



**PUBLIC COUNCIL MEETING MINUTES
December 20, 2011**

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on December 20, 2011 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
Brian Chmarney, Director, Community Services
Jason Silver, Director, Corporate Services
Mona Lewis, Deputy City Clerk

Mayor Simms chaired the meeting.

11-12-808 Adoption of Agenda

Motion – Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

11-12-809 Adoption of Minutes

Motion – Councillor Walsh/Councillor Aker

RESOLVED THAT the minutes of the public meeting held on November 29, 2011 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING

11-12-810 Hedge – 20 Bannister Street

Council was advised that although the property owner had indicated he would be removing the hedge, he instead initiated legal action. The matter has been referred to the City's solicitor for his comments prior to taking any further action. When it is confirmed that the City has the authority to request removal of the hedge, the property owner will be required to remove it immediately or otherwise the City will have it removed and the associated costs applied to the property owner's tax account. It was indicated that an update would be provided to the complainants upon receipt of their names.

ACTION REPORT

The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

There were no proclamations or presentations.

APPOINTMENT

11-12-811 Manager of Infrastructure & Public Works – Appointment

Mayor Simms announced the appointment of Gerard (Gerry) Antle as the City's new Director of Infrastructure & Public Works, commencing on January 16, 2012.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

PLANNING AND LAND USE DEVELOPMENT COMMITTEE

11-12-812 Application for Subdivision, Row Dwelling (3 Unit) and Minimum Side Yard Width Standard Variance – DA11-00950 16 Sunrise Avenue

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT an application to demolish the existing two unit dwelling and subdivide the parcel of land at 16 Sunrise Avenue into three lots for the purpose of creating a three (3) unit row dwelling development and, pursuant to Regulation 10, be refused for the following reasons:

1. The proposal does not meet the minimum side yard requirements of 3 m of the RMD use zone for row dwelling development. Council is not prepared to vary this requirement as the Council:
 - a) has considered its effect on adjoining properties and is of the view reducing the side yard requirement would be detrimental to the development standards of the area; and,
 - b) Council is satisfied that the variance request has become necessary due to the intentional conduct of the owner.
2. In assessing the general appearance of the development of the area, the proposal is not consistent with the form and style of dwellings in this portion of Sunrise Avenue.
3. If Council was to use its discretion to approve a row dwelling development in this area, such a decision would be a precedent for future similar developments and this would signal to future developers that Council is prepared to consider such proposals in this area. Without first undertaking a proper planning process and a conscious decision by Council to adoption a comprehensive development scheme that provides detail land use policies and specific locations for row dwelling development in this area, Council's use of discretion in response to individual applications will be ad hoc in nature and will be perceived as creating instability in the nature of development in the neighbourhood.

Discussion: It was confirmed that future (similar) proposals for this area would not be approved.

Question called. Motion carried unanimously.

11-12-813 Application for Building Extension – DA11-00890
Summit Builders
20 Allston Street

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT an application by Summit Builders Limited, on behalf of Martin's Fire Safety Ltd., for the construction of a 246.19 m² building extension, to the rear of the existing building at 20 Allston Street proceed as follows:

1. Pursuant to Regulation 10 of the Mount Pearl Development Regulations, the proposed building extension with a 3.305 m side yard be approved and a development permit issued for the proposed extension subject to comply with all standards and requirements of the Mount Pearl Development Regulations;
2. The Stop Order issued on November 7, 2011 be rescinded; and,

3. The recommendation by the Committee of the Whole to issue a development permit on December 13, 2011 be ratified.

Discussion: Council reiterated that they do not condone the action of the contractor to commence construction prior to the approval by Council. It was suggested that the Committee consider the implementation of punitive measures for those who proceed without the appropriate permit.

Question called. Motion carried unanimously.

11-12-814 Proposed Sunroom Extension – DA11-00574
Bubba’s Tubs - 1207 Topsail Road

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT an application by “Bubba’s Tubs”, to install a sunroom on the eastern side of the building at 1207 Topsail Road proceed as follows:

1. Pursuant to Regulation 10 of the Mount Pearl Development Regulations, the proposed application be approved with a 1.5 m landscaped and curbed side yard and that a development permit be issued for the proposed extension subject to comply with all standards and requirements of the Mount Pearl Development Regulations.
2. The recommendation by the Committee of the Whole to issue a development permit on December 13, 2011 be ratified.

Question called. Motion carried unanimously.

