



**PUBLIC COUNCIL MEETING MINUTES
January 25, 2011**

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on January 25, 2011 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
Brian Chmarney, Director, Community Services
Mona Lewis, Deputy City Clerk

Mayor Simms chaired the meeting.

11-01-028 Adoption of Agenda

Motion – Councillor Walsh/Councillor Tessier

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

11-01-029 Adoption of Minutes

Motion – Councillor Stoyles /Councillor Aker

RESOLVED THAT the minutes of the public meeting held on January 11, 2010 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING

11-01-030 Glacier

Council was advised that the crossover was successfully completed and the ice making and refrigeration components are working, however, the heat is a different source. It is hoped that the heat will be on in time for the Frosty Festival events.

It was also noted that the new sound system works very well.

11-01-031 Household Garbage

Council was advised that direction was not yet been provided to the municipal enforcement officers to more diligently enforce the regulations regarding the placement of household garbage to the curb prior to 6:00 am on the day of collection.

11-01-032 Hillside Subdivision Development (Cynergy)

Reference was made to this development, noting that the property has been advertised as "for sale". It was confirmed that Cynergy was contacted regarding the deficiencies (which have been corrected). It was suggested that the Economic Development Division investigate with a view to providing assistance to ensure the development moves forward as expeditiously as possible.

ACTION REPORT

The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

No proclamations/presentations.

CORRESPONDENCE

No correspondence.

COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE

11-01-033 Tender - Digital Radio System

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT the tender for the supply of equipment and the installation of a digital radio system be awarded to the lowest qualified bidder, Hi-Tech Communications, in the amount of \$118,015.84 (HST included).

Discussion: It was noted that this system is replacing an analogue system and will continue to work in the event of a loss of electricity as an antenna on the water tower will be used to receive the signal.

Question called. Motion carried unanimously.

11-01-034 Recycling Program – Change to Weekly Collection

Residents were advised that the current bi-weekly collection of recyclable materials is being changed to a weekly service. It was noted that this change is necessary to accommodate the increasing number of residents who are utilizing the City's recycling program. This change will be reflected in the new waste collection schedule being forwarded to residents in early March, however, the weekly service will commence (unofficially) immediately. It was suggested that residents return their recyclables for which a deposit refund is provided to a recycling depot as this would address the issue of scavengers as well as potentially save the City money. However, it was noted that the diversion of recyclables from the recycling facility could have an adverse financial impact as some proceeds from these recyclables offset some of the operating cost.

11-01-035 Notice of Motion Amendment – Animal Control Regulations

Councillor Tessier gave notice that in accordance with Section 39 of the City of Mount Pearl Act and Council's public notification policy, I will, at a regular meeting of Council, under the authority of Section 202 of the City of Mount Pearl Act, move an amendment to 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.

COMMUNITY SERVICES COMMITTEE

11-01-036 Arena Board of Management
1st Installment of Operating Grant 2011

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted to release the first installment of 2011, in the amount of \$20,000, to the Arena Board of Management in accordance with the Memorandum of Understanding with the City.

Question called. Motion carried unanimously.

11-01-037 Mount Pearl Y
1st Installment of Operating Grant 2011

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted to release the first installment of the Mount Pearl Y 2011 operating grant, in the amount of \$42,051.50, in accordance with the Memorandum of Understanding with the City.

Question called. Motion carried unanimously.

11-01-038 Admiralty House Museum & Archives
1st Installment of Operating Grant 2011

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted to release the first installment of the 2011 operating grant, in the amount of \$18,750, to the Admiralty House Board of Management AND FURTHER THAT the appointment of John Shea as the New Chairperson be approved.

Discussion: Congratulations were extended to Mr. Shea and appreciation was extended to outgoing Chairperson Max Harvey. It was noted that Mr. Harvey's contribution will be recognized at a later date.

Question called. Motion carried unanimously.

11-01-039 Running Event – January 23, 2011

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT a request from the Running Room, in partnership with Beagle Paws, for a running event that was held on January 23, 2011, be approved in accordance with the specified routes.

Question called. Motion carried unanimously.

CORPORATE SERVICES COMMITTEE

11-01-040 Requests for Tax Consideration

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted to exempt 2011 property taxes, in accordance with Council's past practice, and 2011 business taxes in accordance with Council's policy for charitable organizations, for the following:

Name	Address	Type	Annual Amt
VOCM Cares	1199 Topsail Rd	Business (100%)	\$835.47
Safety Services NL	1076 Topsail Rd	Business (100%)	\$4,074.75
Mount Pearl Chamber Commerce	39 Commonwealth Ave	Business (100%)	\$461.94
Heart & Stroke Foundation	1037 Topsail Road	Business (100%)	\$2,918,22
Masonic Park	117 Mount Carson Ave	Property (60%)	\$69,873.95
Freemason Hall	115 Mount Carson Ave	Property (60%)	\$8,835.75
Freemans Hall	115 Mount Carson Ave	Business (100%)	\$19,733.18
Terry Fox Foundation	835 Topsail Road	Business (100%)	\$505.36
Iris Kirby House		Property (100%)	\$1,457.80
Columbus Centre	25 Moores Drive	Property (60%)	\$1,948.61
Parkdale Manor	65 Park Avenue	Property (60%)	\$2,948.72
Community Food Sharing	1143-1149 Topsail Rd	Business (100%)	\$3,414.77

Question called. Motion carried unanimously.

