

PUBLIC COUNCIL MEETING MINUTES
June 1, 2010

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on June 1, 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

Michele Peach, Director, Corporate Services
Ray Osmond, Director, Community Services
Scott Lush, Director, Infrastructure & Public Works
Mona Lewis, Deputy City Clerk

STAFF ABSENT

Gerard Lewis, CAO
Stephen Jewczyk, Director, Planning & Development

Mayor Simms chaired the meeting.

10-06-391 Adoption of Agenda

Motion – Councillor Tessier/Councillor Aker

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

10-06-392 Adoption of Minutes

Motion – Councillor Walsh/Councillor Stoyles

RESOLVED THAT the minutes of the public meeting held on May 18, 2010 be adopted as presented

Errors & Omissions: It was clarified that the \$45 charge for cleanup of household garbage (as a result of not being covered) was a service fee and not a fine. Therefore, it is possible to reverse this fee whereas a fine cannot be reversed.

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

10-06-393 National Brain Injury Awareness Month

Mayor Simms signed a proclamation declaring June as National Brain Injury Awareness Month in the City of Mount Pearl.

Mayor Simms welcomed Mr. Tom Lush, President, NL Brain Injury Association as well as Marina White (National NL Representative) and Jeannette Holman Price. Mr. Lush outlined the role of the Association and reiterated the importance of wearing helmets when participating in various activities. He also advised that the Association is sponsoring a fundraising walk on June 27th from 2:00 – 5:00 pm at Quidi Vidi Lake Walking Trail.

10-06-394 Presentation – Director, Corporate Services

Mayor Simms presented the Director of Corporate Services, Michele Peach, with a floral arrangement in recognition of having received the Mike Badham Award for Outstanding International Volunteer Contribution.

Members of Council individually congratulated Ms. Peach. It was suggested that Ms. Peach be nominated for the Canadian Red Cross Humanitarian Award.

Ms. Peach was one of 61 FCM volunteers who helped municipalities throughout Sri Lanka and Indonesia following the devastating Indian Ocean tsunami in December 2004. Her dedication to the project allowed for improved access to services and the participation of women in municipal decision making.

CORRESPONDENCE

10-06-395 Cost-Sharing Proposed New Federal Wastewater Regulations

Motion – Deputy Mayor Locke/Councillor Lane

RESOLVED THAT FCM call on the federal government to work with municipalities, provinces and territories to develop a cost-shared financing and implementation plan for these new wastewater regulations, as part of a long-term national plan to eliminate the municipal infrastructure deficit.

AND FURTHER THAT FCM call on Environment Canada, as a first step in the development of a cost-shared funding plan, to commit to work in partnership with municipalities to establish a thorough and objective estimation of the front-line costs and trade-offs of meeting the regulations and to resolve outstanding technical and implementation issues.

Question called. Motion carried unanimously.

10-06-396 Office of the Minister
Department of Environment & Conservation

A letter was presented from Minister Charlene Johnson advising that the City was selected as the winner in the *Municipality or Regional Waste Management Committee* for the 21st NL Environmental Awards.

Mayor Simms advised that he attended the ceremony (today's date) and accepted the award on behalf of the City as well as a \$1,000 honorarium from the MMSB to be used for a City environmental project or donated to an environmental cause (of the City's choice). The Environmental Awards program is an annual celebration of environmental achievements in the province and raises awareness of the individuals, groups and businesses that are taking action to protect and sustain our environment. It is a joint initiative sponsored by the Department of Environment and Conservation, the Multi-Materials Stewardship Board and the Newfoundland and Labrador Women's Institutes.

Appreciation was extended to the Mount Pearl Women's Institute for nominating the City.

10-06-397 Lieutenant Governor

A letter was presented from the Private Secretary to the Lieutenant Governor advising that Mr. Crosbie was unable to attend the medal presentation scheduled to take place during today's meeting. Congratulations were extended to S/Sgt. Pearcey and Constable Crummey.

10-06-398 Mount Pearl Frosty Festival

A letter was presented from Chairperson Agnes Murphy extending appreciation to Council for supporting Frosty Festival.

COMMITTEE REPORTS

COMMUNITY SERVICES COMMITTEE

10-06-399 Grand Concourse Authority – Operating Grant

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted to provide the Grand Concourse Authority the amount of \$151,000, representing 25% of their funding allocation for projects in 2010.