11-12-815 Confirmation of Order
912-924 Topsail Road

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the Order to the property owner of 912 – 924 Topsail Road issued on December 6, 2011 be ratified.

Question called. Motion carried unanimously.

11-12-816 Home-Based Businesses Operating Without a Permit
16A Princeton Crescent and 55 Sapphire Crescent

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the Orders to the property owners of 16A Princeton Crescent and 55 Sapphire Crescent issued on December 13, 2011 be ratified.

Discussion: Orders were issued to both business owners to cease and desist their business operation as they were in violation of the City requirements. It was noted that these businesses were being operated by the tenants living in the dwellings. Council was advised that since the Orders were issued, both have submitted applications and a motion to rescind the Orders will be referred to a future meeting.

Question called. Motion carried unanimously.

11-12-817 CIP Designation of MCIP (Member of the Canadian Institute of Planners)
Manager of Planning and Inspection Services

Council was advised that the Manager of Planning and Inspection Services, Ms. Julia Schwarz, has achieved membership designation status (MCIP) with the Canadian Institute of Planners. Congratulations were extended to Ms. Schwarz.

11-12-818 Trout Place Land Exchange
LJP Holdings Inc

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT approval be granted for the Mayor and CAO to execute the Deed of Conveyance to complete the land exchange between the City and LJP Holdings Inc.

Question called. Motion carried unanimously.

11-12-819 Four (4) Apartment Buildings (204 Units) – DA11-00370
Sundara Condominium Development
835-841 Blackmarsh Road

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT an application for a proposed condominium development by Rockmount Properties Inc., called Sundara Condominium Development, which is comprised of 4 (four) apartment buildings, with 51 units per building for a total of 204 units, which is located south of Blackmarsh Road and north of Topsail Road, be approved and a development permit issued subject to the following conditions:

1. Newfoundland Power requirements;
2. St. John's Regional Fire Department's requirements;
3. Engineering Services Division requirements;
4. Inspection Services requirements; and
5. Planning & Development Department requirements.

Discussion: The above noted requirements are listed in the Committee report dated December 15, 2011.

Council extended assurance to the residents of Gadwall Place (off Blackmarsh Road) that consideration will be given to installing sidewalks following the completion of the development.

Question called. Motion carried unanimously.

11-12-820 Mount Pearl Municipal Plan and Development Regulations 2010

The Committee was advised that the Mount Pearl Municipal Plan and Development Regulations (City Plan 2010) have been registered by the Department of Municipal Affairs.

The new municipal plan and development regulations replaces the existing plan and regulations which were approved in 1989 and provides the policy direction and regulation of the growth and development of the City of Mount Pearl for the next 5 year planning period.

City Plan 2010 and the implementing Development Regulations will take effect upon the publishing of a notice in the Newfoundland Gazette in the first week of January 2012.

11-12-821 Rescinding of Orders

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT approval be granted to rescind the following Orders as all outstanding matters have now been completed or resolved to the City's satisfaction:

Date of Issue	Civic Address	In Relation to:
April 12, 2011	3 Emerald Drive	Occupancy and Maintenance Regulations
June 13, 2011	9 St. David's Avenue	Anti-Litter Regulations
June 17, 2011	6 Ingerman Street	Occupancy and Maintenance Regulations
July 9, 2008	970 Topsail Road	Non-Compliance with Development Regulations
August 20, 2009	970 Topsail Road	Non-Compliance with Development Regulations

Question called. Motion carried unanimously.

11-12-822 Notice of Motion
Amendment – Mount Pearl Development Regulations 1988

Councillor Aker 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 text of the Mount Pearl Development Regulations 1988, that, if enacted, will:

1. In Schedule "C", Restricted (RESTRICTED) use zone table, section 3 titled "automotive sales use", amend the use zone table as follows:
 - a. re-title to "automotive use"
 - b. replace the text "automotive sales use" with "automotive use"
 - c. replace section 3. (ii) to read "parking lot shall be paved and shall not require any municipal services."

The intention of this amendment is to provide Council with the authority to consider parking lot uses within the Restricted (RESTRICTED) use zone where the parking lot use is associated with a permitted use within the Development Regulations.

11-12-823 Development Permit List

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the Development Permit list for the period of November 28 – December 16, 2011 be accepted as presented.

Question called. Motion carried unanimously.

11-12-824 Building Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT building permits issued for the period of November 27 – December 16, 2011, showing a total construction value of \$8,398,292.00, be approved as presented.

