

PUBLIC COUNCIL MEETING MINUTES
June 28, 2011

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on June 28, 2011 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

Michele Peach, Chief Administrative Officer
Stephen Jewczyk, Director, Planning & Development
Scott Lush, Director, Infrastructure & Public Works
Brian Chmarney, Director, Community Services
Jason Silver, Director, Corporate Services
Mona Lewis, Deputy City Clerk

MEMBERS ABSENT

Councillor Paula Tessier

Mayor Simms chaired the meeting.

11-06-456 Adoption of Agenda

Motion – Councillor Walsh/Councillor Aker

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

11-06-457 Adoption of Minutes

Motion – Deputy Mayor Locke /Councillor Stoyles

RESOLVED THAT the minutes of the public meeting held on June 14, 2011 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING

11-06-458 Eastern Waste Management Committee

It was noted that an official with the Department of Municipal Affairs has advised that the first meeting of the (new) Eastern Waste Management Committee is anticipated to be in September. It was further noted that Minister O'Brien also made this commitment to the Northeast Avalon Joint Council.

ACTION REPORT

The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

11-06-459 Presentation - Certificate of Merit Canadian Association of Municipal Administrators (CAMA)

Mr. Keith Arns, NL CAMA representative presented a Certificate of Merit as part of the CAMA 2011 Environment Awards to the City for the Glacier Arena Expansion – Eco Chill System. The award was originally presented on June 1 at CAMA's national conference held in Halifax, NS.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE

No report.

COMMUNITY SERVICES COMMITTEE

11-06-460 Canada Day Celebrations

Canada Day Celebrations will take place July 1 at St. David's Ball Field from 12:00 to 3:00 pm. Inclement weather site is the Reid Community Centre.

Entertainment includes juggler James Burke, puppeteer and singer Terry Kelleher, Hot Hoops Hula Hoopers, Sky High Amusements, air brush/tattoos/face painting by Air Workz, and musical entertainment by Tim Barnes. The opening ceremonies will be taking place at 1:00 pm. There will be prizes for general audience members who wear red and white as

well as prizes for the children's games and prizes. There will be a birthday cake as well as a barbeque hosted by the Citizens Crime Prevention Committee. Admission is free with a non-perishable food item.

11-06-461 Admiralty House
Second Installment Operating Grant

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted to issue the second and final installment of the 2011 operating grant in the amount of \$18,750 to Admiralty House Museum and Archives.

Question called. Motion carried unanimously.

11-06-462 Mount Pearl Y/YMCA
Second & Final Installment Operating Grant

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted to release the second and final installment of the Mount Pearl Y 2011 operating grant in the amount of \$42,015.50 in accordance with the Memorandum of Understanding with the City.

Question called. Motion carried unanimously.

11-06-463 Association for the Arts in Mount Pearl
2010 Activities Report / 2011 Operating Grant

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted to release the 2011 operating grant in the amount of \$2,500 to the Association for the Arts in Mount Pearl in accordance with the Memorandum of Understanding with the City.

Question called. Motion carried unanimously.

11-06-464 Provision of Bus Services
Summer Program 2011

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT the tender for the provision of bus services for the 2011 summer program, be awarded to the lowest bidder, Executive Taxi, in the amount of \$17,245.80 (taxes included).

Question called. Motion carried unanimously.

CORPORATE SERVICES COMMITTEE

11-06-465 Uncollectible Account
 Tax Write

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT approval be granted to write off the balance and remove the following account from the City’s records.

Name	Principal	Interest	Other	Total
POS Central Inc.	\$2,142.85	\$132.16	\$ 177.00	\$ 2,452.01

Discussion: It was noted that the business has closed and all collection efforts have been exhausted.

Question called. Motion carried unanimously.

