



**PUBLIC COUNCIL MEETING MINUTES
December 21, 2010**

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on December 21, 2010 at 4:15 pm.

MEMBERS PRESENT

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

STAFF PRESENT

Gerard Lewis, Chief Administrative Officer
Michele Peach, Director, Corporate Services
Stephen Jewczyk, Director, Planning & Development
Scott Lush, Director, Infrastructure & Public Works
Mona Lewis, Deputy City Clerk

Mayor Randy Simms chaired the meeting.

10-12-893 Adoption of Agenda

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

10-12-894 Adoption of Minutes

Motion – Councillor Tessier/Deputy Mayor Locke

RESOLVED THAT the minutes of the public meeting held on November 30, 2010 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING/ ACTION REPORT

No business arose from the previous minutes. The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

No proclamations/presentations.

CORRESPONDENCE

10-12-895 Heart & Stroke Foundation NL

A letter was presented from the Heart & Stroke Foundation thanking the City for supporting the *Annual Mayors' March* fundraiser.

COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE

10-12-896 Quotation Award – Asphalt Roller

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT the quotation for the supply and delivery of one (gas powered) asphalt roller be awarded to the lowest qualified bidder, Battlefield Equipment Rentals, in the amount of \$14,699.00 (plus HST).

Question called. Motion carried unanimously.

10-12-897 Tender Award - Standby Generator for Depot

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT the tender for the supply and installation of a standby generator for the Municipal Depot be awarded to the lowest qualified bidder, Toromont Cat, in the amount of \$217,796.75 (HST included).

Question called. Motion carried unanimously.

10-12-898 Recycling Success for November 2010

An update on the recycling program was provided. The public was advised that the City's average historic diversion rate for fibers has been 7% and the average monthly fiber recycling tonnage has been 43 tonnes. One month following the introduction of container recycling, the City's diversion rate has increased from 7% to 12% (71% increase) and the tonnage has increased from 43 tonnes to 71 tonnes (65% increase). Residents are encouraged to provide feedback on the current recycling program. The Public Works Committee will be meeting in the New Year to discuss

program participation, improvements, collection frequency and other related information.

Council was advised that condo and business owners are required to negotiate a collection arrangement with their private contractors in order to participate.

It was also noted that the CAO is preparing a proposal on behalf of all the urban municipalities with a view to providing receptacles for waste and recycled products in the open spaces/commercial areas throughout these communities. Cost sharing for this project is being pursued with the Provincial Government, FCM Green Funds, MMSB and the private industry. It is anticipated that this proposal will be ready for distribution by March 31, 2011.

10-12-899 Professional Development

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT approval be granted, in accordance with the Professional Development and Training Policy, for the Director of Infrastructure and Public Works for his attendance at an educational session (High Impact Presentation Skills) which was held at Dalhousie University from December 2 – 3, 2010.

Question called. Motion carried unanimously.

COMMUNITY SERVICES COMMITTEE

10-12-900 Quotations
2011 Community Events Calendar & 2011 Winter/Spring Activity Guide

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT the quotation for the typesetting, art work, design, and printing of the 2011 Community Events Calendar and the 2011 Winter/Spring Activity Guide be awarded to the lowest qualified bidder, Transcontinental, respectively in the amounts of \$5,313.00 (plus HST) and \$7,987.00 (plus HST).

Question called. Motion carried unanimously.

10-12-901 2011 Canada Day – Funding Application
Department of Canadian Heritage

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted for the Mayor and CAO to execute an application for funding through the Department of Canadian Heritage for the 2011 Canada Day events.

Question called. Motion carried unanimously.

10-12-902 Mount Pearl Seniors Independence Group Inc., 50+ Age Community
Memorandum of Understanding
January 1, 2011 – January 1, 2016

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT a memorandum of understanding between the City and the Mount Pearl Seniors Independence Group Inc., 50+ Age Community, which includes providing an annual subsidy in the amount of \$5,000 for the period of January 1, 2011 – January 1, 2016 (5 years), be approved as presented.

