



PUBLIC COUNCIL MEETING MINUTES
June 29, 2010

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on June 29, 2010 at 4:15 pm.

MEMBERS PRESENT

Mayor Randy Simms
Councillor Lucy Stoyles
Councillor John Walsh
Councillor Paul Lane
Councillor Paula Tessier
Councillor Dave Aker

STAFF PRESENT

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

MEMBERS ABSENT

Deputy Mayor Jim Locke

STAFF ABSENT

Stephen Jewczyk, Director, Planning & Development

Mayor Simms chaired the meeting.

10-06-482 Adoption of Agenda

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

10-06-483 Adoption of Minutes

Motion – Councillor Stoyles/Councillor Aker

RESOLVED THAT the minutes of the public meeting held on June 15, 2010 be adopted as presented

Errors & Omissions: None noted.

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

10-06-484 Hire-A-Youth Week

Mayor Simms signed a proclamation declaring the week of June 28 – July 2, 2010 as “Hire-A-Youth” Week in the City of Mount Pearl.

Representatives (Kerry-Lynn Williams, Vincent Paiment and Carolyn Hatt) from the Service Canada Centre for Youth were in attendance and provided information on their mandate to assist students in their search for summer employment. Their office is located in the Ross King Memorial Library, Olympic Drive, and hours of service are 12:00 – 4:00 pm, Monday, Wednesday and Friday.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

COMMUNITY SERVICES COMMITTEE

10-06-485 Memorandum of Understanding (MOU)
Arts Association of Mount Pearl

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted to enter into a Memorandum of Understanding with the Arts Association of Mount Pearl for the period of January 1, 2010 – December 31, 2015 (5 years) and to release the annual operating grant for 2010 in the amount of \$2,500.00.

Question called. Motion carried unanimously.

10-06-486 Fee for Service Agreement
St. John Ambulance, Mount Pearl Division #1048

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted to enter into a Fee for Service Agreement with St. John Ambulance, Mount Pearl Division # 1048, for the

period of January 1, 2009 – December 31, 2013 (5 years) and to release the annual fee for service for 2010 in the amount of \$3,000.00.

Question called. Motion carried unanimously.

10-06-487 Atlantic Canada Opportunity Agency (ACOA)
Execution of Agreement Mount Pearl/Corner Brook Summer Expo 2010
Innovative Communities Fund (ICF)

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted to execute an agreement between the City and ACOA for the receipt of funding in the amount of \$35,000, the purpose of which is to assist in the delivery of the East West North Expo 2010 – City of Mount Pearl and City of Corner Brook portion, which will take place during the period July 15 – July 18 (City of Mount Pearl) and July 22 - 25 in Corner Brook.

Discussion: Council welcomed the Towns of Labrador West and Wabush to the East West North Summer Expo and wished all communities a great Expo in 2010.

Question called. Motion carried unanimously.

10-06-488 Eco Chill Refrigeration System
Execution of Agreement City of Mount Pearl/Province of Newfoundland

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted to execute an agreement between the City and the Province for the receipt of funding in the amount of \$1,500,000.00, the purpose of which is to assist with the Eco Chill Refrigeration System and various environmental initiatives at the Glacier Arena Expansion and Pearlgate Recreation Multiplex.

Question called. Motion carried unanimously.

CORPORATE SERVICES COMMITTEE

10-06-489 Tax Deferral – Low Income Earner
Roll # 3345930-0-0240-000

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted to defer taxes in the amount of \$1,357.13, for roll # 3345930-0-0240-000, in accordance with Council's policy for low income earners.

Question called. Motion carried unanimously.

10-06-490 Tax Deferral – Low Income Earner
Roll # 3345300-1-0250-000

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted to defer taxes in the amount of \$2,007.42, for roll # 3345300-1-0250-000, in accordance with Council's policy for low income earners.

Question called. Motion carried unanimously.

10-06-491 Interim Financing
Glacier Arena Complex and Pearlgate Recreation Multiplex

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT a proposal from the Canadian Imperial Bank of Commerce to provide interim financing of up to \$15,000,000, at a rate of prime less 1.21%, during the construction of the Glacier Arena Expansion and Pearlgate Recreation Multiplex projects be accepted.

Question called. Motion carried unanimously.