Question called. Motion carried unanimously.

PUBLIC WORKS COMMITTEE

11-12-825 Winter Season

Council was advised that all maintenance for snow clearing equipment has been completed in preparation for the winter season. The salt storage shed is currently filled with approximately 2800 metric tons of road salt with additional salt being delivered throughout the winter months as needed.

The City has also purchased a new loader (complete with snow blower attachment) that will provide equipment operators the ability to use the machinery to blow snow as well as plow. This loader is one size larger than other loaders in the fleet and has been assigned to the Mount Carson route (the

most challenging route in the City) in an effort to enhance service and safety on this street during the upcoming winter months.

11-12-826 Traffic Study for Schools on Ruth Avenue

Council was advised that the Public Works Committee met with members from the Eastern School District to discuss concerns raised by residents with regards to the safety of children in relation to the flow of traffic to and from Mount Pearl Intermediate and Mount Pearl Senior High via Michener Avenue entrance/exit. Concerns have also been raised with regards to the “right hand turn only” signage at the rear exit which was placed there by the City at the request of the Eastern School District.

As a result of this meeting, the City of Mount Pearl, in conjunction with the Eastern School District, will conduct a cost shared traffic study of schools in and around Ruth Avenue in an effort to find a solution to issues surrounding the flow of traffic in these areas and to determine the proper signage requirements.

COMMUNITY SERVICES COMMITTEE REPORT

11-12-827 Reid Community Centre
Christmas Hours of Operation

The Reid Community Centre Christmas hours of operation are as follows:

December 23	6:00 am – 9:00 pm
December 24 – 27	Closed
December 28 – 29	6:00 am – 11:00 pm (regular hours)
December 30	6:00 am – 9:00 pm
December 31	New Years Eve Party
January 1 – 2	Closed
January 3	6:00 am – 11:00 pm (regular hours)

11-12-828 Swimming Pool
Christmas Hours of Operation

The Swimming Pool will be closed from December 22, 2011 to January 1, 2012 (inclusive) and will reopen on January 2 and 3 for open and online program registration from 10 am to 5 pm. The programs will start on January 4, 2012.

11-12-829 Family First Night Celebrations
December 31, 2011

Family First Night Celebrations will take place at the Glacier Arena on Saturday, December 31, from 4:00 - 6:00 pm. Families are invited free of charge to this non-alcoholic family event. There'll be skating, party favors, refreshments, and family entertainment. Children must be accompanied by an adult. Helmets must

be worn by children ages 12 years and under. (Non-perishable food items will be accepted at the door.)

11-12-830 Royal Newfoundland Constabulary
Report on Police Service Activities 2010-2011

The Royal Newfoundland Constabulary report covering the Police Service Activities from April 1, 2010 to March 31, 2011 was presented. The report includes crime statistics in designated areas and drug crime seizures as well as highlights the RNC commitments, goals, objectives, awards and recognitions.

11-12-831 2012 Winter/Spring Activity Guide

The Winter/Spring Activity Guides will be delivered to households beginning Wednesday, December 21.

ECONOMIC DEVELOPMENT, TOURISM & COMMUNICATION COMMITTEE

11-12-832 Business Activity
Year-End Summary

Council was advised that a summary of the business activity for 2011 to date is now available. From January 1, 2011 to December 9, 2011, there were 70 new businesses opened in Mount Pearl that resulted in 536 new jobs in Mount Pearl.

For comparison purposes, data on the number of new businesses opened in each of the past three years is provided below.

<u>Year</u>	<u># of Businesses</u>	<u># of Jobs</u>
2008	74	625
2009	78	475
2010	102	709

This brings the total number of businesses currently operating in Mount Pearl to 1109, employing approximately 15,000 people. Of these 1109 businesses, 113 (11%) are home-based businesses.

11-12-833 Public Transit Study - Meeting with Dillon Consulting Inc.

An update of the meeting with the consultant (Dillon Consulting) that is carrying out the Public Transit Study was provided. At the meeting, the City provided the consultants with information on the current public transit service, challenges and opportunities, needs, and potential options for exploration. The consultant provided information on their initial work plan to undertake the project, and noted that this includes a plan for a community engagement strategy. It is anticipated that a four-month time period will be required to complete the project. Council noted that it is hoped this study will result in improved service, increased ridership and green initiative.