Question called. Motion carried unanimously.

10-12-903 East West North Summer Expo 2011
Memorandum of Understanding

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted for the Mayor and CAO to execute a Memorandum of Understanding between the City of Mount Pearl, City of Corner Brook, Town of Labrador City as well as the Agreement with Fabian James with respect to the East West North Summer Expo 2011 AND FURTHER THAT the first payment, in the amount of \$5,000 plus HST, to Fabian James be approved upon signing this Agreement.

Discussion: It was noted that the City has reserved the right to withdraw participation by March 31, 2011 if corporate sponsorship and other fundraising efforts are not sufficient to ensure a financially viable event.

Question called. Motion carried unanimously.

10-12-904 Reid Community Centre
Christmas Hours of Operation

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

December 25 - 27	Closed
December 28	Open (8:00 am – 11:30 pm)
December 29 - 30	Open (Regular hours)
December 31	Open (6:00 am – 11:00 am)
January 1 – 2	Closed
January 3	Open (8:00 am – 10:00 pm)
January 4	Open (Regular hours)

10-12-905 Swimming Pool
Christmas Hours of Operation

The Swimming Pool will be closed from December 23, 2010 to January 2, 2011 (inclusive) and will reopen on January 3 & 4, 2011 for program registration. The programs will start on January 5, 2011.

10-12-906 Family New Year's Eve Celebration

Family First Night Celebrations will take place at the Glacier Arena on Friday, 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 with Sonya Abbott and Magician Mark Webber! Children must be accompanied by an adult. Helmets must be worn by children ages 13 years and under. (Non-perishable food items will be accepted at the door.)

ENGINEERING SERVICES COMMITTEE

10-12-907 Building Canada Fund – 2010 Street Upgrading – CP4

Council was advised that the City of Mount Pearl has received approval from the Provincial Government to utilize remaining funds (\$1,385,125.79) from the Building Canada Fund allocation. These funds will be used for additional street upgrading in the 2011 construction season. It was noted that the streets being upgraded will be identified at the time the tender is awarded.

10-12-908 Glacier Arena Expansion
CP-2 (Interior Fit-Up)
Change Order #4 & 5

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT change orders # 4 and # 5 for the Glacier Arena Expansion project (CP2), in the amounts of \$101,670.00 and \$37,347.56 respectively, be approved.

Discussion: It was noted that the contingency will be depleted following the payment of these change orders as well as the payment of the delay claim for Pittman Enterprises.

Question called. Motion carried unanimously.

10-12-909 Status of Delivery of Traffic Poles
Bruce Street/Glencoe Drive

The public was advised that the completion of the traffic light installation at Bruce Street/Glencoe Drive has been delayed to January 31/11.

The Hurricane Igor storm event impacted the project schedule when parts intended for this traffic light system were used elsewhere to restore other traffic light systems damaged by the storm.

The supplier for the Bruce Street/Glencoe Drive traffic poles has also indicated that due to a production problem, only five of the six poles have been constructed. Additional time will be required to complete the custom shaft for the remaining pole.

The manufacturer has advised that every effort will be made to maintain this project as a priority.

10-12-910 Glacier Arena Expansion
Settlement – Pittman Enterprises Delay Claim

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT invoice number 2472, in the amount of \$81,473.00, be approved for payment to Magna Contracting & Management Inc. as the final and irrefutable settlement of the delay claim for Pittman Enterprises.

Discussion: Council was advised that this amount represented approximately one-third of the original request.

Question called. Motion carried unanimously.

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

No report.

PLANNING AND LAND USE DEVELOPMENT COMMITTEE

10-12-911 DA10-00830
44 Clyde Avenue
Industrial Rubber Newfoundland Ltd., 62528
Tire Storage and Assembly of Rubber Products
Discretionary Use Application

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT an application from Industrial Rubber Newfoundland Ltd., 62528 to occupy approximately 1114.8m² (12,000 Square Feet) within the building at 44 Clyde Avenue for the storage and assembly of rubber products, be approved and a development permit issued subject to the following conditions:

1. St. John's Regional Fire Department requirements
2. Inspector's requirements
3. Finance Division requirements
4. Planning and Development Department requirements

Question called. Motion carried unanimously.

