



PUBLIC COUNCIL MEETING MINUTES
April 29, 2008

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on April 29, 2008 at 4:15 pm.

MEMBERS PRESENT

Mayor Randy Simms
Deputy Mayor Paul Lane
Councillor Ed Grant
Councillor Lucy Stoyles
Councillor Jim Locke

STAFF PRESENT

Gerard Lewis, CAO
James Oxford, Operations Manager
Kenneth Bartlett, City Engineer
Michele Peach, City Treasurer
Ray Osmond, Parks & Community Ser. Dir.
Mona Lewis, Executive Secretary

Councillors Walsh and Tessier and the City Planner and Economic Development Director were absent.

Mayor Simms chaired the meeting.

08-04-298 Adoption of Agenda

Motion – Councillor Grant/Councillor Stoyles

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

08-04-299 Adoption of Minutes

Motion – Councillor Locke/Deputy Mayor Lane

RESOLVED THAT the minutes of the public meeting held on April 15, 2008 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING

08-04-300 Youth Criminal Justice Act
Civil Legislation

It was confirmed that the pursuit of compensation resulting from damages/vandalism caused by a young person would strictly be a civil matter between the parties involved. With regards to the City pursuing such compensation, it was acknowledged that it would depend on whether it would be financially feasible for the City to pursue through civil court.

08-04-301 Household Garbage Collection

Council was advised of concerns expressed by some residents regarding the section of the Garbage Regulations stating that garbage cannot be placed for collection no earlier than 7:00 am on the day of collection. It was noted that due to work schedules, some residents place their garbage to the curb prior to this time on the day of collection. The matter of changing the time from 7:00 am to 6:00 am was referred to the Public Works & Safety Committee for consideration.

ACTION REPORT

The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

08-04-302 Mount Pearl Youth Week Proclamation
Youth Action Team

Mayor Simms signed a proclamation declaring May 11 – 28, 2008 at Mount Pearl Youth Week.

He welcomed members of the Mount Pearl Youth Action Team to the Chambers and invited Megan Drodge (Chairperson) to speak on behalf of the group. Ms. Drodge expressed appreciation to Council and to members of the Youth Opportunity Fund Foundation for their support. Special mention was given to Julia Hiscock and Andrew Harvey (2006 Female and Male Youth of the Year) who will co-host the 2007 Focus on Youth Awards ceremony. Ms. Drodge also highlighted the events taking place during Youth Week.

08-04-303 Salvation Army Month

Mayor Simms signed a proclamation declaring May as Salvation Army Month in the City of Mount Pearl.

Major Dixie Budgell (Mount Pearl Corp) was in attendance and expressed appreciation to council, staff, business community and residents for supporting the efforts of The Salvation Army.

It was noted that Councillor Stoyles attended the annual Red Shield Luncheon held on April 21, 2008.

08-04-304 North American Occupational Safety & Health (NAOSH) Week

Mayor Simms signed a proclamation declaring May 4 – 10, 2008 as “North American Occupational Safety & Health Week” in the City of Mount Pearl.

Mayor Simms advised that the City has been nominated for the 2008 signing of the CEO Leadership Charter (WHSCC) which is an annual event that allows employers to make a public commitment to occupational health and safety. The Charter signing takes place on May 15, 2008 and will be attended by Mayor Simms and the Health & Safety Officer (Faith Roberts).

08-04-305 Presentation to Staff

On behalf of the Newfoundland & Labrador Association of Municipal Administrators (NLAMA) Mayor Simms presented the City Engineer (Kenneth Bartlett) with a 25 year pin in recognition of his service in municipal government.

Again, on behalf of NLAMA, Mayor Simms presented the Executive Secretary (Mona Lewis) with a certificate in recognition of her completion of the core programs in Local Government Management.

08-04-306 Agnes Murphy – 2007 Citizen of the Year

Mayor Simms recognized the presence of Agnes Murphy as a member of the Youth Opportunity Fund Foundation and also extended congratulations on being chosen the 2007 Citizen of the Year.

