

**PUBLIC COUNCIL MEETING MINUTES**  
**August 10, 2010**

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on August 10, 2010 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  
Councillor Paula Tessier

STAFF PRESENT

Gerard Lewis, CAO  
Gail Sexton, Human Resources Assistant

STAFF ABSENT

Ray Osmond, Director, Community Services  
Michele Peach, Director, Corporate Services  
Stephen Jewczyk, Director, Planning & Development  
Scott Lush, Director, Infrastructure & Public Works  
Mona Lewis, Deputy City Clerk

**Mayor Simms chaired the meeting.**

10-08-583     Adoption of Agenda

Motion – Councillor Aker/Councillor Walsh

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

10-08-584     Adoption of Minutes

Motion – Councillor Tessier/Councillor Stoyles

RESOLVED THAT the minutes of the public meeting held on July 27, 2010 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

## BUSINESS ARISING

### 10-08-585 Park Avenue

The Chief Administrative Officer advised Council that contact was made with the contractor through our consultants, BAE Newplan, and the contractor has been instructed to immediately commence this project and continue working until it is completed with the only exception being the weather. It was noted that the project should be finalized by the end of August if the weather permits. It was recommended that this project be monitored on a day-to-day basis.

The Chief Administrative Officer advised Council that discussions have been initiated with the Assistant Deputy Minister of Municipal Affairs with a view to having tender specifications changed to include performance standards for work and timely completion. It was suggested that this be done in consultation with MNL and the Urban Municipalities Committee.

Councillor Stoyles advised that she will have this issue addressed at the next MNL Board of Directors meeting.

### 10-08-586 East/West/North Summer Expo/City Days 2010

Councillor Lane advised that some of the commentary that he made regarding the summer expo was not reflected in the last minutes. He stated that even though the attendance of both events was estimated to be around 15,000, the main attraction was for the City Days events. He also indicated that feedback from some of the vendors of the Expo was not positive and that some do not plan to participate in future expos.

Councillor Walsh advised that the Community Services report reflected that the weekend of festivities, as a whole, was successful and that a complete evaluation will be completed and presented to Council following a review by the Community Services Committee.

It was recommended that a report on the Expo be provided and to include revenues generated and expenses incurred.

## ACTION REPORT

The action report was accepted as presented.

## PROCLAMATIONS/PRESENTATIONS

None noted.

## CORRESPONDENCE

10-08-587     Letter from Minister of Finance  
Re: Exemption of GST for Royal Canadian Legion for Sale of  
Poppies & Wreaths

A letter was presented from the Minister of Finance, James M. Flaherty, in response to the City's letter to the Prime Minister regarding Bill C-480, An Act to Amend the Excise Tax Act (no GST on poppies or poppy wreaths). It was also noted that there is currently an exemption from the GST portion of the HST for supplies of poppies and wreaths made by the Royal Canadian Legion Dominion Command or Branch and that they are only obligated to pay the PST portion.

Council recommended that a request be made to the Provincial Government to remove the PST portion from the sale of these items.

## COMMITTEE REPORTS

### PUBLIC WORKS COMMITTEE

No report.

### COMMUNITY SERVICES COMMITTEE

10-08-588     Upcoming Community Events

- Outdoor Movie

On Thursday, August 12 it's an outdoor movie night at Centennial Park (next to City Hall). Families are invited to come on by and enjoy the show and popcorn! Movie will be "Cloudy with a Chance of Meatballs". Starts at dusk, approximately 8:45pm; bring your chairs and blankets! Admission is a non-perishable food item. This event is coordinated by the Community Services Department.

- Arts in the Park!

Monday August 16<sup>th</sup> at 7:00pm Arts in the Park will feature a family fun evening of arts, crafts, coloring, finger painting and a sing along! Fun for the entire family all taking place in Centennial Park – next to City Hall. This event is a partnership with the Association for the Arts in Mount Pearl and the Community Services Department.

CORPORATE SERVICES COMMITTEE

10-08-589 Professional Development & Training – CAO

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be given for the CAO to attend the 2010 International City Management Association (ICMA) Annual Conference being held in the San José from October 17 – 20, 2010, in accordance with the Professional Development & Training Policy.

Question called. Motion carried unanimously.

10-08-590 Municipalities Newfoundland & Labrador (MNL) Annual Convention - Resolution

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be given to submit a resolution that MNL lobby the Provincial Government, on behalf of all municipalities, to take additional measures to prevent moose accidents on our streets and highways and to also lobby all municipalities to support this action.

Discussion: It was noted that there were many vehicle-moose accidents reported the past week and that this is a serious issue.

Question called. Motion carried unanimously.

10-08-591 MNL Annual Convention - Attendance

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be given to register council members for the 2010 MNL Annual Convention being held in St. John's from October 6 – 9.

