



**PUBLIC COUNCIL MEETING MINUTES
May 31, 2011**

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on May 31, 2011 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

Stephen Jewczyk, Director, Planning & Development
Scott Lush, Director, Infrastructure & Public Works
Brian Chmarney, Director, Community Services
Mona Lewis, Deputy City Clerk

STAFF ABSENT

Michele Peach, Chief Administrative Officer

Mayor Simms chaired the meeting.

11-05-374 Adoption of Agenda

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

11-05-375 Adoption of Minutes

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the minutes of the public meeting held on May 17, 2011 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

11-05-376 Brain Injury Awareness Month

Mayor Simms signed a proclamation declaring June as Brain Injury Awareness Month in the City of Mount Pearl. Tom Lush, President of the Brain Injury Association for NL and Bill Tapper, Board Member, were welcomed to the Chambers. Mr. Lush advised of the activities planned for the month. The importance of wearing helmets to prevent injury was highlighted.

CORRESPONDENCE

11-05-377 Office of the Minister – NL Housing

A letter was presented from Minister Darin King to those who have been involved with the development of the Province's Social Plan that included an overview of all of the housing investments contained in the 2011 provincial budget. It was noted that Council has been working on an affordable seniors housing development for the City of Mount Pearl.

COMMITTEE REPORTS

PUBLIC WORKS COMMITTEE

11-05-378 Household Hazardous Waste Day – June 11

Residents were advised that there will be a Household Hazardous Waste Collection day on Saturday, June 11, 2011 from 8:00 am – 4:00 pm at 59 Clyde Avenue (Municipal Depot). A list of items that can be disposed of is available on the City's website (www.mountpearl.ca). It was requested that the event be publicized through public service announcements and in Mount Pearl Matters.

Councillor Lane commented on the increase in the City's fee for materials land filled as a result of this service (residential drop off – household hazardous waste) being available at the Robin Hood Bay Regional Waste Management Facility.

It was noted that Council pursued, in consultation with the MMSB, the possibility of offering residents the service of a local HHW Day as it was felt that it would be more beneficial for the environment and convenient for

residents. As a result, MMSB called tenders for the provision of a mobile household hazardous service for interested municipalities.

11-05-379 Royal Canadian Legion – Battle of Beaumont Hamel Ceremonies

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT a request from the Royal Canadian Legion to hold a parade, on July 1, commemorating the Battle of Beaumont Hamel be approved in accordance with the specified route.

Question called. Motion carried unanimously.

11-05-380 Garbage Violation Notices (Fines)

Residents were reminded that household garbage placed to the curb for collection must be covered from April 1 to November 30.

In an effort to prevent garbage from being torn open and littering City streets, Council will be enforcing regulations whereby residents who do not cover their household garbage will be issued a violation notice.

Residents were also reminded that garbage is to be completely covered and the covering used suitable to prevent animals and birds from accessing it and heavy enough so that it won't blow off the garbage.

Residents who are issued a violation notice are given 7 days to voluntarily pay \$50 or 14 days to pay \$75 to avoid receiving a fine. If unpaid after 14 days, a ticket containing a \$100 fine will be issued.

If a city crew has to clean up the torn open garbage, a \$45 fee is charged to the owner.

It was also requested that the Public Works Committee re-consider the proposal for residents to use a specific size garbage containers.

11-05-381 Tender for Salt

Motion – Councillor Tessier/Councillor Walsh

RESOLVED THAT the tender for the supply and delivery of road salt for the 2011 – 2012 season be awarded to the sole bidder, Avalon Coal & Salt, in the amount of \$101.33 per metric tonne.

Question called. Motion carried unanimously.

COMMUNITY SERVICES COMMITTEE

11-05-382 Focus on Youth Awards

Congratulations and appreciation was extended respectively to the nominees and recipients of the 2010 Focus on Youth Awards as well as the corporate sponsors of the event.