11-01-041 December 2010 Payment Register

The December 2010 payment register, totaling \$7,560,672.88, was presented for the information of Council.

11-01-042 Invoices for Council Approval

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT following invoices be approved for payment:

1.	Battlefield Equipment Rentals (Asphalt Roller, Double Drum)	\$ 16,609.87
2.	Bell Canada (Professional Services - CISCO Install)	\$ 5,570.90
3.	Newfoundland HVAC Limited (Maintenance & Service Contract January to April 2011)	\$ 7,925.01
4.	GCR Tire Centres (Recap Loader Tires and Section Retreads)	\$ 6,271.50
5.	Magna Contracting & Management Inc. (CP1 - Glacier Arena - Progress Invoice No. 18)	\$ 253,403.12
6.	Magna Contracting & Management Inc. (CP2 - Glacier Arena - Progress Invoice No. 10)	\$ 399,586.70
7.	Bae Newplan Group Limited (Professional Services Mount Carson Upgrade - Phase 1)	\$ 10,096.83
8.	Bae Newplan Group Limited (Professional Services Pearlgate Recreation Centre)	\$ 366,346.00
9.	YMCA - YWCA of Northeast Avalon (Operating Subsidy of 2011 - First Installment)	\$ 42,015.50
	TOTAL	\$ 1,107,825.43

Question called. Motion carried unanimously.

11-01-043 Tender – File Server/Tape Drive/Microsoft Server Software

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted to award the tender for a rack mounted server, HP storage works tape drive and various Microsoft Windows server software be awarded to the only bidder, X-Wave, as follows:

Storage Works Ultrium 3000 Tape	\$ 6,065.33*
HP DL380 G7 Server	\$31,918.20*
Microsoft Windows 2008 R2 Enterprise & CAL's	\$ 9,098.10*

*HST extra

Question called. Motion carried unanimously.

ENGINEERING SERVICES COMMITTEE

11-01-044 Indenture Document – Newfoundland Power Easement
Brookfield Plains Phase 2

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted for the Mayor and CAO to execute an indenture document for the Newfoundland Power easement for Brookfield Plains Phase 2.

Question called. Motion carried unanimously.

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

No report.

PLANNING AND LAND USE DEVELOPMENT COMMITTEE

11-01-045 Proposed Amendment to Include Hedges as a Type of Fence
City of Mount Pearl Fence Regulations

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the Mount Pearl Fence Regulations 2011 be adopted showing an amendment to 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.]

Discussion: It was clarified that existing hedges would be affected if it was determined that the hedge was an obstruction.

Question called. Motion carried unanimously.

11-01-046 CJ Enterprises NL Ltd. – DA10-0993
Application for Conversion of Residential to Commercial
872 Topsail Road

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT an application by CJ Enterprises NL Ltd. for the conversion of the property at 872 Topsail Road from a residential to a commercial use be refused as the proposal does not meet the minimum frontage requirement for a commercial lot.

Discussion: Concerns regarding the access/egress to this property were raised. The issue of Council purchasing property (transition areas) and deciding what type of development is suitable was raised. It was noted that this issue will be included as part of the economic development strategy – a report that is expected within the next couple of weeks – in addition to being included in the new municipal plan.

Question called. Motion carried unanimously.

11-01-047 Jordan Construction – Accessory Building Extension – DA10-01010
Accessory Building Extension – Non-Conforming Use Application
37 Commonwealth Avenue

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT application for an accessory building extension at 37 Commonwealth Avenue be refused for the following reasons:

1. A warehousing use is not in accordance with the Commercial General land use policies of the Mount Pearl Municipal Plan.
2. The intent of the GC zone is not to permit or encourage warehousing uses. This is proposed to be for warehousing purposes.
3. The proposed warehouse extension is neither permitted nor discretionary in the GC use zone.
4. The proposal exceeds the allowable size for an accessory building. The primary use of the property remains residential; however the commercial intensification has increased incrementally over the years to a level that is now considered to have overshadowed the residential nature of the property. The use proposed is considered to be more compatible in areas such as the Industrial-Light (LI) and Mixed-Development (MD) use zones.
5. If approved, this would be the second expansion of the accessory building.
6. A complaint was received by the City regarding activities that occurred on this site in relation to the commercial accessory

building. An expansion of the commercial activities on this property will allow the continuation of the kinds of activities that may create nuisances to the residential properties nearby that front onto Bannister Street.

Question called. Motion carried unanimously.

