

PUBLIC COUNCIL MEETING MINUTES
May 29, 2012

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on May 29, 2012 at 4:15 pm.

MEMBERS PRESENT

Mayor Randy Simms
Deputy Mayor Jim Locke
Councillor Lucy Stoyles
Councillor Paula Tessier
Councillor Dave Aker
Councillor Andrew Ledwell

STAFF PRESENT

Michele Peach, Chief Administrative Officer
Jason Silver, Director, Corporate Services
Gerry Antle, Director, Infrastructure & Public Works
Jason Collins, Director, Community Services
Julia Schwarz, Manager, Planning & Development
Mona Lewis, Deputy City Clerk

Councillor Walsh and the Director of Planning & Development were absent.

Mayor Simms chaired the meeting.

12-05-357 Adoption of Agenda

Motion – Councillor Tessier/Deputy Mayor Locke

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

12-05-358 Adoption of Minutes

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT the minutes of the public meeting held on May 15, 2012 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING

12-05-359 Experimental Farm

Council was advised that staff met with residents of Avery Place regarding the issue of odour (believed to be emanating from the neighbouring farms). Action is pending the outcome of further investigation.

ACTION REPORT

The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

12-05-360 Recreation Month

Mayor Simms signed a proclamation declaring June as Recreation Month in the City of Mount Pearl. Recreation Month annually recognizes and celebrates the benefits derived year round from quality public and private recreation and parks resources at the local, regional and provincial levels.

Reference was made to Recreation NL's, The More the Merrier Group Challenge; found on the Small Steps...Big Results Physical Activity Website (www.smallstepsbigresults.net). This is an online physical activity challenge that will be taking place from June 1 - 30, 2012. Residents were encouraged to join.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE

12-05-361 Household Hazardous Waste Day

Residents were advised that a Household Hazardous Waste Collection day will be held on Saturday, June 9, 2012 at the municipal depot located at 59 Clyde Avenue, Donovan's Business Park, from 8:00 am to 4:00 pm.

It was requested that consideration be given to determine the number of participants who are Mount Pearl residents.

Reference was also made to the Household Hazardous Waste Facility located at the Robin Hood Bay site. This is free for use by residents of the Eastern Region and open every Saturday from 8 am to 4 pm, June to November.

In addition, as of April 18, 2012, paint consumers, including homeowners and businesses, can drop off leftover household paint at paint collection depots located throughout Newfoundland & Labrador, without charge.

12-05-362 Bulk Garbage Collection

The bulk garbage collection program is ongoing and residents were reminded to reference the schedule delivered in February or to check the City website to ensure items placed for collection fall within City guidelines.

The following items are not collected:

- Construction/renovation material
- Concrete or landscaping material
- Any items with nails not removed
- Oil products, paint cans or auto parts.

Residents should ensure that branches or limbs placed to the curb are bundled or tied in 3-4 foot lengths and not exceed 50 lbs. Loose material must be bundled, boxed or bagged and should not exceed 50 lbs.

Council requested the Community Services Committee consider having municipal enforcement officers issue notices to property owners who have placed items to the curb for collection that do not fit the guidelines. It was further requested that consideration be given to implementing a “scavenger bylaw” to prevent people from going through garbage that’s been placed to the curb for collection.

In response to an inquiry as to whether a tree stump weighing approximately 300 lbs would be collected, it was noted that if it could be broken down into smaller pieces, yes, it would be collected. However, if this was not possible, the property owner should make arrangements with a private contractor.

12-05-363 Ruth Avenue School District Traffic Study – Request for Proposals (RFP)

Motion – Councillor Tessier/Councillor Aker

RESOLVED THAT approval be granted to award the RFP for the Ruth Avenue School District Traffic Study to Hatch Mott MacDonald in the amount of \$31,188 (HST included).

Question called. Motion carried unanimously.

