



PUBLIC COUNCIL MEETING MINUTES
August 24, 2010

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on August 24, 2010 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

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

MEMBERS ABSENT

Councillor Paul Lane

Mayor Simms chaired the meeting.

10-08-616 Adoption of Agenda

Motion – Councillor Stoyles /Councillor Tessier

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

10-08-617 Adoption of Minutes

Motion – Councillor Walsh/Councillor Aker

RESOLVED THAT the minutes of the public meeting held on August 10, 2010 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING

10-08-618 Park Avenue

Council was advised that the contractor is currently completing “finishing work” on the Park Avenue project and until such time the contractor requests a substantial completion report, the project is not complete. It was further noted that the issue of changes to the tender specifications requiring a contractor evaluation process has been referred to Municipalities Newfoundland & Labrador and the Urban Municipalities Committee to pursue with the Provincial Department of Municipal Affairs.

10-08-619 Hillside Subdivision Development (Cynergy)

Council was advised that the developer (Cynergy) has indicated that work on the Hillside Subdivision Development will not start for at least another two weeks. With respect to repairing the area to the entrance to Gadwall Place, it was requested that Cynergy be asked to consider this work a priority. In the meantime, the City would tentatively schedule the work to be done by City forces with associated costs charged to the developer should the work not be completed by the developer at the suggested two week timeframe.

ACTION REPORT

The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

None noted.

CORRESPONDENCE

10-08-620 Ratification of Collective Agreement

It was noted that the City’s collective agreement with its unionized employees (CUPE Local 2099) expired on June 30, 2010. Collective bargaining commenced in May with a tentative agreement being reached on July 27, 2010.

The agreement covers a four-year period from July 1, 2010 to June 30, 2014. It includes overall wage increases of 17% for all classifications commencing with 5% on July 1, 2010 and 4% in each year commencing on July 1 in 2011, 2012 and 2013.

In addition to these increases there were a number of other changes agreed upon including the use of date of hire for seniority for newly-hired employees, minor increases in meal and clothing allowances and greater

flexibility in the use of flex time and the use of overtime. The contract also provides for use of the City's branding and image for clothing used by employees who routinely interact with the public as well as the establishment of a committee to update current job descriptions.

The tentative agreement was ratified by the City on July 27 and by CUPE Local 2099 on July 29, 2010.

Motion – Councillor Tessier/Councillor Stoyles

RESOLVED THAT approval be granted to execute the Collective Agreement between the City of Mount Pearl and CUPE Local 2099 as negotiated and as previously ratified by both parties AND FURTHER THAT the negotiated increases for the unionized employees be made applicable to both management employees and to councillors' remuneration.

Question called. Motion carried unanimously.

10-08-621 Minister of the Environment

A letter was presented from The Honourable Jim Prentice, Minister of the Environment, acknowledging Council's letter concerning the proposed *Wastewater Systems Effluent Regulations* under the *Fisheries Act*. He noted that Council's commentary will be taken into consideration during the finalization process of these Federal Regulations.

COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE

10-08-622 Policy – Handling of Hogweed

Residents were advised that should they locate the giant hogweed plant on their property they should contact a landscape professional to identify and remove the plants. Should the plant be found on City property, residents should contact the Department of Infrastructure & Public Works to have the plant removed.

An information sheet pertaining to the giant hogweed will be also be available on the City website.

COMMUNITY SERVICES COMMITTEE

10-08-623 Admiralty House Museum & Archives

Council was advised that the Honourable Terry French, Minister of Tourism, Culture and Recreation, announced on August 11, 2010, a Heritage Investment to Admiralty House Museum & Archives in the amount of \$9,020

for operational support through the Cultural Economic Development Program. Council commended the Admiralty House Board of Directors and Manager, Angela Noseworthy on this funding initiative. It was requested that a letter of appreciation be forwarded to the Minister and copied to the Board.

10-08-624 Philip Holloway – 2nd Place Brass Winner, National Music Festival 2010

Council was advised that Philip Holloway, a resident of Mount Pearl, was named the second place winner of the Brass category at the 2010 National Music Festival. In 2006, Philip was Mount Pearl's Youth of the Year; in 2007, Philip was also the recipient of the Mount Pearl Performing Arts, Individual Award. Philip has since completed his music degree at MUN and has been accepted in MUN Medical School in September 2010. Congratulations were extended to Mr. Holloway on these wonderful achievements. It was requested that a letter of congratulations be forwarded from the Mayor's office.

