property taxes, in accordance with Council's past practice and 2010 business taxes in accordance with Council's policy for non-profit organizations for the

Knights of Columbus, 7 Greenwood Crescent, respectively in the amounts of \$7,530.00 and \$4,730.20.

Question called. Motion carried unanimously.

10-04-291 March Payment Register

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT the March 2010 payment register totalling \$2,480,679.23 be approved as presented.

Question called. Motion carried unanimously.

10-04-292 Invoices for Approval

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT the following invoices be approved for payment:

1.	Bae Newplan Group Limited (Pearlgate Recreation Centre)	\$ 40,289.36
2.	Bae Newplan Group Limited (Pearlgate Recreation Centre)	\$ 6,265.14
3.	Bae Newplan Group Limited (Pearlgate Recreation Centre)	\$ 5,745.54
4.	CBCL Limited (Progress & Final Claim for ICSP)	\$ 23,526.04
5.	Kennedy Belbin "In Trust" (Purchase of Land)	\$ 5,650.00
6.	Municipal Assessment Agency Inc. (Second Quarter for Assessment Fees)	\$ 68,882.25
7.	Tucker Electronics Limited (Webcast Equipment in Council Chambers)	\$ 10,449.98
8.	Weir's Construction (Mount Pearl Soccer Field Upgrade)	\$ 14,923.88
9.	Bae Newplan Group Limited (Pearlgate Recreation Centre)	\$ 782,779.25
	Total	\$ 958,511.44

Question called. Motion carried unanimously.

10-04-293 Professional Municipal Administrators (PMA)
Annual Convention – Financial Assistance

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT approval be granted to provide a \$300 donation in support of the PMA Annual Convention being held in St. John's from April 21 – 23, 2010.

Question called. Motion carried unanimously.

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

10-04-294 Houston Oil Show – May 3 - 6, 2010
Council and Staff Attendance

Motion – Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT the Chief Administrative Officer replace the Director of Planning & Development as the staff representative at the Offshore Technology Conference being held in Houston on May 3 - 6, 2010.

Question called. Motion carried unanimously.

10-04-295 2009 Community Review

Motion – Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT approval be granted to print an additional 1,120 copies of the 2009 Community Review at a cost of \$763.38 (plus HST).

Question called. Motion carried unanimously.

ENGINEERING SERVICES COMMITTEE

No report.

PLANNING & LAND USE DEVELOPMENT COMMITTEE

10-04-296 Integrated Community Sustainability Plan (ICSP)
FCM Funding Request

Motion – Deputy Mayor Locke/Councillor Aker

“RESOLVED THAT approval be granted for the completion of the formal application process for funding for the preparation of the Integrated Community sustainability Plan, as well, as approval for the Mayor to write to

the Federation of Municipalities and, under the Green Municipal Funds program, request the amount of \$16,363.00 from the fund, which is fifty percent (50%) cost sharing of the total cost of \$32,726.00 of the plan.

Question called. Motion carried unanimously.

10-04-297 Universal Design Network
Information Brochure

Council was advised of an information brochure prepared by Universal Design Network to improve awareness of universal design issues and methods to achieve universal design. Universal Design is the design of products and environments that enhance comfort, safety and convenience regardless of age, size, or mobility. The Universal Design Network is a group of individuals and organizations committed to promoting universal design and access for all. This participation was one of the outcomes of the 2009 Housing and Homelessness Study. Copies of this brochure will be made available at the front counter of the Planning and Development Department for developers and the general public.

10-04-298 Municipal Plan Amendment No. 76, 2010
Development Regulations Amendment No. 196, 2010
23 Moores Drive

Motion – Deputy Mayor Locke/Councillor Stoyles

RESOLVED THAT Municipal Plan Amendment No. 76, 2010, and the Development Regulations Amendment No. 196, 2010, be approved and forwarded to the Department of Municipal Affairs for registration.

Discussion: The purpose of the amendment is to clarify the land use designations and zoning boundaries at and abutting 23 Moores Drive to reflect the property boundaries and existing uses of land at this location. It was requested that Deputy Mayor Locke's name replace the Mayor's name on the associated documentation.