11-05-383 Professional Development & Training - Director of Community Services Recreation NL AGM - June 2-4, 2011

Motion – Councillor Walsh/Councillor Lane

RESOLVED THAT approval be granted, in accordance with the Professional Development & Training Policy, for the Director of Community Services to attend the Recreation NL Annual General Meeting in Gander from June 2-4, 2011.

Question called. Motion carried unanimously.

CORPORATE SERVICES COMMITTEE

11-05-384 Professional Development – CAO Federation of Canadian Municipalities (FCM) – June 3 – 6, 2011

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted, in accordance with the Professional Development & Training Policy, for the CAO to attend the annual FCM conference taking place in Halifax from June 3 – 6, 2011.

Question called. Motion carried unanimously.

11-05-385 Invoices for Approval

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT the following invoices be approved for payment:

1.	Russell's Land Design Inc. (Landscaping Services - 1st Progress Payment)	\$	15,000.00
2.	Woodrow Bessey (Remove, supply/install light poles at Squires Field)	\$	11,009.77
3.	Woodrow Bessey (Install nets at St. David's Field and Squire's Field)	\$	11,410.74
4.	E.C. Boone Limited (Gateway Signage - Certificate Pymt #1)	\$	32,645.70

5.	Century 2K (Voice/Data Cabling System - Pearlgate Complex)	\$	10,123.93
6.	Interfleet Inc. (Web-Tech 7000 Series AVL Modems)	\$	5,141.50
7.	Western Hydraulic 2000 Ltd. (Carbide Cutting Edge for Snowblade)	\$	6,215.00
	TOTAL	\$	91,546.64

Discussion: It was noted that the invoices for Woodrow Bessey also included some repairs related to damage caused by Hurricane Igor.

Council was advised that the concrete base and metal support are in place for the new City signs. It is anticipated that the signs will be erected soon.

Question called. Motion carried with Councillor Stoyles abstaining from voting due to a conflict of interest (item # 4).

11-05-386 Tax Deferral – Low Income Earner
Roll # 3345-930-0-0240-000

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted to defer taxes in the amount of \$1,187.13, for roll # 3345-294-1-0030-000, in accordance with Council's policy for low income earners.

Question called. Motion carried unanimously.

11-05-387 Emergency Management Plan

Item deferred to provide Council an opportunity to review the draft plan.

11-05-388 City of Mount Pearl – Staff Social Club

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted to provide a \$2,000 contribution to the City's staff social club.

Question called. Motion carried unanimously.

11-05-389 Appointment – Director, Corporate Services

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be granted to appoint Mr. Jason Silver to the position of Director of Corporate Services effective June 6, 2011.

Question called. Motion carried unanimously.

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

No report.

ENGINEERING SERVICES COMMITTEE

No report.

PLANNING & LAND USE DEVELOPMENT COMMITTEE

11-05-390 Jordan Construction
Appeal of Council's Decision to Refuse an Application for Extension to Existing Building for Warehouse Use in the Rear Yard
37 Commonwealth Avenue

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT a development application from Jordan Construction to extend the existing accessory building in the rear yard of property and use the building for warehouse purposes, install a gravel yard in the area of the warehouse, and erect a 2 metre high side and rear yard fence at 37 Commonwealth Avenue be re-activated and processed in accordance with Regulations 22 and 86 (public notice and consultation provisions).

Discussion: It was clarified that the applicant appealed Council's decision and the Committee agreed to reconsider the application, go through the public process. It was noted that if approved, the appeal would be dropped.

Concern was expressed that the Eastern Newfoundland Regional Appeal Board is not currently meeting because the Board's term has expired. This is resulting in significant delays with having appeals heard. It was agreed that Council's concerns would be expressed in writing to the Minister of Municipal Affairs.

New Item – It was also requested that a letter be forwarded to the Minister of Municipal Affairs inquiring when the Eastern Waste Management Committee would be meeting.

Question called. Motion carried unanimously.