08-04-307 Battle of the Atlantic

Mayor Simms signed a proclamation recognizing April 29, 2008 as the 65th Anniversary of the Battle of the Atlantic and to recognize all those who served in Canada’s Forces in times of armed conflict and in peace.

CORRESPONDENCE

08-04-308 Steve Kent, M.H.A. – District of Mount Pearl North

A letter was presented from M.H.A. Steve Kent advising that he delivered a Member Statement in the form of a congratulatory message to the Frosty Festival Committee and the City of Mount Pearl on April 16, 2008.

08-04-309 MNL InfoNote

Information was presented from MNL on the following:

- Municipal Symposium – May 8 – 10
- Municipal Awareness Day – May 14
- MNL President attends Atlantic Mayors Congress
- Canadian Red Cross
- Community Cooperation Resource Centre Update

08-04-310 Department of Justice

A letter was presented from Deputy Minister Christopher Curran (Department of Justice) to Mayor Graham Letter (Municipalities Newfoundland & Labrador -MNL) as a follow up to their meeting of April 7, 2008 regarding the *Youth Criminal Justice Act*. Since this meeting, the Federal Minister of Justice (Rob Nicholson) has written Minister Jerome Kennedy requesting that they co-chair a stakeholder roundtable on the *Youth Criminal Justice Act* in this province. As further information is received, the MNL will be kept informed.

08-04-311 Federation of Canadian Municipalities (FCM)

Information was presented from the FCM advising of the results of a survey of Canadians' attitudes on municipal issues. The results show that Canadians believe municipal governments do not have the resources needed to meet the challenges facing them, and they want the Federal Government to play a major role in fixing the problem. The survey is located on the FCM's website www.fcm.ca/english/documents/april152008.pdf.

08-04-312 Visions Employment

A letter was presented from Visions Employment extending appreciation to council and staff for supporting Supported Employment Awareness Month.

08-04-313 Memo from CAO
Municipal Symposium – May 8 – 10, 2008

Council was advised that the CAO will be attending the Municipal Symposium as during that event, NLMEB Inc. will be holding a Board meeting. The cost associated with this travel is covered by NLMEB Inc. and at no expense to the City.

COMMITTEE REPORTS

PUBLIC WORKS & SAFETY COMMITTEE

08-04-314 Animal Control Reports

The February and March animal control reports were presented for the information of Council.

08-04-315 Half-Marathon Road Race
June 1, 2008

Motion – Councillor Grant/Deputy Mayor Lane

RESOLVED THAT approval be granted for Athletics NorthEast to hold a half-marathon road race on June 1, 2008 in accordance with the specified route and conditions.

Question called. Motion carried unanimously.

08-04-316 Emergency Preparedness Week

Motion – Councillor Grant/Deputy Mayor Lane

RESOLVED THAT approval be granted for a display by Fire & Emergency Services, Department of Municipal Affairs, to be placed at the Reid Community Centre on May 10, 2008 in recognition of Emergency Preparedness Week (May 4 – 10, 2008).

AND FURTHER THAT a letter be forwarded from the Mayor to St. John Ambulance (Mount Pearl Division) thanking them for their services to the City.

Question called. Motion carried unanimously.

08-04-317 Ben Dunne – 11 Smallwood Drive
Snowclearing

Council was advised of concerns expressed by Mr. Dunne, 11 Smallwood Drive, regarding snowclearing in the area of his driveway. The property is located on the corner of Smallwood Drive and Spruce Avenue. Due to a Canada Post mailbox situated on this corner, the operator is prevented from taking the turn and consequently pushes snow up on the corner by Mr. Dunne's driveway.

Motion – Councillor Grant/Deputy Mayor Lane

RESOLVED THAT Canada Post be requested to relocate the mailbox currently located on the corner of Smallwood Drive and Spruce Avenue which will alleviate the amount of snow accumulated in this area.