Discussion: It was asked if this funding would cover the extension of the existing trail across Emerald Drive and through to the Pearlgate Shopping Centre. Council was advised that there is funding allocated for the linear walkway system, however, there is an easement issue with this particular walkway – discussions are ongoing with NF Power. When finalized a report will be provided to Council. It was acknowledged that the resident who brought the issue of the walkway to Council's attention was previously advised that the walkway was to be extended.

Question called. Motion carried unanimously.

10-06-400 Quotation – Roof Repairs – Mount Pearl Swimming Pool

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted to award the quotation for the swimming pool roof repairs, to the lowest bidder, Flynn Corporation, in the amount of \$11,809.00 (tax excluded).

Question called. Motion carried unanimously.

10-06-401 Park Patrol

Council was advised that the Summer Student Park Patrol commences on June 2, 2010 at 4:00 pm.

The students were trained (two days) by members of the Municipal Enforcement Division and Royal Newfoundland Constabulary. They will be equipped with radios, flash lights and a reflective vest. The students' primary office base will be located at the boat house, Powers Pond.

CORPORATE SERVICES COMMITTEE

10-06-402 Donation – Lupus NL

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted to provide a \$100 donation in support of the Lupus NL fundraising walk being held on June 13, 2010.

Discussion: It was noted that the Mayor or his designate will attend this function.

Question called. Motion carried with Councillor Stoyles abstaining from voting due to a conflict of interest.

10-06-403 Donation – Girls Under 16 Provincial Soccer Team

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted to provide a \$200 donation to the Girls Under 16 Provincial Soccer Team in support of the seven Mount Pearl players on this team.

Question called. Motion carried unanimously.

10-06-404 Donation – ALS Society of Newfoundland & Labrador

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted to provide a \$100 donation to the ALS Society of NL in support of their fundraising walk being held on June 13, 2010 at the Reid Community Centre.

Discussion: Councillor Aker will be attending this event.

Question called. Motion carried unanimously.

10-06-405 Invoices for Approval

Motion – Councillor Lane/Councillor Tessier

1.	Emberley Electric Ltd. (City Depot Renovations)	\$	7,527.39
2.	Fabian James (Project Management Services)	\$	5,650.00
3.	Grand Concourse Authority (GCA for projects for 2010)	\$	151,000.00

4.	Kennedy Belbin (Acquisition of land from Group Holdings Ltd.)	\$	42,500.00
5.	Kennedy Belbin (Acquisition of 989 Topsail Road)	\$	210,194.80
6.	Magna Contracting (Glacier CP1)	\$	108,956.92
7.	Magna Contracting (Glacier CP2)	\$	413,647.98
8.	Transcontinental (Summer 2010 Activity Guide)	\$	10,197.12
	Total	\$	949,674.21

Question called. Motion carried unanimously.

10-06-406 Business Retention & Expansion Conference

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted for Deputy Mayor Locke to attend the Business Retention & Expansion Conference taking place in New Orleans, Louisiana from August 14 – 17, 2010.

Question called. Motion carried unanimously.

10-06-407 CoreNet Global

Item deferred.

10-06-408 Emergency Management Plan
kAp Consulting

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted to engage kAp Consulting Inc. to assist with the updating and revision of the City's emergency management plan at a cost of \$10,000.00.

Discussion: It was noted that the City currently has an emergency plan; however, it needs to be updated due to the changes that have occurred since being put in place.

Question called. Motion carried unanimously.

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

10-06-409 Request for Proposals (RFP)
Economic Development Strategy

Motion – Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT approval be granted to award the RFP for the development of an economic development strategy for the City to Sierra Planning and Management at a cost of \$61,543.80 (HST included).

Question called. Motion carried unanimously.

10-06-410 Upcoming Conferences – City Participation

Motion – Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT approval be granted for participation in the following conferences as specified:

- Manager of Economic Development & Business Liaison to attend the Canadian Hotel Investment Conference and the Canadian Retail Conference being held in Toronto from May 25 – 27 and May 31 – June 2, 2010 respectively.
- Chief Administrative Officer to attend the Go Expo Oil Show being held in Calgary from June 8 – 10, 2010.

Question called. Motion carried unanimously.