11-05-391 Proposed Amendment to the St. John's Urban Region Regional Plan Referral from the Town of Torbay

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the City of Mount Pearl respond in writing that it has no objections to the proposed Town of Torbay Municipal Plan Amendment No. 18, 2011, and the Town of Torbay Development Regulations Amendment No. 37, 2011.

Question called. Motion carried unanimously.

11-05-392 Application for Accessory Building – DA11-00265 15 Norma's Avenue

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT an application for a second accessory building at 15 Norma's Avenue be denied as the current building currently exceeds maximum floor area of an accessory building of 50 square metres or 7% of the lot coverage, whichever is less and the addition of the second accessory building will increase the noncompliance with Condition 7 (ii) of the RMD use zone of the Mount Pearl Development Regulations.

Discussion: Councillor Walsh indicated his support of the recommendation because it was in compliance with current regulations. However, he felt that because the property owner has a large lot, the regulations were restrictive and made more sense when applied to newer urban development. Council requested that research be undertaken on the standards for lot coverage for accessory buildings and presented for their consideration. It was also noted that should the regulations change, the property owner would have an opportunity to re-apply.

Question called. Motion carried unanimously.

11-05-393 Order – 13 Corey King Drive

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT pursuant to the Urban and Rural Planning Act, approval be granted to ratify the issuance of an Order to the registered Directors of CMT Inc. 13 Corey King Drive, with a copy to the property owner.

Discussion: In response to the inquiry as to what punitive action could be taken to discourage this type of activity, it was clarified that there is punitive action whereby the property owner could be taken to court and fined for every day not in compliance. In this instance, the property owner did comply with the Order and a permit is in the process of being issued.

Question called. Motion carried unanimously.

11-05-394 Bell Aliant
Fibre Optic Plans for 2011

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the pole mounted installation of 35 CSP cabinets and associated cables on existing pole infrastructure to accommodate a new fibre optic system as proposed by Bell Aliant be approved, subject to the review and approval of the individual cabinet locations by City staff.

Discussion: It was confirmed that the location of these cabinets would be determined in consultation with staff and near a parking lot to avoid vehicles driving on the City's open space. It was also acknowledged that the fibre optic cable will not be installed where there is underground wiring due to the significant associated cost.

Question called. Motion carried unanimously.

11-05-395 Variance Request re Subsidiary Apartment– DA11-00313
Reduction in Minimum Frontage Development Standard
14 Paddon Place

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the request for a 10% variance be approved to the minimum 13.5 metre frontage requirement for subsidiary apartments in the RHD Land Use Zone, in order to allow approval of an application for development of a subsidiary apartment within the existing dwelling at 14 Paddon Place and a development permit issued subject to the following conditions:

1. Recommendations of the City Inspector as outlined in the report dated May 26, 2011;
2. The development meeting the minimum off-street parking requirements in keeping with the minimum 50% landscaped front yard requirement;
3. Access to the apartment to be provided via the right (eastern) side

- of the house in the major sideyard;
4. Fencing along the left (western) side yard to be required.

Question called. Motion carried unanimously.

11-05-396 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 amend the Residential Use Zones Tables as follows:

In the 'Conditions' section of each use zone table, add the following:

Crescent-shaped driveways shall be permitted subject to the following conditions:

- (a) the apex of the inside or roadside edge of the crescent-shaped driveway shall be a minimum of six metres (6 m) from the edge of the curb;
- (b) the minimum lot frontage shall be sixteen metres (16 m); and
- (c) the minimum landscaping requirement shall be fifty percent (50%) of the front yard.

The purpose of this amendment is to provide Council with the authority to regulate crescent-shaped driveways in residential use zones.

11-05-397 Development Permits

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT development permits issued for the period of May 16 - 27, 2011 be approved as presented.

Question called. Motion carried unanimously.

11-05-398 Building Permits

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT building permits issued for the period of May 14 - 27, 2011, showing a total construction value of \$1,506,150.00, be approved as presented.

Question called. Motion carried unanimously.