COMMUNITY SERVICES COMMITTEE REPORT

12-05-364 Admiralty House Museum
Ground Maintenance

Motion – Councillor Tessier/Deputy Mayor Locke

RESOLVED THAT approval be granted to release the amount of \$10,000 to the Admiralty House Board of Management for the staff costs associated with grounds maintenance.

Question called. Motion carried unanimously.

12-05-365 Mount Pearl Marlins

Congratulations were extended to members of the Marlins who participated in a development meet recently held in Gander.

12-05-366 Summer Activity Guide

The Summer 2012 Activity Guide has been distributed to residents and is available at all City facilities. The general program registration for residents started on Monday, May 28th, and for non-residents will begin on May 31st.

CORPORATE SERVICES COMMITTEE REPORT

12-05-367 Uncollectible Accounts
Tax Write

Motion – Deputy Mayor Locke/Councillor Aker

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

Name	Principal	Interest	Other	Total
On-site Technical Solutions Inc.	\$343.22	\$11.19	\$117.00	\$471.41
NL Video Rental Inc.	\$475.22	\$31.68	\$142.00	\$648.90

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

Question called. Motion carried unanimously.

12-05-368 Invoices for Council Approval

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the following invoices be approved for payment:

1.	AMEC Environment & Infrastructure (Environmental Study 141 Glencoe Drive)	\$ 6,858.93
2.	City of St. John's (Regional Fire Service Operating Deficit for 2011)	\$ 50,153.43
3.	City of St. John's (Landfill Usage April 2012)	\$ 33,205.91
4.	Clearaway Contracting Limited (Progress Payment for Line Painting)	\$ 33,180.86
5.	Kelloway Construction Ltd. (Cleaning Services April 2012)	\$ 11,959.16
6.	Kelloway Construction Ltd. (Cleaning Services February 2012)	\$ 11,959.16
7.	Lighting & Traffic Systems Ltd. (Repair Traffic Lights - Old Placentia Road/ Smallwood Drive)	\$ 26,287.19
8.	OnX Enterprise Solutions (Install & Test Virtualization Server Environment)	\$ 7,213.60
9.	Rioch Canada Inc. (ASG Install & Project Management Payment 1)	\$ 14,407.50
10.	Rioch Canada Inc. (ASG Install & Project Management Payment 2)	\$ 11,582.50
11.	St. John's Transportation Commission (Metrobus Service April 2012)	\$ 71,320.56
12.	Triware Technologies Inc (HP Computer & Monitors 1 of 2)	\$ 5,073.70
13.	Triware Technologies Inc (HP Computer & Monitors 2 of 2)	\$ 5,073.70
14.	Tony Parrell's Excavation (Demolition of 107 Smallwood Drive)	\$ 11,300.00
	Total	\$ 299,576.20

Question called. Motion carried unanimously.

12-05-369 Mayor Randy Simms
Urban Municipalities Committee (UMC) Meeting
Marystown, June 15 – 16

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be granted for the Mayor to attend the UMC meetings being held in Marystown on June 15 – 16, 2012.

Question called. Motion carried unanimously.

12-05-370 Municipal Assessment Agency (MAA)

The Municipal Assessment Agency's newsletter was tabled for the information of Council.

Information was presented by the Municipal Assessment Agency on the eligibility criteria for the Clar Simmons Scholarship Award.

12-05-371 Steps for Life

Information was presented on the annual Steps for Life fundraising walk to help support families of workplace tragedy. Employees raised over \$300 and some participated in the walk.

ENGINEERING SERVICES COMMITTEE

12-05-372 Water Conservation Order

The public was reminded that the Water Conservation Order is in effect on a permanent year-round basis. Watering times are restricted to the hours of 6:00 am to 8:00 am and 8:00 pm to 10:00 pm two days per week with even numbered houses assigned to Wednesday and Saturday and odd numbers to Wednesday and Sunday. Hand watering of flower gardens or vegetable gardens with a watering can or hose with an automatic shutoff nozzle is permitted at any time. New lawns are exempt from this policy for 60 days; however, residents are required to contact Engineering Services to have their lawn registered by calling 748-1018 or via email at engineeringervices@mountpearl.ca.