PUBLIC WORKS COMMITTEE

10-06-411 Regional Fire Services

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT approval be granted to pay the City of Mount Pearl's portion of the 2009 operating deficit for regional fire services in the amount of \$130,038.30.

Question called. Motion carried unanimously.

ENGINEERING SERVICES COMMITTEE

10-06-412 2010 Street Upgrading Program (CP-1)

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted to award the tender for the 2010 street upgrading project to the low bidder, Modern Paving Limited, for the amount of \$2,260,522.06 (HST included).

Discussion: It was requested that the street listing be posted on the City's website.

Question called. Motion carried unanimously.

10-06-413 Leak Detection Program 2010

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted for the Engineering Services Division (Infrastructure & Public Works Department) to utilize the \$25,000 budget allocation for the 2010 Leak Detection Program.

Question called. Motion carried unanimously.

10-06-414 Demolition – Water Reservoir Structure – Olympic Drive

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted to award the tender for the demolition of the water reservoir structure to the low bidder, Granite Management Limited, in the amount of \$49,292.89 (HST included).

Question called. Motion carried unanimously.

10-06-415 Asphalt Crack Sealing Tender

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the tender for asphalt crack sealing be awarded to Crown Contracting, in the amount of \$22,102.80, based on the quantity being reduced to accommodate the \$15,000.00 allocation for this project.

Question called. Motion carried unanimously.

PLANNING & LAND USE DEVELOPMENT COMMITTEE

10-06-416 Request to Acquire City-Owned Open Space Property
Land Adjacent to 8 Ingerman Street

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT a request from the property owners of 8 Ingerman Street to acquire a portion of City-owned open space adjacent to their property be approved and a License to Occupy be executed for a five-year term for a total cost of \$50.00.

Discussion: Councillor Lane questioned the rationale for the \$50.00 fee, noting that the property owner had no use for the land and will actually be assisting the City by maintaining the property. He suggested that a nominal fee (\$1.00) would be more appropriate.

Other members of Council noted that the property owners asked to purchase this land, however, City policy dictates that such land not be sold but rather leased. This arrangement provides the City with the authority to access the property should the need arise. It was noted that there are similar agreements in place with other property owners who have paid the \$50.00 fee. Council also questioned whether the property owners had expressed opposition to paying this amount.

Councillor Lane indicated that he would vote in favour of the motion but requested his disagreement with the \$50.00 fee be noted in the minutes.

Question called. Motion carried unanimously.

10-06-417 Municipal Plan Amendment – Rescinding of Motion
5 Centennial Street

Council was advised that minute #10-05-371 has to be rescinded as this matter was brought forward prematurely, prior to receipt of a release from the Department of Municipal Affairs. The review and release by the Minister of Municipal Affairs, on behalf of the Province, is required prior to Council's adoption of a Municipal Plan Amendment as per the Urban and Rural Planning Act.

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT minute # 10-05-371 be rescinded.

Question called. Motion carried unanimously.

10-06-418 Proposed Street Names
 Moffatt Road West Subdivision

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the street names “Pollux Drive” and “Truxton Place” for the Moffatt Road West Subdivision Development be approved.

Question called. Motion carried unanimously.

10-06-419 Order – Eastern Propane
 185 Commonwealth Avenue

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT in accordance with the Urban & Rural Planning Act, the order issued by the Planning & Development Department to Eastern Propane, 185 Commonwealth Avenue, dated May 28, 2010, be ratified.

Question called. Motion carried unanimously.

10-06-420 Building Permits

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT building permits issued for the period of May 15 - 28, 2010, showing a total construction value of \$1,879,016.00, be approved as presented.

Question called. Motion carried with Councillor Stoyles abstaining from voting due to a conflict of interest.

10-06-421 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. Revise Schedule C , Industrial- Light (LI) use zone to include the following condition:

6. Satellite Dish Antenna

(viii) Where satellite dish antennae exceed the maximum diameter or height requirements of this use zone, the Authority may use its discretion to consider the increase in the additional diameter

or height of the satellite dish antennas provided the application is processed in accordance with Regulations 10 and 22.

The intention of this amendment is to provide Council with the regulatory framework to consider development proposals for satellite antennas that exceed the maximum diameter or height requirements of the Industrial-Light (LI) use zone.