10-08-625 Swimming Program – Instructor

Council was advised of a note of appreciation from a parent of a child who participated in the City's swimming program. Compliments were extended to Mike Delaney, Lifeguard/Instructor, stating that he is an excellent instructor and how he makes learning to swim and water safety fun for the kids. Council acknowledged Mr. Delaney's excellent work as well as other pool staff for their initiative and dedication to the pool programs and services.

10-08-626 Grand Concourse Authority
Release of Additional Capital Project Funding 2010

Motion – Councillor Walsh/Deputy Mayor Locke

RESOLVED THAT approval be given to pay the Grand Concourse Authority the amount of \$250,000 which would assist with various capital projects including the relocation of St. David's Field, as allocated in the Community Services grant capital funding for the GCA projects 2010.

Discussion: An update was provided on the following projects:

Team Gushue Artificial Turf Site	\$60,000	Completed
Galway Park	\$60,000	Completed

Dog Park Relocation	\$45,000	Progress
Linear Park Upgrades	\$14,000	Outstanding
Mount Carson/Kenmount Park	\$75,000	Progress

Team Gushue Sports Complex/Relocate St. David's Field	\$350,000	Progress
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The grading and installation of the drainage system for the relocation of the St. David's Field at the Team Gushue Site is expected to commence the week of August 23. The field then will be within 8 inches of completion (topsoil & sod). Because of the softball field work on the site, it will be necessary to reconfigure the existing parking space currently used for soccer fields. The parking layout will be done to rough grade (parking standard) over the next three (3) weeks and will satisfy the needs of soccer.

Softball Field – It was confirmed that the proposed softball field will be designed to accommodate national tournaments. Council was advised that discussions have been held with representatives of the league's executive regarding this project and that plans were positively received. It is intended to share further information in a public forum in due course.

Question called. Motion carried unanimously.

10-08-627 Proposed Dog Park – Briefing Session
Scheduled for August 31, 2010

The briefing session on the proposed dog park on Old Placentia Road is scheduled for Tuesday, August 31, 2010 at 7:30pm at City Hall – Council Chambers. The proposed agenda and concept plan were presented for the information of Council.

CORPORATE SERVICES COMMITTEE

10-08-628 Donation
Run the Rock 2010 – H.M.C.S. St. John's (Children's Wish Foundation)

Motion – Councillor Tessier/Councillor Stoyles

RESOLVED THAT approval be granted to provide a \$100 donation in support of the HMCS St. John's 2010 "Run the Rock" fundraiser.

Discussion: It was noted that the runners will be traveling through Mount Pearl on October 1 and will be greeted by the Mayor or his representative.

Question called. Motion carried unanimously.

10-08-629 July 2010 Payment Register

Motion – Councillor Tessier/Councillor Stoyles

RESOLVED THAT the July 2010 payment register totaling \$3,125,539.00 be approved as presented.

Question called. Motion carried unanimously.

10-08-630 Invoices for Approval

Motion – Councillor Tessier/Councillor Stoyles

RESOLVED THAT the following invoices be approved for payment:

1.	Pyramid Construction (Traffic Lights - Bruce/Glencoe, Thomas Byrne/Topsail)	\$ 137,698.24
2.	Cougar Engineering and Construction Limited (Trout Place Upgrading)	\$ 32,932.81
3.	Electronic Centre Limited (Depot Cameras)	\$ 8,019.02
4.	Provincial Fence Products Limited (Repairs & Installation - McCarthy Crescent and Westminster Drive)	\$ 7,740.50
5.	BAE-Newplan Group Limited (Professional Fees - 2010 Leak Detection)	\$ 5,274.28
6.	Sea-Force Diving Limited (Pipe Inspection Services and Sewer Jet Services)	\$ 7,209.40
7.	Detroit Diesel-Allison Canada East (Automatic Transmission for Garbage Truck #720)	\$ 5,418.35
8.	Clean Sweep Property Maintenance (Line Painting and Street Markings)	\$ 83,802.02
9.	Stanley Flowers Limited (Supply & Maintenance for August 2010)	\$ 10,959.87
	TOTAL	\$ 299,054.49

Question called. Motion carried unanimously.

