



**PUBLIC COUNCIL MEETING MINUTES
January 26, 2010**

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on January 26, 2010 at 4:15 pm.

MEMBERS PRESENT

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

STAFF PRESENT

Gerard Lewis, CAO
Michele Peach, Director, Corporate Services
Ray Osmond, Director, Community Services
Stephen Jewczyk, Director, Planning & Development
Mona Lewis, Deputy City Clerk

Councillor Tessier was absent.

Mayor Simms chaired the meeting.

10-01-033 Adoption of Agenda

Motion – Councillor Walsh/Councillor Aker

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

10-01-034 Adoption of Minutes

Motion – Deputy Mayor Locke/Councillor Lane

RESOLVED THAT the minutes of the public meeting held on January 12, 2010 be adopted as presented

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING

10-01-035 Swimming Pool

Council was advised that the swimming pool is now open following repairs to correct leaks and heating issues. Appreciation was extended to the general public and user groups for their patience during this unscheduled closure of the facility.

ACTION REPORT

The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

None presented.

CORRESPONDENCE

10-01-036 The Honourable Peter MacKay
Minister of National Defence

A letter was presented from The Honourable Peter MacKay in response to the City's letter regarding the provision of search and rescue (SAR) capability on the Avalon Peninsula. The Minister advised that all factors have been considered, and as a result, there are no discernable deficiencies in the region that warrant an increase in the ability to deliver Canadian Forces SAR response by basing additional SAR helicopters in the St. John's area.

10-01-037 Honourable Charlene Johnson
Minister of Environment & Conservation

A letter was presented from the Honourable Charlene Johnson in response to the City's letter regarding moose vehicle collisions. The Minister advised that the Province is taking action in managing the risks associated with vehicular traffic coming in contact with moose, i.e. using moose quotas as a tool to manage excessive densities, increase driver awareness, and roadside brush clearing. It was requested that a copy of the Minister's letter be forwarded to Eugene Nippard, Chairperson of the Save Our People Action Committee.

COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE

10-01-038 Traffic Regulations – Fine Increase
Re – Designated Mobility Impaired Space

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT the Traffic Regulations be amended as follows:

1. A person other than the holder of a permit or a person accompanying the holder of a permit shall:
 - a. Not park a motor vehicle in a designated mobility impaired parking space.
 - b. A permit shall be displayed in the windshield of a vehicle occupying a designated mobility impaired parking space.
 - c. A person shall not park within two meters of a sidewalk access ramp whether on private or public property.

2. A person who contravenes a provision of these regulations is guilty of an offence and is liable on summary conviction to:
 - a. A fine of ***\$100.00***and
 - b. In default of payment of a fine, imprisonment for not less than 2 days and not more than 10 days.

Discussion: It was noted that this amendment increases the fine from \$52.00 to \$100.00. It was also indicated that the municipal enforcement division, in consultation with the business community, will undertake an increased patrol for these infractions. Clarification was provided whereby it was confirmed that an unauthorized person using this type of permit can be fined. It was also noted that the City cannot increase subsequent fines as there is no provision in the Provincial Government Regulations and therefore the City cannot supersede a higher governing authority.

Question called. Motion carried unanimously.

COMMUNITY SERVICES COMMITTEE

10-01-039 Mount Pearl Y – 2010 Operating Grant

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted to release the first installment of the Mount Pearl Y 2010 operating grant, in the amount of \$43,351.97, in accordance with the Memorandum of Understanding with the City.

Question called. Motion carried unanimously.

10-01-040 Admiralty House – 2010 Operating Grant

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted to release the first installment of the 2010 operating grant, in the amount of \$18,750.00, to the Admiralty House Board of Management.

Question called. Motion carried unanimously.

10-01-041 Arena Board of Management – 2010 Operating Grant

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted to release the first installment of the 2010 operating grant, in the amount of \$15,000.00, to the Arena Board of Management.

Question called. Motion carried unanimously.

CORPORATE SERVICES COMMITTEE

10-01-042 Atlantic Mayors' Congress – Meeting

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT approval be granted for Councillor Lane to attend the Atlantic Mayors' Congress meeting being held in Halifax on January 29, 2010.

Discussion: It was acknowledged that the City recently renewed its membership in the Atlantic Mayors' Congress. The main focus of this meeting is to provide an opportunity to review and record the Economic

Stimulus Program funding commitments made in Atlantic Canada. This will enable provincial and municipal governments to more accurately account for the funds from this program.

Councillor Lane advised that he would provide a report on the outcome of this meeting following his return.

Question called. Motion carried unanimously.

10-01-043 Tax Consideration

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT approval be granted to exempt 2010 property taxes in accordance with Council’s past practice and 2010 business taxes in accordance with Council’s policy for charitable organizations for the following:

Name	Address	Type	Annual Amt
Masonic Park	117 Mount Carson Ave	Property (60%)	\$69,873.95
Freemason Hall	115 Mount Carson Ave	Property (60%)	\$8,835.75
Freemason Hall	115 Mount Carson Ave	Business (100%)	\$19,733.18
Disabled People’s International	874 Topsail Road	Business (100%)	\$1,917.88
Iris Kirby House		Property (100%)	\$1,457.80
Campia	60 Clyde Ave	Business (100%)	\$1,595.23

Discussion: Particular reference was made to the exemption provided Masonic Park, noting that the percentage exempted has been in place for many years and is based on the actual cost associated with water/sewer and fire protection services.