10-06-422 Environmental Assessment – Proposed Hotel Site
Olympic Drive

Motion - Deputy Mayor Lane/Councillor Aker

RESOLVED THAT approval be granted to engage BAE-Newplan to conduct an environmental assessment, at an estimated cost of \$70,000 (excluding HST), of an area of the former landfill on Olympic Drive designated as the site for a proposed hotel development.

Question called. Motion carried unanimously.

NEW BUSINESS

10-06-423 Speeding – Jersey Avenue

Councillor Aker raised the issue of speeding vehicles on City streets, in particular Jersey Avenue. Council was advised that the traffic calmer will be placed on Jersey Avenue, the statistics analyzed, and a subsequent report provided to Council.

10-06-424 Commonwealth Avenue Bridge Repair Project

Councillor Aker advised that construction on the Commonwealth Avenue bridge repair project is scheduled to commence on June 9 for a period of approximately four – six weeks. It was noted that traffic will be reduced to two lanes.

10-06-425 Park Avenue

Council was advised that the last course of asphalt for Park Avenue should be laid within the next couple of weeks (pending weather conditions). It was noted that prior to the asphalt being laid, the manhole covers will be raised.

10-06-426 Mount Pearl Minor Hockey Association (MPMHA)

Councillor Aker advised that the MPMHA held their AGM on May 27. He extended congratulations to the newly elected Executive and commended them for volunteering their services.

10-06-427 Regional Water Services Committee – Media Conference

Councillor Walsh advised that the Regional Water Services Committee held a media conference today's date in an effort by the Committee to keep the public informed on water levels and whether a water ban will be imposed this year. It was noted that there is no plan to impose a water ban, however that could change depending on water use as the summer progresses. He indicated that a report will be tabled with Council at a future date.

10-06-428 Annual Watermain Flushing Program

Councillor Stoyles advised that the annual watermain flushing program is underway. This work is in accordance with the City's water system and fire flow protection maintenance programs. She reminded affected residents to refrain from using their washers and dishwashers between the hours of 8:00 am and 7:00 pm.

10-06-429 Animals

Councillor Stoyles raised concerns of increased incidents of animals roaming during the evening/nighttime hours. She reminded residents that this is against the City regulations.

10-06-430 Traffic Lights – Commonwealth Avenue/Smallwood Drive

Councillor Lane advised that the current traffic control arm is a temporary fix at the above noted intersection and will be in place until the replacement structure is received. The previous control arm/pole was damaged as a result of a traffic accident.

10-06-431 Power's Pond

Councillor Lane requested that the issue of the unavailability of the washroom facilities at Power's Pond (and the St. David's Field) outside of the day camp program be referred to the Community Services Committee for review.

He also reminded residents to clean up after their animals when utilizing the City's walking trails and open space areas.

10-06-432 Day Camp Program

Councillor Lane requested that the residency rule for day camp registration be revisited. He noted that he has received complaints from residents advising that, in the past, they have been placed on a wait list when, in fact, nonresidents have been able to register. The Director of Community Services advised that at this current time there is no waiting list and all applicants have been accommodated.

SPECIAL PRESENTATION

Mayor Simms welcomed Chief Robert Johnston and Superintendent June Layden who were in attendance for the presentation of the Police Exemplary Service Awards and Introduction of the Municipal Enforcement Officers' new Dress Uniform.

Introduction of New Dress Uniform

Members of the Municipal Enforcement Division entered the Council Chambers and displayed for the first time their new dress uniform.

Presentation of Exemplary Service Medals

The significance of the Exemplary Service Medals was outlined. Staff Sergeant Allan Pearcey and Senior Constable Boivan Crummey were awarded a Police Exemplary Service Medal. This medal recognizes police officers who have served in an exemplary manner, characterized by good conduct, industry and efficiency. Recipients must have completed 20 years of full-time service with one or more recognized Canadian Police Forces.

Chief Robert Johnston

Chief Johnston brought greetings and extended congratulations to both officers.

Conclusion

The ceremony was followed by a reception for the municipal enforcement officers, guests, Council and staff.

ADJOURNMENT

As there was no further business, the meeting adjourned at 6:15 pm on a motion by Councillor Walsh and seconded by Councillor Stoyles.

Chairperson

Deputy City Clerk