ECONOMIC DEVELOPMENT, COMMUNICATION AND TOURISM COMMITTEE REPORT

10-08-631 Proposed Purchase of Berm Land
Rear of Dundee Avenue & 127 Clyde Avenue

Motion – Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT approval be granted for the Mayor and CAO to execute the Deeds of Conveyance for the sale of the properties as denoted below, with costs for the boundary surveys borne by the purchasers, and for the City's storm sewer easement property located south of 46 Dundee Avenue:

Purchaser	Location	Acreage	Price
Sea Force Technologies	42, 44 & 46 Dundee Ave	1.35	\$39,150
MMAC Holdings	40 Dundee Ave	0.15	\$ 4,350
10886 Newfoundland Inc.	38 Dundee Ave	0.137	\$ 3,937
Agency Holdings	36 Dundee Ave	0.156	\$ 4,524
Principal Holdings	127 Clyde Ave	0.40	\$11,600

Question called. Motion carried unanimously.

10-08-632 Cornet Global Summit
Phoenix, Arizona – September 18-21, 2010

Motion – Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT approval be granted for Councillor Lucy Stoyles to attend the Corenet Global Conference being held in Phoenix from September 18-21, 2010.

Question called. Motion carried unanimously.

ENGINEERING SERVICES COMMITTEE

10-08-633 Brookfield Plains Development

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted to issue a Notice of Acceptance to Kavanagh & Associates for the Brookfield Plains Development.

Discussion: It was confirmed that an agreement had been entered into with City of St. John's for snowclearing of the entrance to the development.

Question called. Motion carried unanimously.

10-08-634 Municipal Infrastructure Agreement
Building Canada Fund Communities Component
2010 Street Upgrading Project # 26731

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted for the Mayor and Chief Administrative Officer to execute the Municipal Infrastructure Agreement for the communities component, 2010 street upgrading program.

Discussion: Appreciation was expressed to both levels of government.

Question called. Motion carried unanimously.

10-08-635 2010 Street Upgrading – CP3
Tender Results

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted to award the tender for the 2010 Street Upgrading Project (CP3) to the low bidder, Modern Paving, for the bid amount of \$1,352,961.43.

Question called. Motion carried unanimously.

PLANNING AND LAND USE DEVELOPMENT COMMITTEE

10-08-636 Ratification of Order – 1½ Wyatt Boulevard
Issued – August 13, 2010

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the Order to the property owner of 1½ Wyatt Boulevard to clean up, landscape, and secure the property, as issued on August 13, 2010, be ratified.

Question called. Motion carried unanimously.

10-08-637 Professional Development – Director of Planning & Development
API Conference 2010 - Moncton, New Brunswick – November 1-3, 2010

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be granted, in accordance with the Professional Development & Training Policy, for the Director of Planning &

Development to attend the Atlantic Planners' Institute Conference for 2010 being held in Moncton, November 1 – 3, 2010.

Question called. Motion carried unanimously.

10-08-638 Mount Pearl Municipal Amendment No. 78, 2010 and Development Regulations Amendment No. 202, 2010 1246-1260 Topsail Road

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT Municipal Plan Amendment No. 78, 2010 and Development Regulations Amendment No. 202, 2010 be approved as presented.

Discussion: This amendment is a result of the proposed extension to the western portion of 1246-1260 Topsail Road, and to rectify the designation and zoning boundaries to correspond to the current property ownership. The most appropriate designation to accommodate the western extension would be the Mixed Use designation and Mixed Development (MD) use zone. This amendment request was brought forward by Ron Fougere Architects on behalf of the property owner of 1246-1260 Topsail Road (Coastal Marine).

Question called. Motion carried unanimously.

10-08-639 DA10-483 – Building Extension for Warehouse Use Canadian Storage Solutions Ltd. (LJP Holdings Inc.) 8 Trout Place

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT an application by Canadian Storage Solutions Ltd., on behalf of LJP Holdings Inc., for a 2,319 m² building extension for warehousing use with associated offices on the south side of the existing building at 8 Trout Place including associated site developments be approved subject to the following conditions:

1. The development meeting the requirements as set out by the St. John's Regional Fire Department and Newfoundland Power.
2. Finance Division requirements.
3. Inspection Services requirements.
4. Planning Services requirements.
5. The development meeting the City of Mount Pearl Development Regulations, 1988.