Question called. Motion carried with Mayor Simms and Councillor Aker abstaining from voting due to a conflict of interest.

10-04-299 City's Geographic Information Systems (GIS)
Now Online at City's New Website - www.mountpearl.ca

Council was advised that the Geographic Information System (GIS) as part of the City's new website, at www.mountpearl.ca, is now available to the public. GIS is a new service to distribute spatial and property related information to residents, businesses and visitors to the City of Mount Pearl. The information and data is more up to date than with static maps. This system identifies all properties, buildings, civic numbering, street

information address searches, zoning and natural features of the City. Air photos from 1951, 1994, 2003 and 2006 are also available on line. Connection is also available to Google Street View directly from the map. In future, further features and GIS applications will be added to the site. Further information on what Geographical Information System (GIS) is can be found by visiting the website: <http://www.gis.com/content/what-gis>.

10-04-300 Satellite Ambulance Station
MAE Design Ltd. (Gentara Company Ltd.)
933 Topsail Road

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT an application for the construction of an approximately 215 m² Eastern Health satellite ambulance station and associated site development at 933 Topsail Road be approved and a conditional development permit be issued subject to the conditions outlined in the staff report of April 15, 2010.

Discussion: Council was advised that the Regional Fire Department will be phasing out the provision of ambulance transport services. The Department will respond to 911 calls and provide back-up response to Eastern Health. It was indicated that this service will be a great asset to the City of Mount Pearl and its residents.

Question called. Motion carried unanimously.

10-04-301 Notice of Motion
Amendment – Mount Pearl Development Regulations 1988

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 will, at a regular meeting of council move an amendment to the Mount Pearl Development Regulations 1988 that, if enacted, will amend Part II, General Development Standards as follows:

In Regulation 49, titled "Offstreet Parking Requirements" add the following clause:

6. Where an off-street parking space or spaces has/have been approved by the Authority on a lot or property, parking of vehicles shall be on the hard surfaced area of the lot approved for the off-street parking space or spaces and the parking of vehicles shall not be permitted on the landscaped yards of the lot or property.

The intention of this amendment is to provide Council with the authority to prohibit parking on the landscaped yards of lots and properties.

10-04-302 Notice of Motion
 Amendment – Mount Pearl Development Regulations 1988

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 will, at a regular meeting of council move an amendment to the Mount Pearl Development Regulations 1988 that, if enacted, will

1. Amend Part II – General Development Standards by adding the following immediately after Regulation 53 titled "Parks and Playgrounds and Conservation Uses":

Residential Interior Corner Lots

Where a residential corner lot abuts upon two parts of the same street and is situated within a crescent street or cul de sac, the Authority may use its discretion to permit an accessory building or an attached garage to encroach upon the Flanking Street Side Yard provided that:

- a) the encroachment is on that portion of the lot that is designated as the flanking street side yard and not the front yard of the lot;
- b) the setback of the accessory building or attached garage ensures sufficient distance to accommodate a parking space off the Authority's road right of way;
- c) the location of the accessory building or garage does not create a visual obstruction to sight lines or hinders the Authority's snow clearing operations; and,
- d) such a decision is made pursuant to Regulation 10 of the Development Regulations.

Renumber the regulations in Part II in a sequential order starting with Regulation 52.

The intention of this amendment is to provide Council with the discretionary authority to permit residential accessory buildings or attached garages on interior corner lots that will not meet the normal flanking street side yards development standards of the use zones.

10-04-303 Notice of Motion
 Amendment – Mount Pearl Development Regulations 1988

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 will, at a regular meeting of council move an

amendment to the Mount Pearl Development Regulations 1988 that, if enacted, will:

Rezone the property located at 5 Centennial Street from Commercial-General (GC) to Mixed-Development (MD).

The intention of this amendment is to allow the expansion of the main building at 5 Centennial Street (Wilkin's Automotive Repairs).

10-04-304 Development Permits

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT development permits issued for the period of April 2 – 16, 2010 be approved as presented.

Question called. Motion carried unanimously.

10-04-305 Building Permits

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT building permits issued for the period of April 2 - 16, 2010, showing a total construction value of \$9,651,000.00, be approved as presented.

Question called. Motion carried unanimously.