Question called. Motion carried unanimously.

10-08-592 Donation

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be given to provide a \$2,500 sponsorship in support of the MNL annual general meeting and conference and in recognition of their 60<sup>th</sup> anniversary.

Question called. Motion carried unanimously.

10-08-593 Mount Pearl Lions Club - Donation

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT approval be given to provide a \$100 donation to the Mount Pearl Lions Club in support of their fundraiser being held on September 18, 2010 at the Reid Community Centre.

Question called. Motion carried unanimously.

10-08-594 Invoices for Approval

Motion – Councillor Lane/Councillor Tessier

RESOLVED THAT the following invoices be approved for payment:

1.	J & T Construction Ltd. (Depot Office Renovations)	\$ 20,238.53
2.	The Telegram (Processing and Postage of July Tax Bills)	\$ 6,605.00
3.	Provincial Fence Products Ltd. (Supply & Install Chain Link Fence - Soccer Field)	\$ 9,011.75
4.	Emberly Electric Ltd. (Installation & Wiring - New Soccer Field)	\$ 6,891.23
5.	Modern Paving Limited (Asphalt & Paving - New Soccer Field)	\$ 46,895.00
6.	Fasco Industries Co. Ltd. (Supply & Installation of Structural Steel)	\$ 6,158.50
7.	Crane Supply (Valve Covers & Catch Basin Covers)	\$ 6,820.68
8.	Municipalities Newfoundland and Labrador (Registration for 2010 Annual Convention and Donation)	\$ 5,050.00
9.	Stage Eleven Audio Visual (Stage & Production for Expo 2010)	\$ 11,819.80
10.	Clarke Electronics Ltd. (Supply of Soccer Scoreboard - New Soccer Field)	\$ 6,511.61
11.	Construction Signs Limited (Construction Signs)	\$ 5,141.50
12.	Stanley Flowers Limited (Supply & Maintenance for July)	\$ 21,919.74

13.	Flynn Canada Ltd. (Remove & Replace Roofing and Metal Deck for Pool)	\$ 13,344.17
14.	Sierra Planning and Management (Professional Services: Economic Development Strategy)	\$ 12,308.76
	<b>TOTAL</b>	<b>\$ 178,716.27</b>

Question called. Motion carried unanimously.

#### ECONOMIC DEVELOPMENT, COMMUNICATION AND TOURISM COMMITTEE REPORT

10-08-595 Business Retention & Expansion International Conference  
New Orleans, Louisiana – August 14-17, 2010

Motion – Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT approval be granted for Councillor John Walsh to attend the Business Retention and Expansion International Conference being held in New Orleans from August 14-17, 2010, in accordance with the Professional Development and Training Policy.

Question called. Motion carried unanimously.

#### PLANNING AND LAND USE DEVELOPMENT COMMITTEE

10-08-596 Director of Planning and Development Request  
Canadian Institute of Planners (CIP) Conference  
Montreal, Quebec October 2-5, 2010

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be given for the Director of Planning to attend the 2010 annual conference of the Canadian Institute of Planners which is being held in Montreal, Quebec from October 2-5, 2010.

Question called. Motion carried unanimously.

10-08-597 DA10-090 MAE Design Ltd. (Gordon Development)  
6 Lot Residential Subdivision – Farrell Drive

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the subdivision proposal for 6-lot residential subdivision on Farrell Drive, submitted by MAE Design Limited, on behalf of Gordon Development be approved and a development permit be issued in accordance with the Planning and Land Use Committee report and in accordance with Council's renumbering policy.

Question called. Motion carried unanimously.

10-08-598     101 Farrell Drive  
                  Widening of Driveway

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the request from resident of 101 Farrell Drive to widen their existing driveway be approved subject to some form of ornamental fence or separation being constructed to separate the driveways of adjoining lots subject to approval by the Planning and Land Use Department.

Question called. Motion carried unanimously.

10-08-599     Sheehan's Holdings Inc.  
                  Subdivision of Lot into Two Lots  
                  84 Glencoe Drive

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT the request to subdivide #84 Glencoe Drive into two separate building lots be approved and a development permit be issued subject to the regulatory requirements of the City, requirements by appropriate departments of the City and execution of an appropriate joint access agreement.

Question called. Motion carried unanimously.

10-08-600     Proposed Fence Constructions  
                  11 Winston Avenue and 9 Darby Place

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT requests from property owners of 11 Winston Avenue and 9 Darby Place for increased fence heights be approved.

Question called. Motion carried unanimously.

10-08-601     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 Schedule"E", land use zoning map of the Mount Pearl Development Regulations by rezoning land identified as civic number 835 Blackmarsh Road from Highway – Commercial (HC) to Residential High Density (RHD) or Apartment (Apt)."*

The intention of this amendment is to provide Council with the authority to consider a multi-story residential development proposal at this property location. Those lands not being re-zoned shall maintain their present zoning.