Question called. Motion carried unanimously.

10-08-640 DA10-679 – Building Extension for General Garage Use
Variance Request – Reductions in Minimum Side Yard Width on Flanking St
1059 Topsail Road – Summit Builders (Minute Muffler)

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT an application (and variance request) by Summit Builders, on behalf of Minute Muffler, proposing the construction of a 108 m² building extension on the west side of the existing building at 1059 Topsail Road be approved and a development permit issued subject to the following conditions:

1. Newfoundland Power requirements
2. Engineering Services Division requirements
3. Finance Division requirements
4. Inspection Services requirements
5. Planning Services requirements

Discussion: With reference to the condition of the grounds of the adjacent property, Council was advised that a City Inspector has been requested to undertake an inspection.

Question called. Motion carried unanimously.

10-08-641 Development Permit List

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the development permits issued for the period of August 7 – 20, 2010 be accepted as presented.

Question called. Motion carried unanimously.

10-08-642 Building Permit List

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT building permits issued for the period of August 7 – 20, 2010, showing a total construction value of \$925,860.00, be approved as presented.

Question called. Motion carried unanimously.

10-08-643 DA10-0591 – Interior Renovations for Dance School
28 Allston Street - Interior Specialties Ltd.
(The School of Dance Studio East & Goldstone Holdings)

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT an application for interior renovations to a 260.25 m² portion of the building (unit 1) at 28 Allston Street to accommodate a dance studio be approved subject to the following conditions:

1. Government Services Centre approval.
2. City's Finance Division requirements.
3. City's Inspection Services requirements.
4. City's Planning Services requirements.
5. The development meeting the City of Mount Pearl Development Regulations, 1988 and LI Land Use Zone development standards.

Question called. Motion carried unanimously.

NEW BUSINESS

10-08-644 Parking of Vehicles

Councillor Aker raised the issue of vehicles parked at the intersections of the trails and City streets. He asked motorists not to park there for the benefit of users of the trailway system. It was noted that some action has been taken whereby crosswalks have been installed to address this particular issue. He was requested to notify the Director of Infrastructure & Public Works of any sites where this is a frequent problem.

10-08-645 Mount Pearl Blazers Senior Baseball Team

Councillor Aker extended congratulations to the Mount Pearl Blazers for their efforts during the Molson Provincial Senior A baseball series. Appreciation was also extended for the provision of jerseys worn at today's meeting.

10-08-646 On-Line Swim & General Program Registration

Councillor Walsh advised that on-line swim and general program registration will be launched respectively on August 29 and September 7. It was also noted that participants will also be able to register in person. Further details are available on the City website (www.mountpearl.ca).

10-08-647 City Stars

Councillor Walsh commented on the opening of the City Stars facility located in the former Pearlgate Lanes building. He noted the possible impact of the reduction in bowling lanes may have on user groups. He extended best wishes to the City Stars team.

10-08-648 Yvonne Jones, Leader of the Official Opposition
Government of Newfoundland & Labrador

Councillor Stoyles extended best wishes to Ms. Jones in recognition of her recent health issues. It was requested that Council forward an expression of “best wishes” to Ms. Jones.

10-08-649 Condolences – Family of Tony Silver

On behalf of Council, Councillor Stoyles extended condolences to the family of the late Tony Silver. It was requested that an expression of sympathy be forwarded to the Silver family.

10-08-650 Condolences – Family of Seymour Dyke

On behalf of Council, Councillor Stoyles extended condolences to the family of the late Seymour Dyke. It was requested that an expression of sympathy be forwarded to the Dyke family.

10-08-651 Property – Rear of Dominion

Councillor Stoyles advised of some bags of garbage located on the rear of the Dominion property. Referred to the Director of Infrastructure & Public Works for action.

10-08-652 Business Retention & Expansion Conference
New Orleans, Louisiana - August 14 – 17, 2010

Deputy Mayor Locke advised that he did not attend the above noted conference as previously approved by Council. It was noted that there were no costs incurred.

10-08-653 Reminder to Motorists

Councillor Tessier reminded motorists to be extra careful as students return to school.

ADJOURNMENT

As there was no further business, the meeting adjourned at 5:35 pm on a motion by Councillor Tessier and seconded by Councillor Walsh.

Chairperson

Deputy City Clerk