NEW BUSINESS

10-04-306 Composting
Multi-Materials Stewardship Board (MMSB)

Councillor Lane advised of complaints regarding composting in that the proper containers are not being used and this has resulted in attracting rodents to the areas in question. He questioned the status of previous discussions between MMSB and the City's Infrastructure & Public Works Department on this matter. He was of the understanding that a brochure was to be forwarded to residents outlining proper composting methods. He requested that the matter be referred to the Infrastructure & Public Works Committee for consideration and subsequent report.

10-04-307 Branscombes Pond

Councillor Lane advised that residents continue to express concern regarding silting into Branscombes Pond. It was noted that City staff as well as Department of Fisheries & Aquaculture staff have been monitoring

the area. They have advised that the water has been tested with good results and a meeting has been held with the developer. It was requested that the matter be referred to the Infrastructure & Public Works Department for a further update and subsequent communication to the (area) residents.

10-04-308 Policy – Green Initiatives – Equipment

Councillor Lane acknowledged receipt of information from the Director of Infrastructure & Public Works regarding the City's current practice of keeping green initiatives in mind when purchasing equipment. He suggested that this practice be formalized into a policy and referred to Council for consideration via the Infrastructure & Public Works Committee.

10-04-309 Beautification – Park Avenue/Pinebud Park

Councillor Lane requested that consideration also be given to improving Pinebud Park when reviewing areas to be beautified in the Park Avenue neighborhood.

10-04-310 Bulk Garbage – Walkway System

Deputy Mayor Locke advised of an area on the walkway system whereby a resident had placed the concrete base/fence post. It was requested that staff investigate the matter and pursue it with the property owner. He reminded residents to take pride in their community, noting that the trail way isn't a dumping ground.

10-04-311 Citizen of the Year

Members of Council extended personal expressions of congratulations to Mr. Bartlett and the Citizen of the Year nominees as well as to the City's co-host – the Kinsmen Club.

10-04-312 Director of Corporate Services
“Mike Badham Award for Outstanding International Volunteer Contribution”

Members of Council extended personal expressions of congratulations to Ms. Peach upon receiving the Mike Badham Award.

10-04-313 Atlantic Mayors Congress

Councillor Stoyles provided an update coming from the Atlantic Mayors' Congress meetings, particular reference was made to the new federal regulations that will require upgrades to municipal wastewater systems. The Congress is requesting a national three-way cost-sharing agreement.

Motion – Councillor Stoyles/Councillor Walsh

RESOLVED THAT approval be granted to write the Federal Minister of the Department of Environment (with copies to the City's M.P. and M.H.A.'s) seeking a federal/provincial/municipal cost sharing arrangement for the upgrading of municipal wastewater systems required to meet the new federal regulations.

Discussion: It was pointed out that the cost to the City of Mount Pearl could potentially result in \$10 million capital and an increased operating cost. Council noted that the gas tax money was put in place to address existing deficiencies not to fund new programs. An opinion was also expressed whereby it was thought that the Federal Government should bear the cost and not download to municipalities. It was agreed that a letter outlining Council's concerns would be prepared for review by Council prior to being forwarded to the Minister of Environment.

Question called. Motion carried unanimously.

10-04-314 Northeast Avalon Joint Council (NEAJC)

Councillor Stoyles advised that the NEAJC will be meeting on April 21, 2010 in the Town of Paradise. The Minister of Municipal Affairs, the Honourable Dianne Whalen, will be the guest speaker.

10-04-315 Municipalities Newfoundland & Labrador (MNL)
Avalon Regional Meeting

Councillor Stoyles advised of an Avalon Regional Meeting (MNL) scheduled for May 7 in the Town of Bay Roberts. She noted that Senator Fabian Manning has been confirmed as guest speaker and it is hoped that Minister Peter MacKay will also be in attendance.

10-04-316 City of St. John's – Congratulations

Councillor Walsh extended congratulations to the City of St. John's on the successful Juno Awards event and in recognition of the City of St. John's assistance as a sponsor.

ADJOURNMENT

As there was no further business, the meeting adjourned at 5:30 pm on a motion by Councillor Aker and seconded by Councillor Walsh.

Chairperson

Deputy City Clerk