Question called. Motion carried unanimously.

10-01-044 Donation
2010 Canadian Vision Impaired Curling Championship Games

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT approval be granted to provide a \$100 donation (each) to Art Norris and Deanna O’Reilly, two Mount Pearl residents who are

representing NL at a curling bonspiel for blind and visually impaired people being held in Ottawa in February 2010.

Question called. Motion carried unanimously.

10-01-045 Haiti Relief Fundraising

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT approval be granted to donate \$850.00 to the Mount Pearl Social Club's Haiti relief fundraiser.

Discussion: It was noted that City employees also donated \$837.00 and it was requested that a note of appreciation be forwarded to staff for their efforts in raising funds for this cause.

Question called. Motion carried unanimously.

10-01-046 2010 Professional Municipal Administrators (PMA)
Advertising – Convention Program

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT approval be granted to place a municipal card ad in the 2010 PMA Convention program at a cost of \$50.00 (plus tax).

Question called. Motion carried unanimously.

10-01-047 Frosty Festival – Steele Communications

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT approval be granted to air eight 30-second announcements by the Mayor promoting the Frosty Festival on VOXM & Radio NF at a cost of \$690.00 (plus tax).

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

10-01-048 Invoices for Approval

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT the following invoices be approved for payment:

1.	Colonial A/P Body Shop (Painting of Unit #618)	\$ 8,927.00
2.	Lighting & Traffic Systems Ltd. (Econolite ASC/3 Traffic Controller)	\$ 15,366.55
3.	Magna Contracting & Management Inc. (Glacier Arena Expansion)	\$ 636,784.35
4.	Paul Stroud (Surface Preparation Pool)	\$ 10,396.00
5.	Paul Stroud (Painting Pool)	\$ 6,158.50
6.	Platinum Construction Company Ltd. (Sunrise Avenue Drainage Basin Pilot Project)	\$ 12,854.33
7.	Saunders Equipment Ltd. (Inventory)	\$ 5,066.46
8.	Shu-Pak Equipment Ltd. (Ram Assembly)	\$ 9,397.93
9.	Western Hydraulics 2000 Ltd. (Inventory)	\$ 15,926.11
	Total	\$ 720,877.23

Question called. Motion carried unanimously.

10-01-049 December 2009 Payment Register

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT the December 2009 payment register totaling \$4,140,193.07 be approved as presented.

Question called. Motion carried unanimously.

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

10-01-050 Abitibi Geophysics
Magnetic/GPR Survey

Motion- Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT approval be granted to engage Abitibi Geophysics to undertake magnetic subsurface and ground penetrating surveys in the

reclaimed area of Pearlgate Centre recreational area, at a cost of \$47,292.00, (plus HST and standby charges).

Discussion: It was noted that this undertaking is a part of Council's ongoing plans to enhance this site for future development. It was clarified that standby charges would result from unforeseen stoppage in work not caused by their own operation. The consultant has indicated that the work may actually be accomplished for an amount less than the quotation.

Question called. Motion carried unanimously.

INFRASTRUCTURE, ENGINEERING, WATER & SEWER SERVICES COMMITTEE

10-01-051 Glacier Arena Complex – Expansion
Foundations & Building Envelope

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT change order # 3 for the Glacier Arena Complex Expansion (foundations and building envelope) be approved in the amount of \$144,707.39 (HST included).

Discussion: Council was advised that most of this amount relates to previously planned and approved contracts with some costs being covered by the approved contingency for this project. The consultant has been requested to provide a revised budget for the Pearlgate Recreation Multiplex and Glacier Arena Complex to reflect the approved budgets and contingency for both projects.

Question called. Motion carried unanimously.

PLANNING & LAND USE DEVELOPMENT COMMITTEE

10-01-052 City Purchase of Properties Required
For the Upgrading and Realignment of Mount Carson Avenue
Upgrading of the Intersection at Bruce Street and Glencoe Drive

Motion – Deputy Mayor Locke /Councillor Aker

RESOLVED THAT approval be granted to acquire the following portions of properties to carry out the upgrading and realignment of Mount Carson Avenue and upgrading of the intersection at Bruce Street and Glencoe Drive respectively:

- 6 Mount Carson Avenue, Redwood Construction, \$500.00;

- 34 Glencoe Drive – Stratos Wireless Inc., \$3,500.00;
- 35 Glencoe Drive – Munn and Company Limited, \$200.00; and
- 12 Bruce Street – Farmers Co-Operative, \$5,600.00.

Question called. Motion carried unanimously.

