

PUBLIC COUNCIL MEETING MINUTES
February 8, 2011

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on February 8, 2011 at 4:15 pm.

MEMBERS PRESENT

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

MEMBERS ABSENT

Deputy Mayor Jim Locke

STAFF PRESENT

Scott Lush, Director, Infrastructure & Public Works
Brian Chmarney, Director, Community Services
Mona Lewis, Deputy City Clerk

STAFF ABSENT

Gerard Lewis, Chief Administrative Officer
Michele Peach, Director, Corporate Services
Stephen Jewczyk, Director, Planning & Development

Mayor Simms chaired the meeting.

11-02-064 Adoption of Agenda

Motion – Councillor Stoyles/Councillor Lane

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

11-02-065 Adoption of Minutes

Motion – Councillor Walsh/Councillor Aker

RESOLVED THAT the minutes of the public meeting held on January 25, 2011 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING

11-02-066 Household Garbage

Residents were reminded that household garbage is not to be placed to the curb prior to 6:00 am on the day of collection. The implications of putting garbage out the night before or too late on the day of collection during the winter season were noted, i.e. possible damage to snow clearing equipment; garbage not collected; and potential mess should it be struck by equipment.

11-02-067 Transition Areas - Topsail Road

It was suggested that in addition to land banking as a possibility to address transition areas, consideration be given to amending the development regulations to include such things as – increasing minimum frontage as well as height and density requirements. It was also suggested that staff work with developers and consideration be given to offering incentives associated with building permits and fees. It was requested that this matter be referred to the Planning & Land Use Development Committee for further consideration and subsequent report to Council.

ACTION REPORT

The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

No proclamations/presentations.

CORRESPONDENCE

No correspondence.

COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE

11-02-068 Amendment – Animal Control Regulations

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT approval be granted to amend sections 5 and 18 of the Animal Control Regulations as follows:

Section 5

Fees to be paid on issue and renewal of licenses will be in accordance with the annual schedule of rates and fees approved or amended by Council.

Section 18

Seizing and impounding fees shall be paid by the owners of animals that are seized or impounded or deducted from the proceeds of any sale of such animals. Animals impounded after regular work hours will be charged the cost associated with the callout of employees after regular working hours in addition to impounding fees. Such fees will be in accordance with the annual schedule of rates and fees approved or amended by Council.

Discussion: It was requested that the Public Works Committee consider the mandatory licensing of animals prior to being released to their owners. It was clarified that animals were picked up after hours to ensure safety of both the public and the animal. Owners would have the opportunity to check on possible pick up of their animal during regular business hours.

Question called. Motion carried unanimously.

11-02-069 Tender - 4x4 Pickup Trucks

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT approval be granted to award the tender for the supply and delivery of two 4x4 pickup trucks to the lowest qualified bidder, Hickman Dodge, in the amount of \$54,973.37, tax included.

Question called. Motion carried unanimously.

11-02-070 Tender - Backhoe

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT approval be granted to award the tender for the supply and delivery of a backhoe to the lowest qualified bidder, Case Atlantic, in the amount of \$118,922.33, tax included.

Discussion: It was noted that this type of equipment could not be equipped with side guards.

Question called. Motion carried unanimously.

COMMUNITY SERVICES COMMITTEE

11-02-071 2010 Focus on Youth Awards

The 22nd Annual Focus on Youth Awards Banquet and Show will take place on May 18 at the Glacier. This event will be co-hosted by last year's male/female youth of the year, Brian Peach & Lindsay Collins. The event will feature entertainment from the Mount Pearl Show Choir and the Performing Arts Individual Award finalists. The deadline for nominations is March 1.

11-02-072 Mount Pearl Sport Alliance
1st Installment – Operating Grant 2011

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted to provide the Sport Alliance with the first installment of the operating grant for 2011 in the amount of \$52,000.

Discussion: Council was advised of an upcoming planning session with members of the Alliance Executive.

Question called. Motion carried unanimously.

11-02-073 Mount Pearl Marlins
Swim Meet - Congratulations

Congratulations were extended to the Marlins on another successful swim meet, which was held January 14-16, 2011 in Carbonear. The team was awarded Top Team based on the average FINA points per swimmer.

CORPORATE SERVICES COMMITTEE

11-02-074 Request for Tax Consideration

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted to exempt 2011 business tax, in accordance with Council's policy for charitable organizations, for the following:

Name	Address	Type	Annual Amt
Campia Gymnastics	60 Clyde Avenue	Business (100%)	\$1,595.23
School Milk Foundation	27 Sagona Avenue	Business (100%)	\$1,772.60

Question called. Motion carried unanimously.

11-02-075 Uncollectible Accounts
Tax Write Off

Motion – Councillor Lane/Councillor Tessier

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

Name	Principal	Interest	Other	Total
East Coast Liquidation			\$ 44.09	\$ 44.09
EZ Shipping and Packing Ltd.	\$91.25		\$ 2.25	\$ 93.50
Double R Takeout – John Roberts	\$348.87		\$ 62.00	\$410.87

Discussion: It was noted that these businesses have closed and all collection efforts have been exhausted.