10-06-492 Invoices for Approval

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT the following invoices be approved for payment:

1.	Lighting & Traffic Systems Ltd. (Service for Ruth @ Roosevelt)	\$ 25,416.68
2.	BAE-Newplan Group Limited (Thomas Byrne/Topsail Road Traffic Lights)	\$ 9,563.78
3.	BAE-Newplan Group Limited (2010 Street Upgrading)	\$ 28,797.67
4.	Newfoundland HVAC Limited (Depot Renovations)	\$ 12,091.00
5.	BAE-Newplan Group Limited (Mount Carson Upgrade)	\$ 22,824.31

5.	Fling Out The Flag Promotions (Entertainment for City Days - Shanneyganock)	\$	5,650.00
	Total	\$	104,343.44

Question called. Motion carried unanimously.

10-06-493 Urban Municipalities Committee (UMC)
Meetings July 9 – 10, 2010

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted for Mayor Simms to attend the UMC meetings being held in Stephenville from July 9 – 10, 2010.

Question called. Motion carried unanimously.

10-06-494 Request for Proposal (RFP)
Copier/Printer

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT the RFP for a Copier/Printer to replace the BizHub C450 currently located at City Hall be awarded to Pinnacle Office Solutions in the amount of \$741.36/monthly (HST extra).

Question called. Motion carried unanimously.

PLANNING & LAND USE DEVELOPMENT COMMITTEE

10-06-495 Aerial Photography Acquisition Status
First Base Solutions

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT approval be granted to proceed with the purchase of the imagery and digital elevation model (DEM) data (covering the City of Mount Pearl) directly from the City of St. John's, along with the rights to those air photos, for an estimated price of \$3,900.00 plus HST.

Question called. Motion carried unanimously.

10-06-496 Building Permits

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT building permits issued for the period of June 12 - 25, 2010, showing a total construction value of \$9,132,050.00, be approved as presented.

Question called. Motion carried unanimously.

10-06-497 Development Permits

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the development permits issued for the period of June 12 - 25, 2010 be accepted as presented.

Question called. Motion carried unanimously.

10-06-498 Parking of Vehicles on Landscaped Front Yards
Proposed Mount Pearl Development Regulation Amendment

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the following amendment to the Mount Pearl Development Regulations be approved:

In Regulation 50, titled "Offstreet Parking Requirements" add the following clause:

6. *Where an off-street parking space or spaces has/have been approved by the Authority on a residential lot or property, parking of vehicles shall be on the hard surfaced area of the lot approved for the off-street parking space or spaces and the parking of vehicles shall not be permitted on the landscaped portion of the front yard of the lot or property.*

Amendment to Motion: Councillor Lane/Councillor Stoyles

RESOLVED THAT the motion be amended to include the additional wording "and the parking of vehicles shall not be permitted in the unfenced portion of the side yards of corner lots".

Discussion: It was clarified that hard surfaced areas are not necessarily paved (asphalt) areas and that a paved driveway is a requirement for new construction. It was also noted that Council has the regulatory authority to maintain landscaped areas that are satisfactory to the City. It was further

noted that the purpose of the amendment is to prohibit the parking of vehicles in landscaped areas that are visible from the street.

Question called on amendment. Motion carried unanimously.

Question called on original motion. Motion carried unanimously.

10-06-499 Application for Single Family Dwelling With Subsidiary Apartment
38 Park Avenue / Valleyview Avenue

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT an application for a single-family dwelling with subsidiary apartment at 38 Park Avenue be approved and a development permit issued with the conditions that the proposal meet the City's requirements and conditions of the Planning and Development Department and Engineering Services Division, as well as the following modified standards pursuant to the authority granted Council by Regulation 62 (Zero Lot Line and Other Comprehensive Development) of the Mount Pearl Development Regulations.:

1. Flanking Street Sideyard - Minimum of 1.273 m
2. Front Line Setback - Minimum of 5.49 m with front porch
3. Two accesses - One off Park Avenue, one off Valleyview Avenue
4. Rear Yard Setback – Minimum of 6.336 m

Question called. Motion carried unanimously.

10-06-500 Redwood Construction
Office and Steel Fabrication Use (Discretionary Use Application)
14 Lintrose Place

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT an application from Redwood Construction Ltd. for the construction of a 1,408 m² building and associated site developments at 14 Lintrose Place to accommodate a 1115 m² steel fabrication facility with a 293 m² office component be approved and a conditional development permit be issued subject to the following conditions:

1. St. John's Regional Fire Department requirements.
2. Newfoundland Power requirements.
3. The submission of additional information and revised engineering drawings for review and approval by the City prior to building permits being issued as per City's requirements outlined in City's E-Mail dated June 16, 2010.
4. Government Service Centre approvals prior to any building permits being issued.

