



PUBLIC COUNCIL MEETING MINUTES
February 23, 2010

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on February 23, 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, 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

Mayor Simms chaired the meeting.

10-02-110 Adoption of Agenda

Motion – Councillor Lane /Councillor Tessier

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

10-02-111 Adoption of Minutes

Motion – Councillor Stoyles/Councillor Aker

RESOLVED THAT the minutes of the public meeting held on February 9, 2010 be adopted as presented

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING

10-02-112 Purchase of Property – 10 Winston Avenue

Council was advised that minute 10-02-086 should reflect that Ms. Anne Gollop is acting on behalf of the property owner and should be amended as follows:

Motion: Deputy Mayor Locke/Councillor Aker

RESOLVED THAT a request from Anne Gollop, **acting on behalf of the property owner Patricia Bailey**, to acquire City property at the rear of 10 Winston Avenue, excluding any land within the 1:100 flood zone area, be approved subject to Ms. Gollop being responsible for the survey and legal costs associated with the transfer of the ownership of this property.

Question called. Motion carried unanimously.

10-02-113 Amended Traffic Regulations

Council was advised that signs advising of the increased fine will be posted following the gazetting of the amended regulations. It was confirmed that the amended regulations have been forwarded to the Minister of Municipal Affairs.

ACTION REPORT

The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

No proclamations or presentations.

CORRESPONDENCE

10-02-114 Atlantic Mayors' Congress

A copy of a letter from the Atlantic Mayors' Congress to The Honourable James Flaherty, Minister of Finance, regarding the Stimulus Funding Program was presented.

10-02-115 Minister Tom Hedderson – Transportation & Works

A letter from the Honourable Tom Hedderson in response to Council's letter regarding moose vehicle collisions was presented. Council was advised that the Provincial Government has been supportive of the Save

Our People Action Committee. It was noted that brush has been cut back in the Grand Falls/Badger area.

COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE

10-02-116 Tender – Snowmobile

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT the tender for the supply and delivery of one snowmobile be awarded to Atlantic Recreation with the lowest, qualified bid of \$14,590.56.

Discussion: It was noted that this unit will be used in conjunction with the trail groomer to enable use of the City's walkway system during the winter season. Council was advised that the specifications stipulated that the snowmobile was to have both high and low gears – a requirement necessary for pulling the groomer.

Question called. Motion carried unanimously.

10-02-117 Taxi Regulations – Change to Fee Structure

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT the Taxi Regulations be amended to reflect the following change in fee structure:

Taxi Vehicle License Fee (original): Increase fee from \$45 to \$60

Taxi Vehicle License Fee (renewal): Increase fee from \$45 to \$60

Vehicle Transfer Fee: Increase fee from \$20 to \$35

Question called. Motion carried unanimously.

10-02-118 Tender – Cargo Trailer

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT the tender for the supply and delivery of one aluminum cargo trailer be awarded to the sole bidder, Ashford Sales, in the amount of \$5,644.35.

Discussion: This trailer will be utilized as a mobile unit to transport tools and equipment throughout the City.

Question called. Motion carried unanimously.

10-02-119 Tender – Brine Unit

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT the tender for the supply and delivery of one brine unit be awarded to the lowest, qualified bidder, Del Equipment, in the amount of \$17,289.00.

Question called. Motion carried unanimously.

10-02-120 Tender – 2010 One Ton Pickup Truck

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT the tender for the supply and delivery of one 2010 one ton pickup truck be awarded to the lowest, qualified bidder, Royal Garage, in the amount of \$26,361.77.

Question called. Motion carried unanimously.

10-02-121 Tender – Playground Equipment

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT the tender for the supply and delivery of playground equipment be awarded to the lowest, qualified bidder, Henderson Recreation, in the amount of \$73,845.50.

Question called. Motion carried unanimously.

10-02-122 Tender – Floral Baskets & Planters

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT the tender for the planting and maintenance of floral baskets and planters be awarded to the lowest, qualified bidder, Stanley Flowers, in the amount of \$43,839.48.

Discussion: It was clarified that the planters and baskets are owned by the City and Stanley Flowers would be responsible for providing the flowers, planting them and maintenance (fertilizing and watering). It was confirmed that this contract is separate from the service contract with Russell's Landscaping.

Question called. Motion carried unanimously.

10-02-123 Tender – Ornamental Nursery Stock (Trees & Shrubs)

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT the tender for the supply and delivery of ornamental nursery stock (trees and shrubs) be awarded to the lowest, qualified bidder, Pat's Plants, in the amount of \$10,677.37.

Question called. Motion carried unanimously.

10-02-124 Tender – Fertilizer & Lime

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT the tender for the supply and delivery of fertilizer and lime be awarded to the lowest, qualified bidder, East Chem, in the amount of \$23,594.40.

Question called. Motion carried unanimously.

