

PUBLIC COUNCIL MEETING MINUTES
January 11, 2011

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on January 11, 2011 at 4:15 pm.

MEMBERS PRESENT

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 Simms was absent.

Deputy Mayor Locke chaired the meeting.

11-01-001 Adoption of Agenda

Motion – Councillor Tessier/Councillor Aker

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

11-01-002 Adoption of Minutes

Motion – Councillor Stoyles /Councillor Lane

RESOLVED THAT the minutes of the public meeting held on December 21, 2010 be adopted as presented.

Errors & Omissions: Minute 10-12-932 to be corrected to reflect Councillor Lane presenting the motion (rather than Councillor Walsh).

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

11-01-003 Municipalities Newfoundland & Labrador (MNL)

A letter from the MNL to the Honourable Charlene Johnson, Minister of Environment & Conservation was presented. This letter provided the Minister with a copy of the City's resolution "Prevention of Moose Accidents" that was approved by the MNL membership.

Councillor Stoyles expressed her appreciation to Council for presenting the resolution to MNL members. She referenced the class action against the Province and indicated that her group is looking forward to working with Government to reduce moose vehicle collisions.

11-01-004 Atlantic Canada Opportunities Agency (ACOA) Infrastructure Canada & the Federation of Canadian Municipalities (FCM)

A letter was presented from ACOA advising that the deadline for the Recreational Infrastructure Canada Program has been extended to October 31, 2011 for the completion of projects that have been started and eligible expenses incurred by March 31, 2011.

Further information was also presented in the form of a joint message from Infrastructure Canada and the FCM.

It was noted that the City's availed of this funding for the soccer complex. The CAO advised that this extension would be financially beneficial to the City and other partnering municipalities in the capital projects approved under the stimulus funding for Bay Bulls Big Pond as these projects would not be completed by the previous deadline of March 31st.

COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE

No report.

COMMUNITY SERVICES COMMITTEE

11-01-005 Frosty Festival – Operating Subsidy

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted for the release of the Frosty Festival operating subsidy, in the amount of \$15,000 (50%) with the remaining 50% to be released at the end of the Frosty Festival in accordance with the conditions of their MOU with the City.

Question called. Motion carried unanimously.

CORPORATE SERVICES COMMITTEE

11-01-006 2011 FCM Sustainable Communities Conference
Professional Development & Training

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval, in accordance with the Professional Development & Training Policy, for Deputy Mayor Locke and the CAO to attend the 2011 FCM Sustainable Communities Conference being held February 8-12, 2011 in Victoria, British Columbia.

Discussion: It was noted that the new CAO will be entitled to the applicable professional development & training funding.

Question called. Motion carried unanimously.

11-01-007 IPAC 6th National Leadership Conference
Professional Development & Training

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted, in accordance with the Professional Development & Training Policy, for the Director of Corporate Services to attend the IPAC 6th National Leadership Conference being held February 6-8, 2011 in Toronto, Ontario.

Question called. Motion carried unanimously.

11-01-008 Invoices for Approval

Motion – Councillor Lane/Councillor Tessier

1.	Bae Newplan (2010 Street Upgrading - Invoice 13333)	\$ 13,613.04
2.	Bae Newplan (Mount Carson Upgrading - Invoice 13341)	\$ 15,116.61
3.	Bae Newplan (Former Mount Pearl Landfill - Invoice 13416)	\$ 36,658.59
4.	Bae Newplan (Sunrise Avenue Sanitary Sewer Upgrade)	\$ 13,912.88
5.	Magna Contracting & Management Inc. (Glacier Arena Expansion CP1 - Progress Claim #17)	\$ 36,787.21
6.	Magna Contracting & Management Inc. (Glacier Arena Expansion CP2 - Progress Claim #9)	\$ 440,063.45
7.	Modern Paving Limited (2010 Street Upgrading CP3 - Progress Claim #1)	\$ 240,789.92
8.	Modern Paving Limited (Sunrise Ave Sewer Upgrade CP1 - Progress Claim 1)	\$ 356,062.10
9.	Modern Paving Limited (2010 Street Upgrading CP1 - Progress Claim #1)	\$ 107,295.65
10.	Modern Paving Limited (2010 Street Upgrading CP1 - Progress Claim #4)	\$ 500,134.20
11.	Modern Paving Limited (2010 Street Upgrading CP2 - Progress Claim #4)	\$ 172,829.95
12.	Pyramid Construction Limited (Bruce Ave/Glencoe Drive Traffic Lights CP1 - Progress Claim #3)	\$ 46,038.03
13.	Corner Brook Pulp & Paper Limited (Grinder for Wood Debris - Hurricane Igor)	\$ 8,954.68
14.	S&S Supply Crosstown Rentals (Tandem Axle Sidewalk Salt Spreader)	\$ 21,244.00
15.	Century 2K Cabling Systems Inc. (Data/Voice Communications Equip Maintenance)	\$ 9,040.00
16.	Century 2K Cabling Systems Inc. (Data/Voice Communications Equip Maintenance)	\$ 7,662.42
17.	Municipal Assessment Agency Inc. (First Quarter Assessment Fees)	\$ 69,839.25
18.	Transcontinental Print - St. John's (Community Events Calendar for 2011)	\$ 6,127.99
19.	Transcontinental Print - St. John's (Winter/Spring Activity Guide for 2011)	\$ 9,177.86
20.	Fairview Investments Limited (Milling and Asphalt on Farrell Property)	\$ 7,881.75