ENGINEERING SERVICES COMMITTEE

11-12-834 Glacier Arena Expansion (CP2) – Interior Fit up – Change Order #13

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT Change Order #13, in the amount of \$48,124.77 (excluding HST), be approved for the Glacier Arena Expansion project, (CP2).

The changes are:

<i>Supply & install additional backer board panels</i>	<i>\$16,442.80</i>
<i>Supply & install sump pump for ice battery pit</i>	<i>\$ 2,520.97</i>
<i>Replace gutter on existing Glacier</i>	<i>\$14,872.00</i>
<i>Supply & place temporary asphalt at entrance</i>	<i>\$14,289.00</i>

Question called. Motion carried unanimously.

11-12-835 BSB Electrical Services – Change Order #5
Lighting – Squires Field and Team Gushue Softball Fields

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT Debit Change Order #5, in the amount of \$1,413.40, for a total of \$32,385.19 for the above noted project be approved.

Question called. Motion carried unanimously.

CORPORATE SERVICES COMMITTEE REPORT

11-12-836 Tax Deferral – Low Income Earner

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be granted to defer taxes (as specified) for the following properties in accordance with Council's policy for low income earners:

Roll # 3345952-0-0390-000	\$5,107.23
Roll # 3345913-0-0070-000	\$ 933.14

Question called. Motion carried unanimously.

11-12-837 Renewal
Line of Credit

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be granted to renew the \$3,000,000 line of credit with Scotiabank in accordance with Section 116 of *The City of Mount Pearl Act*.

Question called. Motion carried unanimously.

11-12-838 Electronic Documents and Records Management Software (RFP)
Evaluation Report & Recommendations

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be granted to award the RFP for an electronic document and records management system to RICOH in the amount of \$151,182.50.

Question called. Motion carried unanimously.

11-12-839 Invoices for Council Approval

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the following invoices be approved for payment:

1.	Nortrax (Misc inventory for Depot)	\$ 13,563.74
2.	Weir's Construction (Mount Carson Upgrade CP-2)	\$ 165,578.79
3.	Weir's Construction (Mount Carson Upgrade CP-1)	\$ 203,126.27
4.	Avalon Coal & Salt (road salt)	\$ 37,434.27
5.	Avalon Coal & Salt (road salt)	\$ 40,494.35
6.	Avalon Coal & Salt (road salt)	\$ 68,666.32
7.	Bae New Plan (Mount Pearl Flood Proofing Study)	\$ 7,809.23
8.	Bae New Plan (Mount Pearl Street Upgrading 2010)	\$ 13,750.76
9.	Bae New Plan (Greenwood Cres. Bridge Upgrading)	\$ 9,897.51
10.	Bae New Plan (Mount Carson Upgrade - Phase II)	\$ 28,561.98

11.	Clearaway Contracting Limited (2nd progress payment; line painting)	\$ 24,197.79
12.	Kelloway Construction Ltd. (cleaning services November 2011)	\$ 11,959.16
13.	Big Erics (reach in cooler & freezer for Reid Centre)	\$ 6,463.60
14.	Fairview Investments Limited (repair to storm sewer on Blackmarsh Rd)	\$ 11,074.00
15.	Country Trailer Sales (1999) Limited (3 x truck bodies, per tender)	\$ 42,680.10
16.	Magna Contracting (Progress Invoice # 18 – Glacier Arena)	\$ 54,381.01
	TOTAL	\$ 739,638.88

Question called. Motion carried unanimously.

11-12-840 Council – 2012 Meeting Schedule

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the 2012 council meeting schedule be approved as presented.

Question called. Motion carried unanimously.

2012 BUDGET PRESENTATION

Deputy Mayor Locke provided an overview of the budget process, the highlights of 2011 and plans for 2012.

11-12-841 2012 Tax Rates

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the City of Mount Pearl, in accordance with the City of Mount Pearl Act, establishes the following tax rates for the 2012 taxation year:

1. Property Tax

Residential	9.25 mils
Commercial	12.5 mils

2. Water and Sewer Fees

Residential	\$600 per unit
Commercial	2.3 mils (minimum \$600)

3. Commercial Water Fees

a)	0 - 100,000 gallons	No charge
	100,000 to 20 million gallons	\$6.00 per thousand
	Over 20 million gallons	\$5.50 per thousand
b)	School Boards	\$8.00 per student
c)	Provincial Government Buildings	6.25 mills