Clarification was requested as to whether the washing of residential driveways is also prohibited. To be referred to Engineering Services Committee for consideration.

It was noted that the water level at Bay Bulls Big Pond is as high as it will likely get and recently some water had to be released. Barring any unforeseen problems, a water ban is not anticipated. Residents are encouraged to continue to conserve water.

12-05-373 Hydrant Use (Car Wash Permit)

Residents were reminded that a “use of hydrant” permit is required for fundraising car wash events. These forms are available on the City’s website and facilities.

There is no fee for the permit; however, written verification is required to confirm that the appropriate equipment is being used to connect to the fire hydrant.

12-05-374 Municipal Capital Works Program (CP1) – Project 11130

Motion – Councillor Ledwell/Councillor Aker

RESOLVED THAT approval be granted to enter into an agreement with the Provincial Government for a 70/30 cost-sharing arrangement for the 2011 Capital Works Program (street improvements – project #11130).

Question called. Motion carried unanimously.

PLANNING AND LAND USE DEVELOPMENT COMMITTEE

12-05-375 Requests for Approval of Increased Fence Heights
120 Ashford Drive and 118 Ashford Drive

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the requests for increased fence heights of 7 feet be approved for the properties at 118 and 120 Ashford Drive.

Question called. Motion carried unanimously.

12-05-376 Waterford River Flood Proofing Study

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the Waterford River Flood Proofing Study as prepared by BAE Newplan be accepted as presented AND FURTHER THAT offers to purchase seven properties on Forest Avenue be made on the basis of the BAE Newplan Study and that each offer be based on the market value as determined by a qualified residential property appraiser as outlined in the report.

Question called. Motion carried unanimously.

12-05-377 Proposed Purchase of Property – Forest Avenue

Item deferred.

12-05-378 Waterford River Clean Up Blitz

On Saturday, June 2, 2012, the City is proceeding with the 2012 Waterford River Clean-Up Blitz, inviting businesses, residents and community groups to participate. Participants will meet at City Hall at 10:00 am followed by a barbeque at 12:00 noon. The focus of the cleanup will be up and downstream of the Commonwealth Avenue Bridge, on the north and south side of the river. Gloves and bags will be provided. Volunteers are asked to pre-register with the City (Monica Storch at 748-1145).

Green Team Project

The focus of City's application for a Green Team for 2012 is on the tributaries feeding into the Waterford River, and associated open spaces and wetlands; this would include the Power's Pond, Tyrwitts Brook and Flynn's Brook areas, plus some well know 'hot spots' on the main branch of the river. The Green Team will commence with a one-week orientation, to then fully start work within Mount Pearl on July 3, 2012 for the following 7 weeks.

Reference was made to the issue of illegal dumping and ways to address the problem.

12-05-379 Proposed Rescinding of Council's Refusal of an Application – DA12-0186
Payless Tire - 1 Riverview Avenue

At the Council meeting of April 17, 2012, Council refused the above-noted application on the basis that the non-conforming use of the property had expired as the property had been vacant for a period longer than 6 months. A new non-conforming use could not be reintroduced into this property and as a result the general garage occupancy was refused by Council.

It was since determined that the non-conforming use was not vacated and continues to this day. As a result the application requires reconsideration by Council.

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT Council minute #12-04-268 be rescinded and the application by Payless Tire proposing to occupy a portion of the building at 1 Riverview Avenue for a Light Industry Use (Workshop) be approved subject to meeting the standard requirements and standards of the City of Mount Pearl.

Discussion: It was noted that the business was removed from the tax roll in error; however, outstanding taxes will be paid by the owner.

Question called. Motion carried unanimously.