5. The development meeting the City of Mount Pearl Development Regulations, 1988.
6. Engineering Services requirements.
7. Finance Division requirements.
8. Planning & Development Department requirements.

Question called. Motion carried unanimously.

10-06-501 Ron Fougere & Associates (Shoal Investments Ltd.)
Variance Request to Building Line Setback Standard
1246-1260 Topsail Road

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT a development application and resulting variance from Ron Fougere Associates Ltd. on behalf of Shoal Investments Ltd. for a 541.3 m² two storey (6.7 metre high) building extension on the east (right) side of the existing building and associated site development at 1256 Topsail Road be approved subject to:

1. Conditions of the MD Land Use Zone Table, LI Land Use Zone Table and Mount Pearl Development Regulations, 1988.
2. Conditions of the St. John's Regional Fire Department.
3. Conditions of Newfoundland Power.
4. Conditions of Department of Transportation and Works.
5. Conditions of the City of Mount Pearl Finance Division.
6. Conditions of the City of Mount Pearl Engineering Services Division.
7. Conditions of the City of Mount Pearl Planning & Development Department.

Question called. Motion carried unanimously.

10-06-502 Parkdale Ridge Developments Inc.
Confirmation of Stop Order
Parkdale Ridge Subdivision

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the Order issued to Harmony Homes regarding the Parkdale Ridge Subdivision Development as issued on June 18, 2010 be ratified.

Discussion: Council was advised that since the Order was issued the developer's current insurance certificate has been received and appears to be in order.

Question called. Motion carried unanimously.

10-06-503 BMT Fleet Technology (Cardinal Properties Limited)
Pearlview Phase 5 (41lot residential single family subdivision)
Simcoe Drive, Mount Pearl

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT approval be granted to issue a development permit for the Pearlview Phase 5 Subdivision Development subject to the City's regulatory requirements as well as requirements of the Planning and Development Department and the Engineering Services Division.

Question called. Motion carried unanimously.

10-06-504 British Group of Companies
Satellite Dish Antenna Amendment
7 Panther Place

Council considered a request for the development of two (2) 7.3m diameter satellite uplink antennas in the LI use zone from the British Group of Companies.

The two antennae are proposed to be 8.839m in total height, from the ground to the top of the antennae. Currently existing on site are three satellite dish antennae. The proposal exceeds the maximum permitted number, height and diameter of satellite dish antennae in the LI land use zone.

The following amendment was proposed:

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.

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT approval of the proposed amendment be granted and subject to the registration of the proposed amendment that a Development Permit be issued for the development of two (2) 7.3m diameter satellite Uplink antennas subject to the City's regulatory requirements as well as the requirements of the Planning and Development Department and the Engineering Services Division.

Discussion: The Mayor advised that this proposal may not proceed, however, the amendment should be processed to accommodate potential future applications.

Question called. Motion carried unanimously.

10-06-505

Amilco Ltd.
Application for Accessory Building – Variance
13 Moores Drive

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT an application and resulting variance to accommodate a 54.96m² sized residential accessory building in the rear yard of the property at 13 Moores Drive be approved, subject to the following conditions:

1. Removal of the existing accessory building.
2. The replacement accessory building shall meet the development standards and conditions of the Mount Pearl Development Regulations.
3. The replacement accessory building shall meet the appropriate national code requirements and the requirements of the Mount Pearl Engineering Department.
4. The use of the accessory buildings shall be for domestic residential purposes. No commercial activity shall be permitted within these accessory buildings.
5. The existing accessory shed that is to be demolished requires a demolition permit prior to its demolition and the area of the demolished shed shall be left in a landscaped condition acceptable to the City of Mount Pearl.
6. An updated survey is provided to the City following the issuance of the Building Permit.

Question called. Motion carried unanimously.

10-06-506 Donovan Homes
Variance Request – Building Line Setback
38 Brodie Street

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the variance request to accommodate a building line setback for the property at 38 Brodie Street be approved, subject to the following:

1. City regulatory requirements;
2. Requirements of the Planning and Development Department and the Engineering Services Division; and
3. the property tax balance of \$861.15 be paid in full.

