

**PUBLIC COUNCIL MEETING MINUTES
November 30, 2010**

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on November 30, 2010 at 4:15 pm.

MEMBERS PRESENT

Mayor Randy Simms
Deputy Mayor Jim Locke
Councillor Lucy Stoyles
Councillor Paul Lane
Councillor Dave Aker

STAFF PRESENT

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

MEMBERS ABSENT

Councillor John Walsh
Councillor Paula Tessier

Mayor Randy Simms chaired the meeting.

10-11-850 Adoption of Agenda

Motion – Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

10-11-851 Adoption of Minutes

Motion – Councillor Aker/Councillor Lane

RESOLVED THAT the minutes of the public meeting held on November 16, 2010 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING

10-11-852 Northeast Avalon Joint Council (NEAJC)
(Eastern Waste Management Committee)

Council was advised that Ken Kelly, Chair of the Eastern Waste Management Committee, provided an update at the last NEAJC meeting. It was noted that member municipalities continue to have concerns with the tipping fees as well as the structure.

ACTION REPORT

The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

No proclamations/presentations.

CORRESPONDENCE

10-11-853 Department of Finance
Minister Thomas Marshall

A letter was presented from Minister Marshall in response to the City's request for tax relief on Remembrance Day poppies and wreaths. He acknowledged the action by the Federal Minister of Finance to introduce amendments to the Excise Tax Act that would provide a 100% rebate of the GST retroactive to January 1, 2010.

10-11-854 Children's Wish Foundation

A letter was presented from the Children's Wish Foundation expressing appreciation for the City's financial support (\$100 donation).

10-11-855 Minister Responsible for the Status of Women and
Lead Minister for the Violence Prevention Initiative

A letter was presented from Minister Kathy Dunderdale seeking the City's support of the Provincial Purple Ribbon Campaign – prevention of violence against women. Council expressed support of the program and noted that lapel pins and car ribbon magnets were made available to the public at the start of the campaign (November 25).

COMMITTEE REPORTS

COMMUNITY SERVICES COMMITTEE

10-11-856 Grand Concourse Authority
Request for 2010 Final Installment – Operating Grant

Motion – Councillor Lane/Deputy Mayor Locke

RESOLVED THAT approval be granted to issue the final installment of the 2010 operating grant, in the amount of \$203,000, to the Grand Concourse Authority.

Question called. Motion carried unanimously.

10-11-857 Grand Concourse Authority
Request for Funding – Team Gushue Artificial Turf Site

Motion – Councillor Lane/Deputy Mayor Locke

RESOLVED THAT approval be granted to pay the Grand Concourse Authority the amount of \$269,272 (plus HST) representing the amount owing for the Team Gushue Artificial Turf Site.

Question called. Motion carried unanimously.

10-11-858 1st Mount Pearl Scouting Group - Request for Funding

Motion – Councillor Lane/Deputy Mayor Locke

RESOLVED THAT approval be granted to provide an operating grant of \$500 for 2010 to the 1st Mount Pearl Scouting Group.

Discussion: The grant is provided for the use of the camp site, Camp Morrison, by all scouting groups. This funding is allocated in the 2010 Community Services operational budget.

Question called. Motion carried unanimously.

10-11-859 Mount Pearl Citizens Crime Prevention
Seeking Support for 2011

Motion – Councillor Lane/Deputy Mayor Locke

RESOLVED THAT approval be granted to provide funding in the amount of \$600 to the Citizens Crime Prevention Committee in support of the 2011 Family Fun Event.

Discussion: This funding will be allocated in the 2011 Community Services operational budget.

Question called. Motion carried unanimously.

10-11-860 Mount Pearl Lions Club - 55th Annual Santa Claus Parade Route

Council was advised that the Mount Pearl Lions Club 55th Annual Santa Claus Parade will take place on Saturday, December 4, 2010 with the following route: departing the parking lot at 10:00 am of the Mount Pearl Senior High and Intermediate Schools on Ruth Avenue, proceeding along Ruth Avenue and Park Avenue, terminating at Mount Pearl Square on Topsail Road.

Along the route, food items can be donated to the St. Vincent de Paul Society's local food bank, and loonies can be donated to the Community Food Sharing Bank. For more information or if anyone would like to enter a float or group, please call Gerald Coombs, Mount Pearl Lions Club at 368-6186.