COMMUNITY SERVICES COMMITTEE

No report.

CORPORATE SERVICES COMMITTEE

10-02-125 Request for Tax Consideration

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted to exempt 2010 business taxes in accordance with Council's policy for charitable and non-profit organizations as follows:

Name	Address	Type	Annual Amt
Chamber of Commerce	39 Commonwealth Ave	Business (100%)	\$461.94

Question called. Motion carried unanimously.

10-02-126 Invoices for Approval

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT the following invoices be approved for payment:

1.	City of St. John's (Review of St. John's Para-Transit System)	\$ 5,000.00
2.	Newfoundland HVAC Limited (HVAC Maintenance January - April 2010)	\$ 7,925.01
3.	Modern Paving (2009 Street Upgrading)	\$ 249,579.16
4.	Weir's Construction (Mount Pearl Soccer Field)	\$ 134,314.88
5.	Magna Contracting (Glacier Arena Expansion)	\$ 273,810.82
6.	Team Mechanical (Old Placentia Road PRV Upgrade)	\$ 20,244.36
	Total	\$ 690,874.23

Question called. Motion carried unanimously.

10-02-127 Tax Deferral - Low Income Earner
Roll # 3345-837-0018-000

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted to defer taxes, in the amount of \$554.47, for roll # 3345-837-0030-000 in accordance with Council's policy for low income earners.

Question called. Motion carried unanimously.

10-02-128 Professional Development & Training
2010 Federation of Canadian Municipalities (FCM) Annual Conference

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted, in accordance with the Professional Development & Training Policy, for Councillors Tessier and Aker to attend the 2010 FCM Conference being held in Toronto from May 28 – 31, 2010.

Question called. Motion carried unanimously.

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

- 10-02-129 Advertising Request
Newfoundland Ocean Industries Association (NOIA)

Motion – Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT approval be granted to place a ¼ page advertisement and listing in the NOIA Annual Membership Directory at a cost of \$450.00.

Question called. Motion carried unanimously.

ENGINEERING SERVICES COMMITTEE

- 10-02-130 Glacier Arena Expansion – CP1
Expansion, Foundations & Building Envelope
Change Order # 4

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT Change Order # 4, in the amount of \$20,771.30 (excluding tax), for the Glacier Arena Expansion project (CP1) be approved.

Discussion: This change order is for the relocation of the hoarding fence, and the supply and installation of additional steel beams required to support the rain water collection tanks that is a component of the LEED initiative associated with this project.

Question called. Motion carried unanimously.

- 10-02-131 Multi-Year Capital Investment Plan (Gas Tax) 2007 – 2010
Mount Carson Avenue Realignment (2010 – 2013)

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted to submit the revised multi-year capital investment plans for 2007-2010 (street upgrading) in the amount of \$3,004,986 and for the Mount Carson Avenue realignment project (2010-2013) in the amount of \$4,123,811 in accordance with the provisions of the gas tax agreement.

Question called. Motion carried unanimously.

PLANNING & LAND USE DEVELOPMENT COMMITTEE

10-02-132 Mount Carson Terrace Phase 5A
Proposed Street Names
Dunrobin Street and Stonefield Place

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the following street names be approved for the Mount Carson Terrace Phase 5A Subdivision Development:

- Dunrobin Street
- Stonefield Place

Question called. Motion carried unanimously.

10-02-133 Development Permits

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT development permits issued for the period of January 23 – February 19, 2010 be approved as presented.

Discussion: Council was advised that the development permit issued in the name of Ron Fougere & Associates (760 Topsail Road) is for an Eastern Health outpatient services facility similar to that on Major's Path in St. John's. The Eastern Health satellite ambulance station is proposed to be located at 930 Topsail Road

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 also noted that discussions are ongoing with Eastern Health to ensure a smooth transition of services.

Question called. Motion carried unanimously.

10-02-134 Building Permits

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT building permits issued for the period of February 5 - 18, 2010, showing a total construction value of \$1,429,200.00, be approved as presented.

Question called. Motion carried unanimously.

10-02-135 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 the definition of "Apartment Building " to reflect the definition of multiple dwellings;
2. Add "Multiple Dwellings" and its definition to the list of Definitions in Schedule A;
3. Add "Multiple Dwellings" to the list of discretionary uses within the Residential High Density–Special (RHD-S) use zones;
4. Add the development standards for "Multiple dwellings up to six units" within the RHD-S use zone; and,
5. Rezone the following properties from Residential Medium Density (RMD) to Residential High Density–Special (RHD-S):
 - Civic numbers 1-19 Spruce Avenue (odd numbers only)
 - Civic numbers 14-24 Spruce Avenue (even numbers only)
 - Civic numbers 29-35 Spruce Avenue (odd numbers only)
 - Civic numbers 39-45 Spruce Avenue (odd number only)

The intention of this amendment is to provide Council with the regulatory framework to consider development proposals and conversions of dwellings that support intensification and affordability.