11-06-466 Invoices for Council Approval

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT the following invoices be approved for payment:

1.	H&B Construction Limited (Donovans District Water Meter CP1 - Progress Claim #1)	\$ 24,163.49
2.	Magna Contracting Limited (Glacier CP1 - Payment Certificate #19)	\$ 13,910.44
3.	Magna Contracting Limited (Glacier CP2 - Payment Certificate #15 Partial Holdback)	\$ 647,041.56
4.	CBS Rental Limited (Supply and Delivery of one Sod Cutter)	\$ 5,413.83
5.	Traction St-John's (L.E.D Traffic Advisor Bars)	\$ 13,480.56
6.	Hickman Motors Limited (Purchase of Full Size 4x4 Pickup Truck as per Tender)	\$ 27,503.07
8.	Case Atlantic (Purchase of one Rubber Tire Backhoe as per Tender)	\$ 118,922.33
9.	Pennecon Energy Technical Services (Flowmeter Supply, Installation and SCADA Services)	\$ 16,873.61
10.	Harvey & Company Limited (Two Brine Tanks with Fittings)	\$ 23,626.04
11.	Lighting & Traffic Systems (Traffic Lights Bruce Street/Glencoe Drive CP2 - Pymt #2)	\$ 34,102.00

12.	Bae-Newplan Group Limited (Professional Services: Pearlgate Recreation Centre)	\$ 471,012.25
	TOTAL	\$1,396,049.18

Question called. Motion carried unanimously.

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

11-06-467 2011 Mount Pearl Chamber of Commerce
 Annual General Meeting (AGM) and Election of Officers

The Committee was advised that the new Board of Directors elected at the Chamber AGM on June 21, 2011 is as follows:

- President: Bruce Mullett, Exit Realty
- Past-President: Russ Durant, ScotiaBank
- Vice-President: Debra Feltham, Feltham Attwood Chartered Accountants
- Treasurer: Larry Billard, Islandwide Giftware & Graphic Arts/Sign Shop Ltd.

- Directors: Colinda Gosse, Café Mocha & Capital Catering
- Ryan Peyton, Wedgewood Insurance Limited
- Jeffrey Silver, Bank of Montreal
- Chris Woodley, Super 8 Hotels
- Mary Piccott, Household Movers & Shippers
- Mia Power, Bell Aliant

It was requested that a letter of congratulations be sent to the President of the Chamber extending the City's congratulations to the Chamber on the election of their new Board of Directors.

It was noted that there is a "business mixer" being hosted by CIBC, 164 Old Placentia Road, for Chamber members on June 29 from 5:00 – 7:00 pm.

11-06-468 Congratulations and Best Wishes
 New Businesses in Mount Pearl

Congratulations were extended to the businesses that have opened since January 2011. It was noted that a welcome/congratulatory letter from the Mayor is forwarded to all new business owners. In addition, the Manager of Economic Development & Business Liaison makes contact with the owner.

ENGINEERING SERVICES COMMITTEE

11-06-469 Update – Various Projects

An update was provided on various engineering projects ongoing in the city.

11-06-470 Mount Carson Upgrading CP2 – Tender Results

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the tender for Mount Carson Upgrading Phase 2 be awarded to the lowest, qualified bidder, Weir's Construction, in the amount \$\$1,943,039.52.

Question called. Motion carried unanimously.

PLANNING & LAND USE DEVELOPMENT COMMITTEE

11-06-471 Pattison Outdoor Advertising – Billboard Application
1042 Topsail Road

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT a development application by Pattison Outdoor Advertising to develop one (double-sided) 7.62 m tall, 18.58 m² billboard on the west side of the property at 1042 Topsail Road be approved and a development permit be issued subject to the following conditions:

1. Inspection Services Conditions.
2. Engineering Services Conditions.
3. Submission of final letter of approval from Newfoundland Power.
4. Conditions of the City's Sign and Advertisement Regulations.

Question called. Motion carried unanimously.