10-11-861 City of Mount Pearl Christmas Tree Lighting Ceremony

Council was advised that the Tree Lighting Ceremony will take place on Saturday, December 4, at 6:00 pm, Centennial Park. Mary Queen of the World Primary School Choir and O'Donel High School choir will lead in the singing of Christmas Carols. Hot chocolate and cookies will be available. For further information, please call the Community Services Department at 748-1008.

10-11-862 Lighting & Audio - Approval
2010 Christmas Tree Lighting Ceremony

Motion – Councillor Lane/Deputy Mayor Locke

RESOLVED THAT the quotation for audio visual equipment for the Tree Lighting Ceremony be awarded to the lowest bidder, Eastern Audio Limited, in the amount of \$508.50 (taxes included).

Question called. Motion carried unanimously.

10-11-863 "Who Cares" Campaign – Voluntary & Non Profit
Launched August 9, 2010

Council was advised that the Provincial Voluntary & Non Profit Department launched a new marketing campaign – Who Cares? – to celebrate the province's volunteer and non-profit sector and acknowledge the volunteers and organizations that are making a difference in communities throughout

Newfoundland and Labrador every day. More information can be obtained on the Provincial Government website. Council acknowledged the tremendous efforts of all volunteers.

10-11-864 Mount Pearl Marlins – Fall Classic Swim Meet – Congratulations

Congratulations were extended to the Marlins for another successful Fall Classic Swim Meet, which was held on November 6-8, 2010, with the team placing 2nd overall. Eight (8) Club Records and Two (2) Provincial Records were broken by Marlins swimmers.

CORPORATE SERVICES COMMITTEE

10-11-865 D.A.R.E

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT approval be granted to provide a \$2,000 grant in support of the D.A.R.E. program.

Question called. Motion carried unanimously.

10-11-866 Social Club Request

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT approval be granted to provide a \$2,000 donation in support of the City's social club activities.

Question called. Motion carried unanimously.

10-11-867 October Payment Register

Council was advised that the October 2010 payment register totalled \$3,613,903.35.

10-11-868 Invoices for Approval

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT the following invoices be approved for payment:

1.	Magna Contracting (CP2 Glacier Interior Fit-up - Payment Claim No. 8)	\$ 1,025,116.43
2.	Magna Contracting (Foundation/Building Envelope - Payment No. 16)	\$ 44,784.59

3.	Cimco Refrigeration (Glacier Arena Expansion - Payment Claim No. 2)	\$ 1,070,661.78
4.	Bae Newplan (Pearlgate Recreation Centre)	\$ 461,124.75
5.	Bae Newplan (2010 Street Upgrading)	\$ 28,036.60
6.	Bae Newplan (Pearlgate Recreation Centre)	\$ 7,574.24
7.	Avalon Coal Salt and Oil Limited (Road Salt)	\$ 11,889.34
8.	Stantec Consulting Limited (2008 Street Upgrading - Professional Services)	\$ 5,349.42
9.	Platinum Construction Company Limited (Storm Sewer Repair Work - Progress Claim No. 1)	\$ 89,088.80
10.	City of St. John's (Harbour Clean Up - Invoice HRCL001)	\$ 1,823,575.09
11.	City of St. John's (Harbour Clean Up - Invoice HRCL002) (\$1,102,806.07 less \$1,000,000.00 holdback)	\$ 102,806.07
	TOTAL	\$ 4,670,007.11

Discussion: Reference was made to the Harbour Clean Up invoice, noting that the amount represents the City's commitment to the project (including the overrun). It was noted that a further amount of approximately \$1 million will be expended towards this project following receipt of details on the cost for St. John's share of one of the contracts for this projects.

Question called. Motion carried unanimously.

10-11-869 Reverse Parking Policy

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT the Reverse Parking Policy for all Employees, Contractors, and Visitors be approved as presented.

Question called. Motion carried unanimously.

ECONOMIC DEVELOPMENT, COMMUNICATION & TOURISM COMMITTEE

10-11-870 Municipal Avenue Property
Cost Estimate for Proposed Site Plan

Motion – Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT approval be granted for the unbudgeted expense of \$2,000 for the preparation of a proposed preliminary site plan for an affordable seniors housing development at Municipal Avenue.

Question called. Motion carried unanimously.

ENGINEERING SERVICES COMMITTEE

10-11-871 Engineering Services Capital Budget (2010)
Request to Transfer Funds

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted to transfer \$15,000 from the Grangel Road project (emergency generator switch) to the retrofit of the Admiralty Wood lift station.