10-12-912 Professional Development
FCM Sustainable Communities Conference
Victoria, British Columbia – February 8-11, 2011

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 FCM Sustainable Communities Conference being held in Victoria, British Columbia, from February 8-11, 2011.

Question called. Motion carried unanimously.

10-12-913 DA10-00754 – New Building Application
Billard's Trucking
24 Kyle Avenue

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT a development application by Billard's Trucking for a third building on the lot at 24 Kyle Avenue be approved subject to the signing of a development agreement, the proposal meeting development standards of the LI Land Use Zone, standard development permit

requirements, as well as requirements of external authorities and internal City Departments.

Question called. Motion carried unanimously.

10-12-914 Confirmation of Order
Regarding 1 Centennial Street

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the Order issued to Roger Coombs, Chartered Accountant, on December 3, 2010, be ratified.

Question called. Motion carried unanimously.

10-12-915 DA10-966 - Grain Silo
Country Ribbon Inc.
1273 Topsail Road

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT an application by Country Ribbon Inc. for the replacement of four smaller existing grain silos with one new grain silo (22.86 metres height; 8.23 metres diameter) in the rear of their existing facility at 1273 Topsail Road be approved and a conditional development permit be issued subject to the following conditions:

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

Question called. Motion carried unanimously.

10-12-916 Development Permit List

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT development permits issued for the period of November 27 – December 10, 2010 be accepted as presented.

Question called. Motion carried unanimously.

10-12-917 Building Permit List

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT building permits issued for the period of November 27 – December 10, 2010, showing a total construction value of \$27,573,800.00, be approved as presented.

Question called. Motion carried unanimously.

10-12-918 Notice of Motion
Plumbing Regulations 2011

Deputy Mayor Locke gave notice that in accordance with Section 39 of the City of Mount Pearl Act, 1988, he will, at a regular meeting of council present a motion that, if enacted, will adopt the City of Mount Pearl Plumbing Regulations 2011. The purpose of the proposed regulations is to implement regulations that reflect current practices and procedures with respect to codes, inspections and conditions of the City of Mount Pearl.

10-12-919 Notice of Motion
Fence Regulations

Deputy Mayor Locke gave notice that in accordance with Section 39 of the City of Mount Pearl Act, 1988, he will, at a regular meeting of council move an amendment to the text of the Mount Pearl Fence Regulations 1988 that, if enacted, will amend the definition of fence as follows:

- (a) “*Fence*” includes railing, wall, line of posts, wire, gate, boards or other similar substances used for the purpose of privacy and protection or to separate or divide any parcel of land or part thereof from any other parcel of land or part thereof, immediately adjacent thereto or to establish a property boundary and shall include hedges, shrubs and landscaping features which are used for these purposes.”

[Underlined phrases are proposed to be added to the definition.]

The intention of this amendment is to include hedges in the definition of fences.

CORPORATE SERVICES COMMITTEE

10-12-920 Tax Deferral – Low Income Earner

Motion – Councillor Lane/Councillor Tessier

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 # 3345952-0-0290-000	\$ 1,261.09
Roll# 3345400-0-0060-000	\$ 1,226.92
Roll# 3345294-0-0150-000	\$21,097.70
Roll# 3345462-0-0320-000	\$ 604.58
Roll# 3345277-0-0200-000	\$ 289.47

Question called. Motion carried unanimously.

10-12-921 Renewal
Line of Credit

Motion – Councillor Lane/Councillor Tessier

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.

10-12-922 2009 Financial Statements

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT the 2009 PSAB compliant financial statements, as audited by the firm Harris Ryan Chartered Accountants, reporting a net debt position of \$17,356,455 and accumulated surplus of \$75,084,865 which includes the net book value of our tangible capital assets totaling \$111,007,200 be approved as presented.