11-06-472 Application for Deck and Fence
52 Michener Avenue

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT of a development application to construct a deck in the rear yard and erect a privacy fence along the perimeter of the rear yard at 52 Michener Avenue be refused for the following reasons:

1. commentary of the Engineering Services Division ⁽¹⁾
2. the proposal to construct a deck or fence in the open space use zone is not a permitted or discretionary use.

⁽¹⁾ The City cannot have a structure over a stream/ditch. Staff reviewed the site and did not approve of the current proposal. The Division also recommended maintaining the open space zoning so that residents are not permitted to build in this area. Structures could possibly cause flooding etc. (hold up snow/ice). If the City were to allow building in this area, it would need to be engineered and receive appropriate government agency approval (this would not be the City's responsibility).

Discussion: It was noted that the strip of land is being used as a walking path; however, it is not part of the City's linear walkway system and is on private property. Reference was also made to other properties along this waterway that have decks, fences or sheds across this waterway (done without permits). It was also noted that the original plan of the development was that the homes in the area were to have a 100' rearage, with a further 40' to be conveyed to the City or an easement be established to facilitate the maintenance of a river that runs along the rear of these properties. Due to a surveying error the lots ended up having a 140' rearage, and the remaining 40' was to be conveyed to the City. It appears that this transfer of land from the developer to the City for Open Space purposes never occurred.

It was acknowledged that this particular application could not be approved based on the current zoning, however, it was requested that the Committee assess this entire area given the issues that have arisen as a result of this application. It was noted that should changes occur, the applicant would be permitted to reapply.

Question called. Motion carried unanimously.

11-06-473

Jordan Construction
Extension to an Accessory Building – Warehouse Use
37 Commonwealth Avenue

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT an application from Jordan Construction Limited to construct a 55.74 m² extension to an existing accessory building in the rear yard of the property at 37 Commonwealth Avenue to accommodate a warehouse expansion be approved a development permit be issued subject to the following conditions:

1. An engineered site plan, which shows the extension, set backs from all property boundaries, and all easements, shall be submitted for approval.

2. A building permit will be required for the extension. The building permit fee is \$9 per every thousand dollars for the first \$100,000 of estimated cost plus \$7.20 for every thousand dollars above the initial \$100,000.
3. No part of the extension will be permitted upon any easement.
4. Provided there aren't any easements, the accessory building shall maintain a minimum side and rear yard setback distance of 1m.
5. The accessory building shall maintain a minimum separation distance of 2m from the main dwelling.
6. The exterior siding of the accessory building shall match or be complimentary to the exterior siding of the main building of the lot.
7. The driveway from Commonwealth Avenue to the replacement shed be paved in accordance with the requirements of the Mount Pearl Planning and Development Department.
8. There shall not be any outside storage of material or equipment in the rear yard.
9. The extension shall be designed and constructed in accordance with the National Building Code of Canada 2010 Edition and all other applicable requirements and standards of the City of Mount Pearl.
10. Engineered drawings will be required for all steel structural members.
11. Any new electrical work will require an electrical permit from the Government Service Centre. The City of Mount Pearl will require a copy of the final electrical certificate upon completion of the project.
12. Any new plumbing work will require a plumbing permit. The City of Mount Pearl will require a copy of the Plumber's Certification Form upon completion of the project.
13. Final location certificate required once construction is completed.
14. The development meeting Mount Pearl Development Regulations, 1988.

Question called. Motion carried unanimously.

11-06-474 Pearlview Subdivision Extension – Phase 5
Subdivision Development Agreement

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be granted for the Mayor and Chief Administrative Officer to sign the Pearlview Subdivision Extension Phase 5 Subdivision Development Agreement on behalf of the City Council of Mount Pearl.

Question called. Motion carried unanimously.

11-06-475 Confirmation of Orders
 Regarding 6 Ingerman Street and 1082 Topsail Road

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the Orders issued to the property owners of 6 Ingerman Street and 1082 Topsail Road be ratified as issued on June 17, 2011.