12-05-380 Proposed Building Extension – Variance to Building Line Setback
Hennebury Engineering Ltd. (Crosbie Group Limited – ASCO Canada)
12 Corisande Drive

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT a development application by Hennebury Engineering Ltd., on behalf of Crosbie Group Limited (ASCO Canada) to expand the existing building at 12 Corisande Drive be approved and a development permit issued subject to the following conditions:

1. Engineering Services Division conditions,
2. Finance Division conditions,
3. Inspection Services conditions,
4. Newfoundland Power conditions,
5. Planning Services conditions,
6. St. John's Regional Fire Department conditions, and,
7. The development meeting Mount Pearl Development Regulations 2010.

Question called. Motion carried unanimously.

12-05-381 Proposed Building Extension – Discretionary Re Over Height
Hennebury Engineering (Schlumberger Canada)
7 Panther Place

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT a development application by Hennebury Engineering Ltd., on behalf of Schlumberger Canada Limited, to construct a 1465 m² extension to the south side of the existing building at 7 Panther Place be approved and a Development Permit issued and subject to the following conditions:

1. Engineering Services Division conditions,
2. Finance Division conditions,
3. Inspection Services conditions,
4. Newfoundland Power conditions,
5. Planning Services conditions,
6. St. John's Regional Fire Department conditions, and
7. The development meeting Mount Pearl Development Regulations 2010.

Question called. Motion carried unanimously.

12-05-382 Hillside Living Subdivision Development
Status of Project

Council was provided a status report on the Hillside Living Subdivision Development.

In 2011, Leopard Canada acquired the property and development and continued with the work on infrastructure and roads.

Earlier this year, the first of the building permits for single dwellings were issued for Phase 1A2 of the subdivision development. These permits have been issued to a number of individual builders, rather than the developer being both developer and home builder.

The two phases are still under construction and the completion of the work has taken longer than anticipated but this is to be expected given the change in ownership, developer, and the extensive work on the water and sewer system. As the work in these early phases progresses and nears completion, the area will begin to resemble other subdivisions in the Mount Pearl area with respect to landscaping and trees.

It was requested that consideration be given to providing an update to the residents of Gadwall Place.

12-05-383

Decision of Eastern Newfoundland Regional Appeal Board
Appeal Against the City's Order to Remove Trailers
1082 Topsail Road

On June 21, 2011, the City issued an Order to the property owner of 1082 Topsail Road to remove two storage trailers from the rear yard of the property. The property is a residential lot and the trailers are being used for commercial storage purposes. The property owner appealed the Order to the Appeal Board on June 30, 2011. As a result, the City's action to remove the trailers was held in abeyance until the appeal hearing was held and a decision was reached by the Appeal Board.

The appeal hearing to consider this matter was scheduled for May 1, 2012 but the appellant was unable to attend and requested a postponement.

The City requested the Appeal Board to determine if the appeal was valid. The City was of the position that the appeal was not a valid appeal on the grounds that no reasons for appeal were attached to the appeal submitted to the Appeal Board. This is contrary to the Urban and Rural Planning Act 2000. If the Appeal Board determined that the appeal was valid, then the City would be prepared to defer the hearing of the appeal to a later date.

Council was advised that the Appeal Board has determined that the *"the Appeal was not filed in accordance with the Urban and Rural Planning Act, 2000, and therefore the Appeal is dismissed"*. The City will now proceed with carrying out the Order.

12-05-384 Notice of Motion
Amendment – Mount Pearl Development Regulations 2010

Councillor Aker 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 text of the Mount Pearl Development Regulations 2010 that, if enacted, will:

1. In Section 6.2.2 (a) (iv) – Accessory Building (Residential) delete the section and replace with the following:

“With the exception of radio and television antennae, an accessory building shall have a maximum height of three decimal five meters (3.5m).”

2. In Section 6.2.4 (h) Accessory Building (Non-Residential) delete the section and replace with the following:

“With the exception of radio and television antennae, an accessory building shall have a maximum height of three decimal five meters (3.5m).”

The purpose of this amendment is to bring in line the building height standard of accessory buildings in the Development Regulations from 4.5 m to 3.5 m and to ensure that the definition of building height is consistent with the definition as outlined in the Ministerial Regulations.