11-01-048 Building Permit Values

The comparison data of the value of building permits issued in 2008 to 2010 was provided for the information of Council as follows:

<u>Category</u>	<u>2008</u>	<u>2009</u>	<u>2010</u>
Commercial	\$28,620,000	\$20,791,420	\$38,210,300
Residential	\$19,311,000	\$21,138,580	\$20,364,610
Municipal Works	\$3,300,000		\$11,300,000
Subdivisions	<u>\$2,925,000</u>	<u>\$3,440,000</u>	<u>\$4,960,000</u>
Totals	<u>\$54,156,000</u>	<u>\$45,370,000</u>	<u>\$74,834,910</u>

It was noted that there were no municipal works projects contained in the listings for 2009.

11-01-049 Notice of Motion

Deputy Mayor Locke gave notice that in accordance with Section 39 of the City of Mount Pearl Act, 1988, TAKE NOTICE that, I will, at a regular meeting of Council, move an amendment to the text of the Mount Pearl Building Regulations 2010, that, if enacted, will amend **Sections 49, 50, 51, and 52 as follows:**

- 1. Within Sections 49, 50, and 51, update references to the 2005 Codes to the recently-released 2010 Codes; and*
- 2. Within Sections 49, 50, 51, and 52, add a statement to the effect that successive editions of these Codes that come into effect in the future shall, upon their effective date, replace then outdated Codes and, as such, form part of the City of Mount Pearl Building Regulations.*

The purpose of these amendments is to update the Building Regulations to incorporate the recently released 2010 National Building Code, Plumbing Code and Fire Code (thereby replacing the 2005 codes), and also to add statements to these sections (49, 50, and 51) as well as the section (52) relating to the Life Safety Code 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.

11-01-050 Development Permits

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT development permits issued for the period of January 1 – 25, 2011 be approved as presented.

Question called. Motion carried unanimously.

11-01-051 Building Permits

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT building permits issued for the period of January 7 - 14 2011, showing a total construction value of \$276,720.00, be approved as presented.

Question called. Motion carried unanimously.

NEW BUSINESS

11-01-052 Senior Blades

Councillor Aker extended congratulations to the H.J. Bartlett Electric Senior Blades on their win against the CeeBees and commented on the huge turn-out for the game which was also a tribute to Dr. David Dibbon. He noted that their next game takes place on January 26 against the Northeast Senior Eagles (Torbay).

11-01-053 Frosty Festival

Council advised that the Frosty Festival takes place from February 4 – 12. Ticket sales, for events that tickets are being pre-sold, started on January 22 and will run until the date of the event. They can be purchased at the Glacier from Monday to Friday (6:00 pm – 8:00 pm) and Saturday & Sunday from 11:00 am – 3:00 pm.

11-01-054 Community Services Director

A welcome was extended to Brian Chmarney, the new Community Services Director. The CAO expanded on the welcome as noted below.

11-01-055 Hall of Fame & Athlete of the Year

Councillor Walsh advised of the upcoming Sports Hall of Fame and the Athlete of the Year Ceremonies taking place on January 28, 2011 at 7:00 pm, Reid Community Centre. He noted that Council is hosting a reception

for the Hall of Fame inductees at City Hall starting at 6:00 pm. It was confirmed that invitations to the reception had been forwarded to the inductees. It was indicated that Rogers TV will be recording the ceremonies.

11-01-056 Losing it for Local Charity

Councillor Stoyles raised awareness of a fundraiser underway by Wayne Holloway of the Board of Directors for the Vera Perlin Society. Mr. Holloway has committed to losing weight for the charity and all pledges received will be used for the renovations of the Perlin Centre. Information on the event will be available at City Hall.

11-01-057 Aliant – Lay-Bys

Council was advised of Aliant vehicles accessing their “wics” and this is creating potential hazards for vehicular traffic, especially for those in close proximity to intersections. To be referred to MEO’s for investigation.

11-01-058 Mount Pearl Minor Hockey Association (MPMHA)

Deputy Mayor Locke advised that he attended the recently held MPMHA Volunteer Appreciation night and brought greetings on behalf of Council. Congratulations were extended to the Hockey Association, the Board of Directors and the Volunteers.

11-01-059 Webcast

Councillor Lane requested an update on the webcast viewership.

11-01-060 Snowmobiles

Councillor Lane reminded users that it is illegal to operate snowmobiles within City limits.

11-01-061 Canadian Forces Member

Councillor Tessier acknowledged Corporal Kyle Parrell, a 19 year old resident who was stationed in Afghanistan as a gunner. Corporal Carroll was welcomed home safely just before Christmas.

11-01-062 Metrobus Strike

Mayor Simms noted that the City of Mount Pearl continues to deal with the public transit strike. Metrobus will be doing their chit sale again with local taxi companies. The strike continues with no movement on either side. He urged both sides to come to a settlement.

11-01-063 Welcome – Community Services Director

On behalf of Council, the CAO welcomed Brian Chmarney as the City's new Community Services Director. Mr. Chmarney joins Mount Pearl from the City of Melville, Saskatchewan, and brings with him extensive knowledge and academic qualifications. Mr. Chmarney was involved in a new multi-million dollar recreation facility in Melville as well as a contributor to the Parks & Recreation Master Plan.

ADJOURNMENT

As there was no further business, the meeting adjourned at 5:30 pm on a motion by Councillor Aker and seconded by Councillor Stoyles.

Chairperson

Deputy City Clerk