Question called. Motion carried unanimously.

11-02-076 Tax Deferral – Low Income Earner
Roll # 3345250-0-0050-000

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted to defer taxes, in the amount of \$231.94, for roll # 3345250-0-0050-000, in accordance with Council's policy for low income earners.

Question called. Motion carried unanimously.

11-02-077 Advertising
Steele Communications

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT a request from Steel Communications to place eight – 30 second Frosty Festival Mayor's message be approved at a cost of \$624.00 plus HST.

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

11-02-078 Invoices for Council Approval

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT the following invoices be approved for payment:

1.	Fabian James (Project Management Services, Expo 2011)	\$ 5,650.00
2.	Sierra Planning and Management (Professional Services)	\$ 24,617.52
3.	Weir's Construction Limited (Mount Carson Upgrading CP1 - Progress Claim 2)	\$ 521,225.73
4.	Avalon Coal Salt and Oil Limited (Road Salt)	\$ 107,925.79
5.	J-3 Consulting & Excavation Limited (Deficiencies - Hillside Development 10% Holdback)	\$ 5,094.58
6.	City Tire & Auto (Tires)	\$ 7,591.06
7.	Town of Labrador City (1/3 Share of East/North/West Expo Sponsorship)	\$ 8,333.33
8.	X-Wave (HP DesignJet Large Format Color Printer)	\$ 9,873.50
9.	Lighting & Traffic Systems Limited (Topsail Road/Corisande Drive - Hurricane Igor)	\$ 20,276.70
10.	Lighting & Traffic Systems Limited (Commonwealth/Ruth/Park Avenue - Hurricane Igor)	\$ 21,797.68
	TOTAL	\$ 732,385.89

Question called. Motion carried unanimously.

11-02-079 Collection Policy

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT the updated collection policy be approved as presented.

Discussion: The details of the policy were highlighted. The procedures in place to assist property owners with tax payments were noted. It was also noted that the City has a 99.79% collection rate.

Question called. Motion carried unanimously.

11-02-080 Access to Information & Protection of Privacy Act (ATIPPA)
Head and Coordinator Positions

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT the Chief Administrative Officer and Records & Information Management Officer be approved to be the Head of the Public Body and Access & Privacy Coordinator (respectively) to administer the Access to Information & Protection of Privacy Act (ATIPPA).

Question called. Motion carried unanimously.

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

11-02-081 Gateway Signage
Highway Access Areas – Cost Estimates

Motion – Councillor Stoyles/Councillor Aker

RESOLVED THAT approval be granted to submit an application to the Department of Transportation & Works for the installation of culverts to access to the City's gateway signs on Pitt's Memorial Drive AND FURTHER THAT the estimated cost (\$600 – 1,000) for the installation of the culverts be approved.

Question called. Motion carried unanimously.

ENGINEERING SERVICES COMMITTEE

11-02-082 Call for Quotations – Donovan's Water Meter
CP1 – Civil Works
CP2 - Electrical

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the quotation for the Donovan's Water Meter Project be awarded as follows:

CP1 – Civil Works	H & B Construction	\$29,831.10 (HST included)
CP2 – Electrical	Pennecon Energy	\$16,873.61 (HST included)

Question called. Motion carried unanimously.

11-02-083 Glacier Arena Expansion (CP2) - Interior Fit-up
Change Order #7

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT change order # 7, in the amount of \$24,944.02, for the Glacier Arena Expansion (CP2) Interior Fit-Up Project be approved.

Discussion: Changes are as follows:

CCN# 14 - Additional freight cost for Lift Gate	\$6,441.60
CCN# 51 - Additional rigid conduit for Fire pump	\$830.93
CCN# 52 - Relays for Emergency lights	\$6,534.33
CCN# 53 - Additional mounting brackets for Hi-bay lights	\$5,037.22
CCN# 54 - Neutral wiring for Fire pump	\$1,239.57
CCN# 55 - Photo cell for new owner supplied Canopy Building Signs	\$1,130.16
CCN# 56 - Additional labour to modify Dasher Glass	\$1,500.00
CCN# 57 - Infill for Stair No. 2	\$1,644.50
CCN# 58 - Miscellaneous electrical various locations	\$585.71

Question called. Motion carried unanimously.

11-02-084 Mount Carson Avenue Upgrade – Phase 1
Change Order #1

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT change order # 1, in the amount of \$125,000, for the Mount Carson Avenue Upgrade, representing additional work required for contaminated soil removal be approved.

Question called. Motion carried unanimously.

11-02-085 Tender For Supply and Installation of a Fire Alarm System
Kenmount Park Community Centre (TP #11-003)

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the tender for the supply and installation of a fire alarm system for the Kenmount Park Community Centre be awarded to the low bidder, Martin's Fire Safety Limited, for the bid amount of \$9,651.67, (HST included).