11-05-399 Corte Real Place
 Two Lot Residential Subdivision

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT a subdivision development application for a proposed two lot residential subdivision on the south east end of Corte Real Place be approved and a subdivision development permit issued subject to the following conditions:

1. RSU-3 Land Use Zone requirements.
2. Signing of a subdivision development agreement.
3. Newfoundland Power requirements.
4. Requirements of the City' Planning & Development Department and Engineering Services Division.
5. Finance Division requirements.

Question called. Motion carried unanimously.

11-05-400 Pinnacle Engineering Ltd. (Leopard Canada Ltd.)
 Phase 1A1 – The Hillside Living Residential Subdivision - 12 Lots

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be granted to issue a development permit for the development of 12 residential lots for the *Phase 1A1 The Hillside Living Subdivision Development*, subject to the development meeting the conditions listed below.

1. Department of Environment & Conservation – Water Resources Division conditions.
2. Newfoundland Power conditions.
3. St. John's Regional Fire Department conditions.
4. Engineering Services Division conditions.
5. Finance Department conditions and payment of applicable service levies prior to building permits being issued.
6. The detention pond shall be developed in accordance with the requirements and conditions of the Mount Pearl Engineering Services Division.
7. The upgrading along Blackmarsh Road to accommodate The Hillside Living Phase 1A1 shall be in accordance with the conditions and requirements of the City.
8. The appropriate securities and deposits shall be provided to the City prior to the development of the infrastructure proceeding.
9. City of Mount Pearl Development Regulations, 1988, Regulation 62 and the conditions of the RSU-3 and OS Land Use Zone Table of the Development Regulations.

10. Subdivision development agreement shall be signed prior to any building permits being issued for the development.

Discussion: It was confirmed that the proposal from this developer is the same as the proposal from the previous developer.

Question called. Motion carried unanimously.

NEW BUSINESS

11-05-401 Kick for the Cure Fundraiser

Councillor Tessier advised of a fundraising event, Kick for the Cure, being held on June 6, starting at 6:45 pm at the Team Gushue Complex. Funds raised will promote awareness of and raise funds for Breast Cancer.

11-05-402 MS Walk

Deputy Mayor Locke advised that he brought greetings at the MS Walk fundraiser held on May 29 from the Reid Community Centre. He identified some of the group's future fundraising activities.

11-05-403 MMSB

Deputy Mayor Locke advised that MMSB is holding a session on backyard composting on June 5 from 2:00 – 4:00 pm at Memorial University.

11-05-404 Condolences

Councillor Stoyles extended condolences to the family of the late Mark Boone, who was a long time volunteer in the City.

11-05-405 MNL Avalon Regional Meeting

Councillor Stoyles advised that the MNL Avalon Regional meeting will be held on June 18 at Fong's Motel in Carbonear.

11-05-406 Sport Alliance

Councillor Stoyles advised of the bingo fundraiser being held by Campia Gymnastics and the Sport Alliance. Funds raised will support youth sport development in Mount Pearl.

11-05-407 AbbyShot Clothiers – Mount Pearl

Councillor Stoyles extended congratulations to AbbyShot Clothiers who signed a deal with the BBC to manufacture the replica tweed jackets after Matt Smith, the current Dr. Who.

11-05-408 Kinette Club

Councillor Stoyles extended congratulations to the Kinette Club on the success of their “Ladies Night Out” fundraiser held in support of breast cancer research, cystic fibrosis and other charities.

11-05-409 Memorial University – Research Magazine

Councillor Stoyles extended congratulations to Memorial University on the publication of their “Research Matters” magazine.

11-05-410 Focus on Youth Awards

Councillor Aker extended congratulations to the nominees and winners of the Focus on Youth Awards along with appreciation to those who took the time to submit a nomination. He extended special congratulations to Carl & Jackie Goulding for their contribution and involvement with the Etcetera production as well as the Focus on Youth Awards.

ADJOURNMENT

As there was no further business, the meeting adjourned at 6:00 pm on a motion by Councillor Tessier and seconded by Councillor Aker.

Chairperson

Deputy City Clerk