Question called. Motion carried unanimously.

10-11-872 Storm Sewer Repair Work – Commonwealth Avenue
Progress Claim #1

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted for progress claim #1 to Platinum Construction for the unbudgeted amount of \$89,088.80 for work associated with the repair of a collapsed storm sewer line on Commonwealth Avenue.

Question called. Motion carried unanimously.

PLANNING AND LAND USE DEVELOPMENT COMMITTEE

10-11-873 DA10-257 - Best Boy Productions Ltd.
Proposed Second Building on Lot (Movie Studio)
236 Park Avenue

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT an application by Best Boy Productions Ltd. to demolish the existing garage and shed in rear of the existing building at 236 Park

Avenue, to build a 453.46 m² large movie studio in the rear of the lot and to undertake associated site and parking lot improvements, be approved, subject to the following conditions:

1. St. John's Regional Fire Department conditions;
2. Newfoundland Power conditions;
3. final approval of drawings by Engineering Services Division prior to building permits being issued;
4. Finance Division requirements;
5. Inspection Services requirements;
6. Planning Services requirements; and
7. signing of development agreement for two buildings on one lot.

Discussion: Information on the Best Boy productions was provided.

Question called. Motion carried with Mayor Simms abstaining from voting due to a conflict of interest.

10-11-874 St. John's Urban Region
Proposed Regional Plan Amendments

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be granted to respond to the Department of Municipal Affairs advising that the City has no objections to amendments related to changes from the Rural to Urban Designation in specific areas of Flatrock, Torbay, Holyrood, and Witless Bay.

Question called. Motion carried unanimously.

10-11-875 Rescinding of Order
1 ½ Wyatt Boulevard

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the Order that was issued with regard to the property at 1 ½ Wyatt Boulevard be rescinded.

Discussion: Council was advised that the order was issued regarding work that was to be completed at this property, i.e. backfilling and appropriate fencing and has now been completed.

Question called. Motion carried unanimously.

10-11-876 Municipal Plan Amendment No. 79, 2010, and
Development Regulations Amendment No. 205, 2010
835 Blackmarsh Road

The proposed amendments are as a result of a development and amendment application from Rockmount Properties Inc. for a residential apartment development at 835 Blackmarsh Road. The application is not permitted according to the Highway – Commercial (HC) zoning for the property. In order to accommodate the proposal, the property would need to be redesignated from Highway Commercial to Residential, and rezoned from Commercial-highway (HC) to a residential zone, such as Apartment (APT), or the Residential High Density (RHD) use zone.

As required under the Urban and Rural Planning Act, a briefing session was held on September 1, 2010. Concerns raised in the submissions were addressed by Council and staff.

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT pursuant to the Urban and Rural Planning Act, Municipal Plan Amendment No. 79, 2010, and Development Regulations Amendment No. 205, 2010 be adopted AND FURTHER THAT Ernest Boone be appointed Commissioner for the public hearing scheduled for 7:00 pm on January 11, 2011.

Discussion: It was acknowledged that every effort is made to address issues raised during the public consultation process. As a result, the application was approved and the property can be developed. The City is an urban centre, and as such, developing property is the expected action to take. In response to an inquiry regarding water that would have been stored naturally, it was noted that the detention pond on this site will depend on the functionality of what the developer proposed.

Question called. Motion carried unanimously.

10-11-877 Regional Tire Sales (Atlantic Inc.)
Tire Storage – Discretionary Use Application
54 Clyde Avenue

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the application be approved and a development permit issued to Regional Tire Sales (Atlantic) Inc. to occupy approximately 929.03m² (10,000 Square Feet) of indoor space at 54 Clyde Avenue for the storage of up to 8,000 new rubber tires, subject to the following conditions:

1. St. John's Regional Fire Department requirements.
1. Inspector's Requirements
2. Finance Division requirements.
3. Engineering Service conditions
4. Planning and Development Department requirements.

Question called. Motion carried unanimously.