Question called. Motion carried unanimously.

PLANNING AND LAND USE DEVELOPMENT COMMITTEE

11-02-086 Amendment to Mount Pearl Building Regulations and
Adoption of the 2010 National Building Code

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the following changes to the Building Regulations be approved:

1. Remove the references to the 2005 National Building Code, Plumbing Code and Fire Code and replace with references to the 2010 National Building Code, Plumbing Code and Fire Code; and,
2. Revise Articles 49, 50, 51 and 52 so that future editions of the National Building, Plumbing, Fire, and Life Safety Codes will automatically form part of the City of Mount Pearl Building Regulations as of the effective date of any future editions of the codes by the Canadian Commission on Building and Fire Codes and National Fire Code Standards of the National Fire Protection Association (USA).

Discussion: Reference was made to a particular incident whereby a resident was required to install an air exchanger during extensive renovations to his home that resulted in significant intake of smoke from a neighboring property's wood stove. It was noted that the City did write the National Research Council regarding this matter; however, they would not pursue a change in regulations on the basis of one complaint.

Discussion also took place regarding plumbing inspections. A contractor makes application for a plumbing permit to do their own plumbing and certify their own work as the City does not have a plumbing inspector on staff. It was noted that the Province is responsible for issuing electrical permits. It was also noted that all new homes have inspectors go through; work is undertaken by licensed professional plumbers (and electricians); and a home inspection is required (if being financed). Point being - there are a number of checks and balances in place to protect property owners.

Question called. Motion carried unanimously.

11-02-087 Rita Lester
Home-Based Business (Discretionary Use)
35 Second Street

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the proposal for the use of a 18.7 m² portion of the home at 35 Second Street for a home based business that offers yoga or Pilates

consultation sessions to individuals or small groups (by appointment only, at a maximum of two days per week, a maximum of three hours per week between 8:00 am and 10:00 am and a maximum of three students per visit), be approved and a development permit issued for the proposed use subject to the following conditions:

1. City Inspector's conditions.
2. All parking associated with the home based business and residential use is to be accommodated off-street on site.
3. Condition 6 of the RMD Land Use Zone Table.

Discussion: It was clarified that the permit issued to Ms. Lester would specify the above noted conditions (by appointment only, at a maximum of two days per week, a maximum of three hours per week between 8:00 am and 10:00 am and a maximum of three students per visit). It was confirmed that a permit remains in effect as long as the annual tax is paid. However, a permit can be rescinded if the conditions of the permit are not met.

Question called. Motion carried unanimously.

11-02-088 Development Permits

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT development permits issued for the period of January 21 – February 4, 2011 be approved as presented.

Question called. Motion carried unanimously.

11-02-089 Building Permits

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT building permits issued for the period of January 15 – February 3, 2011, showing a total construction value of \$1,569,100.00, be approved as presented.

Question called. Motion carried unanimously.

NEW BUSINESS

11-02-090 Frosty Festival

Councillor Tessier extended congratulations to the Frosty Festival volunteers on a great event to date.

11-02-091 Animals

Councillor Tessier advised that the accumulation of snow against fences may provide a route for pets to escape back yards. She encouraged residents to take precautions so that this doesn't occur.

11-02-092 Canadian Red Cross – Prepared Campaign

Councillor Stoyles advised that she attended the recent Canadian Red Cross media conference announcing their major fundraising campaign to expand its disaster management capabilities. It was noted that the City made a \$10,000 contribution in support of this effort.

11-02-093 Police Officer of the Year

Councillor Stoyles extended congratulations to the recipients of the Police Officer of the Year Award – RNC Sergeant Patrick Roche and RCMP Sergeant Jacques Morneau. It was requested that letters of congratulations be forwarded from the Mayor's office.

11-02-094 Sports Hall of Fame and Athlete of the Year

Councillor Stoyles extended congratulations to the new inductees into the Hall of Fame as well as the recipients of the Athlete of the Year Awards. She congratulated members of the Sport Alliance for organizing a great event.

11-02-095 Frosty Festival

Councillor Walsh highlighted some of the Frosty Festival events. He encouraged people to participate in the remaining events.

11-02-096 Skidoos

Councillor Walsh commented on seeing skidoo operators crossing the highway, noting how dangerous this was and reminded operators that it is illegal to operate a skidoo within City boundaries.

11-02-097 Sports Hall of Fame and Athlete of the Year

Councillor Walsh also acknowledged the new inductees into the Hall of Fame as well as recipients of the Athlete of the Year Awards.

11-02-098 Bill Jamieson – Condolences

Councillor Walsh extended condolences to the family of the late Bill Jamieson, noting that Mr. Jamieson had been very involved in sport and community development in Mount Pearl.

ADJOURNMENT

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

Chairperson

Deputy City Clerk