21.	Ranger Enterprises & Excavation Limited (Babb Crescent ditch realignment - Invoice 1142)	\$ 6,876.05
22.	Ranger Enterprises & Excavation Limited (Babb Crescent ditch realignment - Invoice 1103)	\$ 7,342.17
23.	Harvey & Company Limited (Two Tandem Plough Trucks with Pre Wet System)	\$ 443,893.38
24.	J-3 Consulting & Excavation Limited (Completion Outstanding Deficiencies Hillside Phse 1)	\$ 45,851.29
	TOTAL	\$ 2,623,192.47

Question called. Motion carried unanimously.

ENGINEERING SERVICES COMMITTEE

11-01-009 Hillside Development Phase 1
Completion of Outstanding Deficiencies

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted to award the quotation for the completion of outstanding deficiencies for the Hillside Development, Phase 1 project, to the lowest bidder, J3 Consulting, in the amount of \$67,016.91, HST included.

Discussion: It was noted that funds to cover this amount would be taken from the security held by the City for this project. With reference to previous problems with silting into Branscombe Pond, it was noted that fencing has been put in place to correct the problem. This fencing will be checked on following storms.

Question called. Motion carried unanimously.

11-01-010 Glacier Arena Expansion (CP2)
Interior Fit-Up - Change Order #6

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT change order #6, in the amount of \$12,867.06, for the Glacier Arena Expansion (CP2) Interior fit-up project be approved.

Discussion: The suggestion that contingency funding is routinely depleted just because it is available was debated. It was noted that overruns/change orders are carefully considered at a staff and committee level prior to being referred to Council. Every effort is made to negotiate the lowest price

possible and requests for changes are not automatically approved just because there is a contingency.

Question called. Motion carried unanimously.

11-01-011 Tender - Two Scoreboards

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted to award the tender for the provision of two arena scoreboards to the only bidder, Clarke Electronics, in the amount of \$21,856.46 (HST included).

Question called. Motion carried unanimously.

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

No report.

PLANNING AND LAND USE DEVELOPMENT COMMITTEE

11-01-012 Building and Site Improvements – DA10-00923
BAE Newplan Group (City Tire and Auto Center Ltd.)
1123 Topsail Road and 1 Trout Place

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the application by BAE Newplan Group on behalf of City Tire and Auto Centre Ltd. for building and site improvements at 1123 Topsail Road and 1 Trout Place in two phases be approved and a development permit issued subject to the following conditions:

1. Determination of the limits of the City land that is to be acquired and transferred to City Tire and Auto Centre Ltd.
2. The development meeting the requirements as set out by the St. John's Regional Fire Department and Newfoundland Power.
3. The signing of a development agreement prior to any building permits being issued.
4. Finance Division requirements.
5. Inspection Services requirements.
6. Planning Services requirements.
7. Engineering Services requirements.
8. City of Mount Pearl Development Regulations, 1988.
9. City of Mount Pearl Building Regulations.

Question called. Motion carried unanimously.

11-01-013 Proposed Building Extension - Residential Variance Request
Reduction in Building Line Setback Standard

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT application for a variance request that reduces the minimum building line setback standard at 20 Murley Drive to 7.2 metres to accommodate a building extension be approved and a development permit be issued subject to the following conditions:

1. City of Mount Pearl Development Regulations, 1988.
2. City of Mount Pearl Building Regulations.
3. Inspection Services requirements.
4. Planning Services requirements.