10-11-878 Billboard Application – DA10-970
Pattison Outdoor Advertising (Donovan Holdings Ltd.)
1269 Topsail Road

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT a development application from Pattison Outdoor Advertising on behalf of Donovan Holdings Ltd. to install a billboard at 1269 Topsail Road, be approved subject to the following conditions:

1. conditions of Department of Fisheries and Oceans;
2. the receipt of a copy of a Permit to Alter a Body of Water by the Department of Environment and Conservation prior to any building permits being issued;
3. City Inspection requirements;
4. Finance Division requirements;
5. receipt and approval of scaled site plan by City illustrating proposed location of billboard, including size and setbacks from property boundaries; and
6. the proposal meeting Condition 14.2. Schedule F Sign and Advertisement Regulations of the City of Mount Pearl Development Regulations, 1988.

Question called. Motion carried unanimously.

10-11-879 Development Permit List

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT development permits issued for the period of November 13 - 26, 2010 be accepted as presented.

Question called. Motion carried unanimously.

10-11-880 Building Permit List

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT building permits issued for the period of November 13 - 26, 2010, showing a total construction value of \$302,000.00, be approved as presented.

Question called. Motion carried unanimously.

10-11-881 Changeable Message Sign Amendment
Ratification of Minutes Special Meeting November 23, 2010

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be granted to ratify the minutes of the Special Meeting of November 23, 2010 (changeable message sign amendment).

Question called. Motion carried unanimously.

NEW BUSINESS

10-11-882 Lower Churchill Project

Councillor Aker extended congratulations to the Provincial Government on the signing of the Partnership Agreement with Emera Inc. for the development of Muskrat Falls. It was requested that a letter of congratulations be forwarded.

10-11-883 Mount Pearl Soccer Association (MPSA) – Hall of Fame

Councillor Aker extended congratulations to Bob Wood and Martin Batterson on their induction into the MPSA Hall of Fame.

10-11-884 Mount Pearl HJ Bartlett Electric Senior Blades

Councillor Aker extended congratulations to the Mount Pearl HJ Bartlett Electric Senior Blades on their unbeaten record.

10-11-885 Honourable Kathy Dunderdale – Deputy Premier

Councillor Stoyles extended congratulations to the Honourable Kathy Dunderdale on her appointment as Premier following the resignation of Premier Danny Williams.

10-11-886 Snow Clearing Regulations

Councillor Stoyles reminded residents that, in accordance with the Snowclearing Regulations, on-street parking is not permitted from December 1 to March 31 (both days inclusive) between the hours of 1:00 am and 8:00 am or during a snow storm.

10-11-887 Condolences

Condolences were extended to Cst Blair Tilley and his family on the passing of his father.

10-11-888 Recycling

In response to Deputy Mayor Locke, the Director of Infrastructure & Public Works advised that the response to the recycling program has been positive noting that the majority of inquiries have been related to the use of clear bags (vs. blue bags) and whether the bi-weekly collection will change to weekly. He advised that clear bags will be collected, however, requested residents to make the change to blue bags and that the collection schedule will be reviewed during December.

Deputy Mayor Locke advised of discussions with Green Depot staff whereby the comment was made that drop offs to their site have decreased.

Residents were encouraged to continue to bring their containers for which a refund is available to the Green Depot. It was also noted that schools receive 100% of the recycling deposit and that MMSB receives 100% of the deposit paid by consumers if the recyclable items are not brought to a Green Depot.

10-11-889 Mark's Work Wearhouse Mount Pearl Junior Blades

Deputy Mayor Locke also extended congratulations to the Junior Blades on their successful season to date.

10-11-890 Athletic Business Conference & Expo
San Diego, CA
December 2-3, 2010

Councillor Lane advised that he will not be attending the above noted conference. There is no expenditure to the City as the registration fee was not paid nor other arrangements made.

10-11-891 Team Gushue Highway

Councillor Lane put forth the position that contrary to the City of St. John's decision, he is not prepared to spend taxpayers' funds on the Team Gushue Highway – a provincial highway. Mayor Simms noted that the City of Mount Pearl's decision not to contribute to the project was the concern that it would be the first step by the Provincial Government to download other projects to a municipal level. With reference to the possibility of the City of St. John's creating a toll booth, he noted that because it is a federal/provincial funding initiative, they don't have the right to toll.

10-11-892 Snowclearing Regulations

Mayor Simms clarified that during the Christmas season, the municipal enforcement division will use their discretion when patrolling for on-street parking violations.

ADJOURNMENT

As there was no further business, the meeting adjourned at 5:30 pm on a motion by Councillor Aker and seconded by Councillor Stoyles.

Chairperson

Deputy City Clerk