Discussion: It was noted that in accordance with the Gas Tax Funding agreement that PSAB compliant statements were required. Further discussion and clarification was provided on the information contained in the financial statements.

Question called. Motion carried unanimously.

10-12-923 November Payment Register

The November 2010 payment register, totaling \$4,392,504.01, was presented for the information of Council.

10-12-924 Invoices for Council Approval

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT the following invoices be approved for payment:

1.	Weir's Construction (2008 Street Upgrading - Progress Claim #13)	\$ 104,104.59
2.	Weir's Construction (Mount Carson Upgrading - Phase 1 - Progress Claim #1)	\$ 670,388.53
3.	Bae Newplan (2010 Street Upgrading - Invoice #13305)	\$ 46,130.35
4.	Bae Newplan (Mount Carson Upgrading - Phase 1 - Invoice #13309)	\$ 30,060.42
5.	Bae Newplan (2008 Street Upgrading - Invoice #13279)	\$ 13,054.72
6.	HS Training & Consulting Consulting Fee for Strategic Planning (60% of Project)	\$ 8,678.40
7.	Temple Consulting Group Limited (MAIS Software Customer Maintenance for 2011)	\$ 16,048.26
8.	Woodrow Bessey (Storm Damage @ Squire Field due to Hurricane Igor)	\$ 13,182.50
9.	Avalon Coal Salt and Oil Limited (Road Salt)	\$ 35,524.27
10.	City of St. John's (50% cost of review of Northeast Avalon Regional Plan)	\$ 18,930.84
11.	Clean Sweep Property Maintenance (Line Painting)	\$ 7,658.34
12.	Detroit Diesel Allison Canada East (Repairs to Electrical on #723)	\$ 5,630.08
13.	Lighting & Traffic Systems Limited (Replace Traffic Signal Poles - Commonwealth/Ruth/Park)	\$ 48,018.97
14.	Bae/Newplan (Sunrise Avenue Drainage Basin Project - Inv 13292-R)	\$ 20,445.64

15.	S & S Supply Limited (Machinability Tow Behind Salter)	\$ 21,244.00
16.	Harris Ryan Chartered Accountants (Professional Services re PSAB for 2009 Financials)	\$ 5,085.00
17.	Lighting & Traffic Systems Limited (Replace Controller at Ruth/Michener - Hurricane Igor)	\$ 21,269.40
	TOTAL	\$ 1,085,454.31

Question called. Motion carried unanimously.

10-12-925 Municipal Assessment Agency (MAA) – Annual Report

The 2009-2010 annual report of the Municipal Assessment Agency was tabled for the information of Council.

10-12-926 Municipal Assessment Agency (MAA) – December 2010 Newsletter

The Municipal Assessment Agency's December 2010 newsletter was tabled for the information of Council.

10-12-927 Advertising
Mount Pearl Sports Alliance Sports Hall of Fame and
Athlete of the Year Ceremonies

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted to place a 1/3 page ad in the Mount Pearl Sports Alliance Sports Hall of Fame and Athlete Awards program booklet at a cost of \$100.

Question called. Motion carried unanimously.

10-12-928 Canadian Red Cross Preparation Campaign

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted to provide a \$10,000 contribution to the Canadian Red Cross for services to be provided during emergency situations in the City and in preparation for such emergencies as outlined in the agreement between the Canadian Red Cross and the City of Mount Pearl received December 20, 2010.

Question called. Motion carried unanimously.

2011 BUDGET PRESENTATION

Councillor Lane provided an overview of the budget process, the highlights of 2010 and the rationale for the proposed changes to tax rates and fees.