4. Business Tax:

Banks & Financial Institutions	74.2 mills
Bulk Storage - Oil Companies	37.7 mills
Professional Operations	23.0 mills
Large Department Stores	20.0 mills
Oil & Gas Service Industry	20.0 mills
Recreational and Non-Profit Organizations	11.2 mills
Hotels/Motels/Private Schools	15.4 mills
General Commercial	16.75 mills
Daycare Facilities	Exempt
Personal Care Homes	Exempt
Agricultural Operations	2.9 mills
All businesses subject to taxation under the Taxation of Utilities & Cable Television Companies Act & commercial establishments without a fixed place of business within the City	2.5% of annual gross revenue

5. Minimum Taxes

Residential Property	\$200
Commercial Property	\$250
Business Tax	\$250
Billboards (per side)	\$100

Question called. Motion carried unanimously.

11-12-842 2012 Rates & Fees

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the City of Mount Pearl, in accordance with The City of Mount Pearl Act, approve the attached Schedule of Rates & Fees, to take effect January 1, 2012.

Question called. Motion carried unanimously.

11-12-843 Interest Rate

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the City of Mount Pearl, in accordance with The City of Mount Pearl Act, approve an annual rate of interest of 10% to be levied on all past due taxes and accounts receivable.

Question called. Motion carried unanimously.

11-12-844 Revenues and Expenditures

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the City of Mount Pearl, in accordance with The City of Mount Pearl Act, approve the 2012 Budget with operating Revenues and Expenditures totalling \$38,910,000.00.

Question called. Motion carried unanimously.

NEW BUSINESS

11-12-845 2012 Budget Process

Members of Council commented on the 2012 budget process and extended appreciation to all involved.

11-12-846 Northeast Avalon Joint Council (NEAJC)

Councillor Ledwell extended appreciation, on behalf of the NEAJC, to Council for hosting the December 14, 2011 meeting. He advised that the next meeting will be held on January 18 in Paradise.

11-12-847 Youth Action Team (YAT) – Public Speaking & Debate Event

Councillor Ledwell extended congratulations to the winners of the recently held YAT public speaking/debate event.

11-12-848 Santa Claus Parade & Tree Lighting

Councillor Ledwell extended congratulations to the organizers for a successful Parade and Tree Lighting.

11-12-849 Seasons Greetings

Members of Council extended holiday greetings to residents and staff.

11-12-850 Boivan Crummey

Councillor Stoyles commented on the passing of Boivan Crummey, who was a Municipal Enforcement Officer, and extended condolences to his family.

11-12-851 College of North Atlantic – Office of Applied Research

Councillor Stoyles presented a publication from the Office of Applied Research (College of the North Atlantic), noting that their officials would be interested in meeting with City representatives to discuss possible research partnerships.

11-12-852 Municipalities Newfoundland & Labrador (MNL) – Board Meetings

On behalf of the MNL Board, Councillor Stoyles extended appreciation to Council for hosting their recent Board meetings.

11-12-853 Masonic Park Senior Citizens Complex – Board of Directors

Councillor Stoyles questioned the status of the petition submitted by the Board of Directors regarding exiting/entering Masonic Park as well as the increased speed of traffic since the reconfiguration of Mount Carson Avenue/Grangel Road. Councillor Tessier advised that the Municipal Enforcement Division will increase patrols for speeding infractions. In addition, the matter has been referred to the Engineering Services Committee for further investigation. It was noted that a response will be forwarded to the Board.

11-12-854 Chamber of Commerce

Deputy Mayor Locke acknowledged representatives of the Mount Pearl Paradise Chamber of Commerce who were in attendance. He extended appreciation to the Chamber for their input into the 2012 budget process.

11-12-855 Mount Pearl Senior High – Diploma Night

Deputy Mayor Locke congratulated the 2011 Mount Pearl Senior High graduates and commented on the number of scholarship recipients as well as their other successes. Councillor Tessier also extended congratulations to the graduates.

11-12-856 RNC Report – Website

Councillor Tessier advised that the RNC report (previously presented) was available on their website (www.rnc.gov.nl.ca).

11-12-857 Motorists

Councillor Tessier reminded motorists of the importance of not drinking and driving as well as to be extra cautious of the increased number of pedestrians due to the school Christmas vacation.

11-12-858 Parking – Glacier

Councillor Aker commented on the parking lot at the Glacier, noting that it will not be paved until the Multiplex is finished. He advised that signage is erected identifying permitted parking and noted that tickets will be issued to those parked illegally.

ADJOURNMENT

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

Chairperson

Deputy City Clerk