10-08-602

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 Schedule"C", Commercial-General (GC) use zone table as follows:*

- 1. Add "commercial residential (See condition 18)" to the list of permitted uses; and*
- 2. Add the following to the Conditions section:*

(18) Commercial Residential Use at Pearlgate Recreation Centre

A commercial residential use shall be permitted at the Pearlgate Recreation Centre on the basis of the successful bidders development plans submitted in response to a Request for Proposals for a Hotel Development by the Authority.

The intention of this amendment is to recognize that a commercial residential use (hotel, motel or residential club) is a permitted use in the Pearlgate Recreation Centre area and the development of the site shall be in accordance with the conditions outlined in the Council's RFP for the hotel development in this area.

10-08-603

Development Permit List

Motion – Deputy Mayor Locke/Councillor Aker



RESOLVED THAT the development permits issued for the period of July 24 – August 6, 2010 be accepted as presented.

Question called. Motion carried unanimously.

10-08-604 Building Permit List

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT building permits issued for the period of July 24 to August 6, 2010, showing a total construction value of \$384,900.00, be approved as presented.

Question called. Motion carried unanimously.

10-08-605 Recommendation for an Order  
Nalla Limited  
Property at 19 Commonwealth Avenue

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT pursuant to the Urban and Rural Planning Act, approval be given to issue an Order to Nalla Limited regarding the deficiencies at 19 Commonwealth Avenue.

Question called. Motion carried unanimously.

10-08-606 Open Space License Agreement  
East Coast Hydraulics Nfld. Ltd.  
9 Sagona Avenue

Motion – Deputy Mayor Locke/Councillor Aker

RESOLVED THAT approval be given for the final signature and execution of Open Space License Agreement with respect to property north of lands at 9 Sagona Avenue.

Question called. Motion carried unanimously.

NEW BUSINESS

10-08-607 Soccer Pitch

Councillor Tessier advised that the City was well represented at the opening of the soccer pitch and the field looks very impressive with the new artificial turf. Congratulations were extended to all involved.

10-08-608     Press Conference

Councillor Tessier advised that she attended the press conference given by Honourable Dave Denine, where an announcement was made of new communications campaign to invigorate and profile the good work of our province's volunteer and non-profit sector. Special mention was made of Cathy Jackman of Campia Gymnastics and her contribution to the City.

10-08-609     Green Space on Ingerman Street

Councillor Lane advised that he received complaints from residents in the Ingerman Street area advising that people are taking their dogs for walks on the green space in their area. It was recommended that garbage containers be placed in this area along with bag dispensers for their dog waste, the same that is provided for the walking trails.

10-08-610     Beautification Issues

Councillor Lane noted that the infill area in the Farrell Drive and the playground area are totally unkempt. It was suggested that this area be reviewed with a view to some beautification plans for this area and to include funding provision for the project in the 2011 Budget. To be referred to the Infrastructure and Public Works Committee.

Councillor Lane also suggested that when work is completed for the entrance to the Newfoundland Trailway that consideration be given to also beautifying this area.

10-08-611     Request for One-Way Driving on Spruce Avenue

Councillor Stoyles advised of a request from Mrs. Nixon on Spruce Avenue to have Spruce Avenue made into a one-way street. This issue is referred to the Infrastructure and Public Work Committee for consideration.

10-08-612     Federal Minister of Transport in Town

Councillor Walsh advised that the Federal Minister of Transport is in St. John's and will be guest speaker at the Board of Trade luncheon. Councillor Walsh expressed his views on the poor Marine Atlantic Ferry service to Newfoundland. It is felt that the ferry service is infamous for its poor service and bad attitude and feels that this would not be tolerated anywhere else in Canada.

10-08-613     Cynergy

Councillor Walsh stated that Cynergy is back on track. They have engaged new contractors and work should commence again soon.

10-08-614     Senior Baseball Tournament

Council was advised that Mayor Simms took a challenge from the Mayor of the City of St. John's and agreed that if the St. John's Men's Senior Baseball team beat the Mount Pearl team in a tournament, then he will fly the City of St. John's flag in front of Mount Pearl City Hall and wear a City of St. John's jersey at the next Public Council meeting. Congratulations were extended to the St. John's team on their win and to Mount Pearl for playing a fair game. He noted that he will honour his commitment at the next Public Council meeting.

10-08-615     National Ball Hockey

Councillor Tessier advised that the Newfoundland team won the National Ball Hockey championship and there were members on the team who are residents of Mount Pearl.

ADJOURNMENT

As there was no further business, the meeting adjourned at 5:05 p.m. on a motion by Councillor Lane and seconded by Councillor Aker.

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Chairperson

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Human Resources Assistant