10-12-929 2011 Tax Rates

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT the City of Mount Pearl, in accordance with the City of Mount Pearl Act, establishes the following tax rates for the 2011 taxation year:

1. Property Tax

Residential	9.25 mils
Commercial	12.5 mils

2. Water and Sewer Fees

Residential	\$550 per unit
Commercial	2.1 mils (minimum \$550)

3. Commercial Water Fees

a) 0 - 100,000 gallons	No charge
100,000 to 20 million gallons	\$5.50 per thousand
Over 20 million gallons	\$5.00 per thousand
b) School Boards	\$8.00 per student
c) Provincial Government Buildings	6.25 mils

4. Business Tax:

Banks & Financial Institutions	74.2 mils
Bulk Storage - Oil Companies	37.7 mils
Professional Operations	23.0 mils
Large Department Stores	20.0 mils
Oil & Gas Service Industry	20.0 mils
Recreational and Non-Profit Organizations	11.2 mils
Hotels/Motels/Private Schools	15.4 mils
General Commercial	16.75 mils

Daycare Facilities	Exempt
Personal Care Homes	Exempt
Agricultural Operations	2.9 mils
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. <u>Minimum Taxes</u>	
Residential Property	\$200
Commercial Property	\$250
Business Tax	\$250
Billboards (per side)	\$100

Question called. Motion carried unanimously.

10-12-930

2011 Rates & Fees

Motion – Councillor Lane/Councillor Tessier

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, 2011.

Question called. Motion carried unanimously.

10-12-931

Interest Rate

Motion – Councillor Lane/Councillor Tessier

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.

10-12-932

Revenues and Expenditures

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT the City of Mount Pearl, in accordance with The City of Mount Pearl Act, approve the 2010 Budget with operating Revenues and Expenditures totalling \$37,355,000.00.

Question called. Motion carried unanimously.

NEW BUSINESS

10-12-933 2011 Budget

Members of council commented on the 2011 budget process and extended appreciation to staff for their efforts in presenting a balanced budget.

10-12-934 Hall of Fame

Councillors Aker and Walsh commented on the Hall of Fame pictures and plaques that will be located in the City Hall Art Atrium until the Hall of Fame Induction and Annual Senior Athlete of the Year Awards ceremony scheduled for January 28, 2010.

10-12-935 City Signs

Councillor Aker advised that the new City signs on Pitts Memorial Drive are nearing completion.

10-12-936 Condolences – Jewczyk Family

Members of council extended condolences to the Jewczyk and Davis families on the passing of their mother/mother-in-law, Olga Davis.

10-12-937 Seasons Greetings

Members of council extended holiday greetings to residents and staff.

10-12-938 Condolences – Murphy Family

Councillor Stoyles extended condolences to the Murphy and Guy Families on the passing of former Mayor John Murphy.

10-12-939 Meritorious Service Medal

Councillor Stoyles advised that in September, Patrick Earles a resident of Mount Pearl was presented with a Meritorious Service Medal by the former Governor General Michaëlle Jean. It was requested that a letter of congratulations be forwarded from the Mayor's office.

10-12-940 Chamber of Commerce

Councillor Stoyles advised that the Chamber will host an event on January 6 at Don Cherry's commencing at 4:45 pm. This event will provide members an opportunity for input into their strategic plan initiative.

10-12-941 Municipal Scholarship

Deputy Mayor Locke advised that Kaitlin Quinlan was the recipient of the City's Municipal Scholarship for Mount Pearl Senior High.

10-12-942 Pedestrian Safety – Ruth/Michener Avenue

Deputy Mayor Locke had requested that Engineering Services investigate the option of making adjustments to the existing traffic light system located at the Ruth Avenue/Michener Avenue/Lindbergh Crescent intersection to accommodate pedestrian traffic.

Engineering Services subsequently contacted the traffic light contractor and adjustments were made to the intersection to increase the "all red" phase by 3-6 seconds to accommodate pedestrian traffic movements.

Deputy Mayor Locke also reminded motorists that pedestrians have the right-of-way and must be completely off the crosswalk before proceeding.

10-12-943 Budget Brochure

Mayor Simms drew attention to the budget brochure that will be delivered to property owners with their tax bills. This brochure outlines the budget highlights as well as where the money comes from/where it goes.

10-12-944 Next Meeting

The next public meeting will be held on January 11, 2011.

ADJOURNMENT

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

Chairperson

Deputy City Clerk