Discussion: The Director of Planning & Development was requested to check whether a notice (re property conditions) had been issued to the property owner on Galway Crescent to the rear of 6 Ingerman Street.

Question called. Motion carried unanimously.

11-06-476 Rescinding of Order
 Castor River Holdings (CRH)
 12 Allston Street

As a result of a decision by Council on July 28, 2009, an order was issued on July 30, 2009, to CRH that the building at 12 Allston Street not be occupied unless all the conditions of the development permit dated January 9, 2009, were complied with by the developer.

The property owner filed an appeal of the Order. In summary, an appeal hearing at that time was deferred at the request of the appellant, and with the agreement of the City, in order that the appellant might work to resolve the outstanding issues. The outstanding matters were addressed as outlined in the above-noted order, and an occupancy permit was issued on June 14, 2010.

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the above-noted Order be rescinded, with a copy of the documentation to be submitted to the office of the Appeal Board so that the appeal hearing may be cancelled and the file closed.

Question called. Motion carried unanimously.

11-06-477 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. Rezone the property located at 291 Old Placentia Road from Community and Public Services (PB) to Office Buildings (OB).

The purpose of the proposed amendment is to rezone the property at 291 Old Placentia Road to accommodate a proposal for a medical professional use.

11-06-478 Development Permits

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT development permits issued for the period of June 13 - 24, 2011 be approved as presented.

Question called. Motion carried unanimously.

11-06-479 Building Permits

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT building permits issued for the period of June 12 - 24, 2011, showing a total construction value of \$1,242,100.00, be approved as presented.

Question called. Motion carried unanimously.

NEW BUSINESS

11-06-480 Covering – Garbage

Deputy Mayor Locke suggested that grass clippings placed to the curb for collection should also be covered as the collectors would be unable to determine what was in the bag and therefore the property owner would run the risk of getting a violation notice. The Director of Infrastructure & Public Works advised that clippings placed to the curb in clear bags do not have to be covered and would be collected.

11-06-481 Mount Pearl Senior High (MPSH) – Prom

Deputy Mayor Locke advised that the MPSH prom/safe grad had been held at the Glacier and Reid Community Centre and he extended appreciation to the employees as well as parent volunteers for a successful event. He indicated that he would like to see both high schools celebrate their proms in the new recreational facility.

11-06-482 Memorial Day Parade & Beaumont Hamel Wreath Laying Ceremony

Councillor Lane encouraged residents to attend the Legion Memorial Day Ceremonies being held on July 1 at the war memorial site at Park Place commencing at 11:00 am.

11-06-483 NL Housing – Farrell Drive

Councillor Lane requested that NL Housing be contacted to determine when their homes on Farrell Drive will be renovated.

11-06-484 Rental Properties

In response to Councillor Lane, it was noted that a listing identifying rental units is not be readily available. He reiterated that landlords are to maintain their properties and he felt it was important to continue to get this message out.

11-06-485 Condolences

Councillor Stoyles expressed sympathy to the family of the late James Roberts, a long time resident, and requested a condolence letter be forwarded from Mayor Simms to the family.

11-06-486 Street Upgrading Program

In response to Councillor Walsh, the Director of Infrastructure & Public Works advised that the timeline for the street upgrading program should be consistent with that as in previous years.

11-06-487 Line Painting

In response to the Mayor, the Director of Infrastructure & Public Works advised that a time frame of 30 days is required to complete the street line painting. Since starting the program for this year, the contractor has only had 10 days of suitable weather. It was also clarified that there is a schedule for painting with the main thoroughfares being done first. It was suggested that the Donovans Business Park streets should be done. It was also requested that a delineator be installed on the northeast island of the intersection of Mount Carson Avenue/Topsail Road/Commonwealth Avenue.

ADJOURNMENT

As there was no further business, the meeting adjourned at 5:40 pm on a motion by Councillor Aker and seconded by Councillor Stoyles.

Chairperson

Deputy City Clerk