Question called. Motion carried unanimously.

11-01-014 Home-Based Business Application – Taxi Dispatch
62 Glendale Avenue

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT an application to operate a taxi dispatch office and taxi stand use at 62 Glendale Avenue be refused for the following reasons:

1. Such a proposal is not within the intent of the City's home based business policies and regulations. Such a proposal will result in a commercialization of the residential area and will create nuisance to surrounding residential uses which is contrary to the development regulations.
2. The use of residential accessory buildings for commercial purposes in residential zones is not a permitted use within the RMD use zone.
3. The taxi dispatch office and taxi stand is neither a permitted nor a discretionary use within the Residential Medium Density (RMD) use zone table.
4. The taxi dispatch office and taxi stand does not conform to the Office Use within a Dwelling or an Educational and Personal Service Use within a Dwelling provision of the RMD use zone.

Discussion: Council considered the inquiry as to why an application that was not in compliance was not routinely denied by staff. It was noted that such applications are referred to Council in accordance with policy that states such items are to be presented to Council for a final decision. It was observed that there have been some instances when developments that don't meet the regulations are discussed and changes are made. It was

also stated that the applicant may want to see the issue discussed in the public forum.

Question called. Motion carried unanimously.

11-01-015 Building Permits

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT building permits issued for the period of December 11 – 31, 2010, showing a total construction value of \$164,250, be approved as presented.

Discussion: It was requested that comparative statistics for 2009 and 2010 be provided at the next meeting.

Question called. Motion carried unanimously.

11-01-016 Building Permits

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT building permits issued for the period of January 1 – 7, 2011, showing a total construction value of \$1,952,000, be approved as presented.

Question called. Motion carried unanimously.

NEW BUSINESS

11-01-017 Recycling

Councillor Tessier advised that the City's diversion rates for recycling continue to increase. She noted that collections were bi-weekly and in accordance with the schedule mailed to residents and on the City's website. She commended residents for supporting the recycling initiative.

11-01-018 Glacier

Councillor Lane inquired if was possible to place temporary heaters in the Glacier as the heaters have been removed due to the renovations and the new heaters are not yet working.

11-01-019 Household Garbage

Councillor Lane noted that some residents continue to place their household garbage to the curb the night before their collection. He asked that the municipal enforcement officers enforce the regulations, noting that

he has asked for this action on previous occasions but little action appears to have taken place.

11-01-020 Drop Off Site – Metal Products

Councillor Lane suggested that the option to provide residents a drop off site for metal products for collection by an outside source (at no cost to the City) be considered by the Public Works Committee.

11-01-021 Condolences

Condolences were extended to the family of Councillor Charles Renouf, City of Corner Brook, who passed away on January 9, 2011.

11-01-022 Chamber of Commerce

Councillor Stoyles advised that the Chamber of Commerce held an event on January 6 to discuss strategic initiatives with their members. She looks forward to working with the Chamber in the upcoming year.

11-01-023 Christmas Tree Collection

In response to Councillor Stoyles, the Director of Infrastructure & Public Works advised that Christmas trees can be dropped off at the back of Smallwood Arena parking lot. Curbside collection took place on January 10 and 11 with routes being completed three times. Should residents be unable to drop their tree off at the Smallwood site, they can call the Public Works Department with their address and the tree will be collected when staff/equipment is available.

11-01-024 Northeast Avalon Joint Council (NEAJC)

Councillor Stoyles advised that the Minister of Municipal Affairs has been invited to the NEAJC meeting taking place in Torbay on January 19, 2011.

11-01-025 First Night Celebrations

Councillor Walsh commented on the success of the First Night Celebrations noting the excellent turn out. He also advised that the "Family Skate" is well attended.

11-01-026 Hall of Fame/Athlete of the Year

Councillor Walsh advised that the Hall of Fame and Athlete of the Year Banquet takes place on January 28. He noted that the pictures of the Hall of Fame members are temporarily located in the City Hall atrium.

11-01-027 Sport Alliance AGM

Councillor Aker encouraged attendance at the Sport Alliance AGM taking place on January 20, 7:30 pm, City Hall.

ADJOURNMENT

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

Chairperson

Deputy City Clerk