12-05-385 Notice of Motion
Amendment – Mount Pearl Development Regulations 2010

Councillor Aker 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 text of the Mount Pearl Development Regulations 2010 that, if enacted, will:

Amend Map 1 - Land Use Zoning Map, as follows:

Rezone the property at 885 Topsail Road from *Utility (UTIL)* to *Commercial Mixed (CM)* Use Zone.

The intention of this proposed amendment is to provide Council with the authority to consider a bank at this property.

12-05-386 Development Permit List

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT the Development Permit list for the period of May 14 - 25, 2012 be accepted as presented.

Question called. Motion carried unanimously.

12-05-387 Building Permits

Motion – Councillor Aker/Councillor Ledwell

RESOLVED THAT building permits issued for the period of May 14 - 25, 2012, showing a total construction value of \$2,317,670.00, be approved as presented.

Question called. Motion carried unanimously.

NEW BUSINESS

12-05-388 Impact of Multiplex Construction on Reid Community Centre

In response to Councillor Aker, Council was advised that the construction of the Multiplex will not result in the closure of the Reid Community Centre (as initially indicated) except for minor disruption in programming.

12-05-389 Atlantic Sports & Recreation Weekend for Blind & Visually Impaired Adults

Councillor Aker extended congratulations to Bill Royle, a participant in the above noted event, on his success in the various activities.

12-05-390 FCM Conference

Councillor Aker advised that he was not attending the FCM Conference as previously approved.

12-05-391 Landscaping Companies – Water Consumption

Councillor Tessier questioned whether landscaping companies could use a source (i.e. pond) other than potable water – in an effort to conserve water. Referred to Engineering Services Committee for further consideration.

12-05-392 Chimineas (outdoor wood burning devices)

Councillor Tessier reminded residents to use chimineas in accordance with the City's Open Air Burning Regulations and the manufacturer's instructions.

12-05-393 Oil Leaks

In response to Deputy Mayor Locke, Council was advised that the reported oil leaks (Flynn's Brook/Sunrise Avenue Trail and Powers' Pond Trail) have been addressed by staff in consultation with the Service NL. Both areas are continuing to be monitored.

12-05-394 Atlantic Mayors' Congress

Councillor Stoyles asked that a letter of congratulations be forwarded to Mayor Woodrow French on his appointment as Chair of the Atlantic Mayors' Congress.

12-05-395 Mary Queen of the World School – Civics Program

Councillor Stoyles advised that she, along with Superintendent Tilley, met with grade five students at Mary Queen of the World to discuss the role of municipal government.

12-05-396 Municipalities Newfoundland & Labrador (MNL) – Avalon Regional Meeting

Councillor Stoyles advised that the recent MNL Avalon regional meeting was well attended and informative.

12-05-397 Northeast Avalon Regional Economic Development Board

Councillor Ledwell drew attention to the elimination of funding from ACOA to the Regional Economic Development Boards. It was noted that MNL will be working with the Federal and Provincial Governments on finding solutions. Council offered their support of MNL efforts in addressing this matter.

12-05-398 Focus on Youth Awards

Councillor Ledwell extended congratulations to the winners and nominees of the Focus on Youth Awards. Appreciation was extended to staff and volunteers on a job well done.

12-05-399 Special Olympics NL (SONL)

Councillor Ledwell advised that SONL Bowling Provincials were co-hosted by SO Mount Pearl and SO Conception Bay South on May 26 at Paradise Bowl and Riverdale Lanes. He extended congratulations to all involved.

12-05-400 Knights of Columbus – Father John B. Kent

Councillor Ledwell recognized the charitable work carried out by the Knights of Columbus and extended congratulations to outgoing Grand Knight Jerome White and Grand Knight Elect Mike Hussey.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:30 pm on a motion by Councillor Tessier and seconded by Councillor Stoyles.

Chairperson

Deputy City Clerk