There will be a public process, residents will be notified.

10-02-136 Draft Integrated Community Sustainability Plan (ICSP)

Motion- Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the February 2010 draft ICSP as prepared by CBCL Ltd. be accepted for the purposes of releasing the document for public feedback AND FURTHER THAT the final round of public consultation be completed by March 16, 2010 AND FURTHER THAT the progress payment number 2 for CBCL Ltd., in the amount of \$10,557.88 (plus tax), be approved.

Discussion: The draft document will be placed on the City's website (www.mountpearl.ca). The presentation and information session for the draft ICSP document is scheduled for March 16, 2010, 7:00 pm in the Council Chamber.

Question called. Motion carried unanimously.

NEW BUSINESS

10-02-137 Frosty Festival

Councillor Tessier extended congratulations to the Board members, volunteers and sponsors on a successful Frosty Festival.

Councillor Walsh also commented on the success of the event and requested that a letter of appreciation be forwarded to Chairperson Agnes Murphy.

10-02-138 Animal Protection Act

Motion – Councillor Tessier/Councillor Stoyles

RESOLVED THAT the Provincial Government be urged to amend the Animal Protection Act during the 2010 spring sitting of the House of Assembly and bring in adequate fines and penalties to protect the welfare of animals.

Discussion: It was noted that the current fines and penalties are so inadequate they do not serve as a deterrent. Other municipalities were encouraged to undertake similar action. It was suggested that the SPCA would take unwanted animals, however, there was no formal government agency in place for such animals.

Councillor Tessier suggested that owners are deflecting responsibility of their pets and serious thought to the amount of work involved in being a pet owner should be considered prior to obtaining a pet.

Question called. Motion carried unanimously.

10-02-139 Mount Pearl Minor Hockey Association (MPMHA)
Volunteer Appreciation Dinner & Dance

Councillor Lane extended congratulations to Brenda Butt on being chosen “Hockey Mom of the Year” by the MPMHA. It was requested that the Mayor forward a letter of congratulations to Ms. Butt.

Deputy Mayor Locke also extended congratulations and commented on the resurgence of the “Hockey Dads”.

Councillor Walsh extended congratulations to Robert Vey who was chosen “Hockey Dad of the Year”. He noted that Mr. Vey is a City employee. It was requested that the Mayor forward a letter of congratulations to Mr. Vey.

10-02-140 Placement of Snow on City Sidewalks

Councillor Lane requested that the Infrastructure & Public Works Committee review the Snowclearing Regulations to ensure that there is no ambiguity that the shoveling of snow onto sidewalks is in contravention to the regulations and also to review the fine for such an infraction.

10-02-141 Ramp from Outer Ring Road – Kenmount Road/McNamara Drive

Councillor Lane advised of complaints regarding the amount of traffic using the above noted intersection. It was noted that the area is not in the City's jurisdiction, however, it was requested that contact be made with the Department of Transportation & Works to ascertain whether traffic lights are planned for the area.

10-02-142 Provincial Synchronized Skating Championships

Deputy Mayor Locke advised that he represented Council at the Opening Ceremonies of the Provincial Synchronized Skating Championships that were hosted by the Mount Pearl Skating Club. He spoke of the success of the event and the number of participants involved.

Councillor Aker also extended congratulations to the Mount Pearl Skating Club for hosting a successful event. He advised that 24 teams participated and there was a significant number of spectators. He noted that the Club will be hosting the Atlantic Championships in 2011.

10-02-143 Canadian Air Gun Grand Prix

Deputy Mayor Locke extended congratulations to Jason Harnum who finished first in the Canadian Air Gun Grand Prix recently held in Toronto. It was requested that the Mayor forward a letter of congratulations to Mr. Harnum.

10-02-144 O'Donel High School – Wizard of Oz Production

Councillors Stoyles and Walsh extended congratulations to the cast and crew of the Wizard of Oz production. It was requested that the Mayor forward a letter of congratulations to the participants.

10-02-145 P.A. System – Glacier

Councillor Walsh requested that the issue of a new p.a. system for the Glacier be referred to the Community Services Committee for review.

10-02-146 Penningtons

Councillor Walsh advised that he attended the recent opening of the Penningtons Store in the Pearlgate Shopping Centre (located in the former Buck or Two store). He advised that the Manager of Economic Development had been unaware of the opening and requested, in future, that she be informed of new business openings. He noted that the Manager has since made contact with the store management.

10-02-147 Hockey Game

Council was advised that the Mount Pearl Blades and the Southern Shore Breakers will play game four of the Avalon East Senior Hockey League playoffs at the Glacier on February 26.

ADJOURNMENT

As there was no further business, the meeting adjourned at 5:15 pm on a motion by Councillor Aker and seconded by Councillor Stoyles.

Chairperson

Deputy City Clerk