Question called. Motion carried unanimously.

10-06-507 Variance Applications
DA10-446 - 5 Wembley Crescent
DA10-473 – 11 Delaney Avenue
DA10-477 – 2 Kelburn Place

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the variances for the following applications be approved and Development Permits issued subject to the City's regulatory requirements and requirements of the Planning and Development Department:

- 5 Wembley Crescent – Reduction of rear yard setback from 8 m to 7.35 m to accommodate a proposed basement and one storey extension to the rear of the existing dwelling.
- 11 Delaney Avenue – Replace an existing accessory building with an accessory building with a floor area of 55 m². This is a proposed 10% increase in the maximum floor area of 50 m² for accessory buildings
- 2 Kelburn Place – Reduction of building line setback of a new residential dwelling within the Mount Pearl Terrace Subdivision Phase 4b from 8 m to 7.90 m

Question called. Motion carried unanimously.

10-06-508 Variance Application – Building Line Setback
CMT Inc. (NCH Holdings Limited)
14 Clyde Avenue

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT a development application to erect a new 966 m² warehouse building at 14 Clyde Avenue and resulting variance request be approved and a development permit issued subject to the City's regulatory requirements and requirements of the Planning and Development Department.

Question called. Motion carried unanimously.

NEW BUSINESS

10-06-509 Canada Day Celebrations

Councillor Walsh advised that Canada Day activities will take place at St. David's Ball Field from 12:00 – 3:00 pm. In case of inclement weather, the event will be held at the Reid Community Centre. Further information is available on the City's website.

10-06-510 Parkdale Ridge Development

Councillor Walsh stressed that Council has done everything possible to move the Parkdale Ridge Development forward on a timely basis. He recognized the frustration of people who have made a deposit on a unit. From a municipality perspective, efforts have to be taken to ensure what the municipality requires is in place. He reiterated that it is not Council that is delaying this development. In response to Councillor Tessier, it was indicated that there is no expiry date once a permit has been issued (CAO to confirm).

10-06-511 Salvation Army Congress

Councillor Stoyles advised that she attended The Salvation Army Congress Welcome Celebration. On their behalf, she extended appreciation to Council for supporting the Army's efforts.

10-06-512 Changes to Parking System – Health Sciences Centre

Councillor Stoyles acknowledged the proposed changes to the parking lots at the Health Sciences Centre whereby the parking meters will be removed and an automated parking system will be installed.

10-06-513 Memorial Day – July 1

Councillor Lane encouraged residents to attend the Royal Canadian Legion – Branch 36 wreath laying ceremony being held on July 1 at 11:00 am (Park Place). July 1st commemorates the anniversary of the Battle of Beaumont Hamel in memory of the members of the Royal Newfoundland Regiment.

10-06-514 Day Camp Program

Councillor Lane acknowledged Council's decision to implement a preferred registration process for future day camp programs.

10-06-515 Washrooms – Power's Pond

In response to Councillor Lane, it was noted that washroom facilities at Power's Pond will be locked at midnight (at the conclusion of the Park Patrol shift).

10-06-516 Noise Regulations

Councillor Lane requested that the Noise Regulations be reviewed with consideration being given to noise (chainsaws, loud music) that occurs during the permitted time frame but is a nuisance to neighbors. Referred to the Public Works Committee for review.

10-06-517 Benches

Councillor Lane questioned whether a higher number of park benches have been placed throughout the City further to his request a number of months ago in an effort to be a more age-friendly city. It was confirmed that there are extra benches; however, problems associated with bench locations were also identified. Referred to Public Works Committee for further review.

10-06-518 Metrobus

Councillor Lane clarified that the Metrobus service in the City of Mount Pearl is paid for by the users as well as taxpayers and that any references by the City of St. John's re urban sprawl are not applicable to the City of Mount Pearl.

10-06-519 Roaming Cats

Councillor Tessier reminded residents that in accordance with the City's Animal Control Regulations, cats are not permitted to roam and are to be tagged and tethered. Councillor Lane asked whether the Animal Control Officer could work evenings. Referred to the Public Works Committee for consideration.

ADJOURNMENT

As there was no further business, the meeting adjourned at 5:35 pm on a motion by Councillor Aker and seconded by Councillor Tessier.

Chairperson

Deputy City Clerk