10-01-053 1177-1181 Topsail Road
Placement of Fill – Moore Holdings

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be granted to proceed with legal action if the site at 1177 – 1181 Topsail Road is not remediated (removal of unsuitable material placed at the rear slope of the property and site to be restored to its previous condition) by May 31, 2010.

Question called. Motion carried unanimously.

10-01-054 Randy Furlong (Trudi Gill)
4 Montgomery Street – Tourist Rental Suite
Development Regulations Amendment (Text) and Discretionary Use

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the proposed one-unit tourist rental suite at 4 Montgomery Street be refused as the use is not a permitted or discretionary use within the Residential Medium Density (RMD).

Discussion: Council noted that the application was refused on the basis of the transient use and the potential disruption it could cause in a residential neighborhood.

Question called. Motion carried unanimously.

10-01-055 Professional Development & Training – Director, Planning & Development
Workshop – Introduction to Sustainability and
Integrated Community Sustainability – Municipalities NL Convention

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be granted, in accordance with the Professional Development & Training Policy, for the Director's attendance

at the above noted workshop which was held on November 4, 2009 in Gander during the MNL Convention.

Question called. Motion carried unanimously.

10-01-056 Harmony Homes
Parkdale Ridge Residential Subdivision
Revised Subdivision Development Agreement

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the subdivision development agreement between the City and Parkdale Ridge Developments Inc. prepared on December 23, 2009 be approved AND FURTHER THAT the Mayor and CAO execute this agreement on behalf of the City.

Question called. Motion carried unanimously.

10-01-057 Building Permits

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT building permits issued for the period of January 9 - 22, 2010, showing a total construction value of \$1,988,100.00, be approved as presented.

Question called. Motion carried unanimously.

10-01-058 Development Permits

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT development permits issued for the period of January 9 - 22, 2010 be approved as presented.

Question called. Motion carried unanimously.

10-01-059 Mount Pearl Development Regulations Amendment No. 197, 2009
(Election Signs Locations Amendment)

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be granted to adopt the Mount Pearl Development Regulations Amendment No. 197, 2009 (Election Signs Locations Amendment).

Discussion: This amendment provides Council with more direct control over the placement of election signs on an election day, as well as in relation to medians, boulevards and intersection islands situated within the street rights of way.

Council questioned whether the City's MHA's had been notified of the proposed change. It was noted that the usual notification process was followed.

Councillor Stoyles indicated her opposition to the motion as she felt that previous changes to the regulations were sufficient. She felt that candidates needed as much exposure as possible when running for office and that to reduce the available sites for signs would be to their disadvantage. She concurred with disallowing signs at sites that would cause safety concerns.

Other councillors indicated their support of the amendment noting that changes were being made at this time as a result of issues raised during the election, there were still sufficient public property locations remaining for the placement of signs in addition to private property (subject to property owner's approval) and as a compromise to reduce visual clutter.

Question called. Motion carried with Councillor Stoyles voting against the motion.

NEW BUSINESS

10-01-060 Firefighters Arbitration Award

Councillor Lane asked about the financial implications for Mount Pearl following the recent decision made by the Arbitration Board for the collective agreement for regional firefighters. It was noted that while there were some funds reserved, the complete financial implications will be determined shortly.

10-01-061 Webcasting

It was confirmed that public council meetings will be webcast from this point forward and available to viewers via the City's website.

10-01-062 Fisheries Minister Gail Shea

Councillor Lane voiced his concerns regarding the recent incident involving Minister Shea and a PETA member. He noted that such actions are

unacceptable and hoped that the incident would be treated seriously by the justice system.

10-01-063 RBC Local Hockey Leader – Gary Martin

Deputy Mayor Locke advised that during a recent ceremony, Minor Hockey Association raised a banner at the Glacier in recognition of Gary Martin as a recipient of the RBC Local Hockey Leader award. Mr. Martin's contributions to the community were acknowledged with appreciation.

10-01-064 Land Force Atlantic Area (LFAA) – Change of Command

Councillor Stoyles extended congratulations to Brigadier-General Anthony Stack upon his recent appointment as LFAA Commander. She noted that Mr. Stack is currently on a leave of absence from his duties as the Principal of St. Peter's Junior High School. It was requested that a letter of congratulations be forwarded to Mr. Stack from the Mayor's office.

10-01-065 Donations

Councillor Stoyles extended appreciation to residents of the province for so generously supporting charitable organizations.

10-01-066 Mount Pearl Minor Hockey Association (MPMHA)

Councillor Walsh advised that he was unaware of the recent event held for Gary Martin and would have liked to attend. He noted that it was unfortunate that MPMHA didn't notify all councillors about the event.

10-01-067 Frosty Festival

Councillor Walsh encouraged residents and visitors to attend the Frosty Festival taking place from February 5th – 13th. He commented on the opening night, noting that a very entertaining show was planned. He extended appreciation to the Committee for organizing a wide variety of events.

10-01-068 Swimming Pool

Councillor Walsh commented on the importance of the new multi-plex given the recent problems at the pool. Appreciation was extended to the public for their patience and to staff for a job well done.

ADJOURNMENT

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

Chairperson

Deputy City Clerk