Discussion: It was confirmed that Mr. Dunne will be advised of the action being taken.

Question called. Motion carried unanimously.

08-04-318 Policy- Post Trip Equipment Maintenance Report

Motion – Councillor Grant/Deputy Mayor Lane

RESOLVED THAT approval be granted to implement the Procedure of Pre/Post Trip Equipment Maintenance Reports Policy.

Question called. Motion carried unanimously.

HUMAN RESOURCES & FINANCE COMMITTEE

08-04-319 NLOWE 2008 Annual Conference
Councillor Stoyles

Motion – Councillor Locke/Councillor Grant

RESOLVED THAT approval be granted for Councillor Stoyles to attend the NLOWE 2008 Conference which was held April 23 and 24, 2008 at the Fairmont in St. John's.

Question called. Motion carried unanimously.

08-04-320 Request for Tax Consideration
Roll # 3345-788-1-0340-000

Motion – Councillor Locke/Councillor Grant

RESOVLED THAT approval be granted to defer taxes, in the amount of \$392.49, for roll # 3345-788-1-0340-000, in accordance with Council's policy for low income earners.

Question called. Motion carried unanimously.

08-04-321 Request for Advertising
Mount Pearl Senior High – Etcetera Musical Production

Motion – Councillor Locke/Councillor Grant

RESOLVED THAT approval be granted to place a congratulatory ad in the Etcetera program at a cost of \$100.00.

Question called. Motion carried unanimously.

08-04-322 Invoice for Approval

Motion – Councillor Locke/Councillor Grant

RESOLVED THAT the following invoice be approved for payment:

- | | |
|--|-------------|
| 1. Stewart McKelvey Stirling Scales
(Professional Services) | \$12,907.53 |
|--|-------------|

Question called. Motion carried unanimously.

TECHNICAL SERVICES COMMITTEE

08-04-323 Installation of Water Main Connection (450 mm)
Donovans Business Park - Closing of Tender Call

Motion – Councillor Locke/Councillor Stoyles

RESOLVED THAT the tender for the installation of a water main connection (450 mm) for Donovans Business Park be awarded to the low bidder, Rock Construction, for the bid amount of \$126,888.94.

Question called. Motion carried unanimously.

08-04-324 Mount Pearl Depot Renovations Project (CP3)
Change Order #11

Motion – Councillor Locke/Councillor Stoyles

RESOLVED THAT change order #11 for the Mount Pearl Service Depot (CP-3) Building Renovations and Site Development, in the amount \$15,632.04 (HST excluded), be approved

Discussion: Change order # 11 includes the following:

- Supply furniture and cooler for lunchroom, training room and reception area
- Additional fencing at gate house
- Add to existing fence at RNC secure compound
- Paint electrical room in tire shed
- Change counter top in tool crib
- Repair damaged siding outside hazardous waste storage

Question called. Motion carried unanimously.

08-04-325 Agreement between City and Pelmorex Media
Installation of Lighting Sensor – Depot

Council was advised of a request from Pelmorex Media for the installation of a lightning sensor to be located at the Depot as a means to monitor the effects of lightning. Pelmorex Media will pay the City \$100/month plus applicable taxes and be responsible for professional installation and maintenance of the sensor. The City will be required to provide reasonable physical access to the sensor.

Motion – Councillor Locke/Councillor Stoyles

RESOLVED THAT approval be granted to execute an agreement between the City of Mount Pearl and Pelmorex Media to place a lightning sensor at the Depot building for an initial period of 5 years.

Question called. Motion carried unanimously.

08-04-326 Building Permits

Motion – Councillor Locke/Councillor Stoyles

RESOLVED THAT building permits issued for the period of April 12 – 25, 2008, showing a total construction value of \$1,809,150.00, be approved as presented.

Question called. Motion carried unanimously.

PLANNING & LAND USE COMMITTEE

08-04-327 Institute of Public Administration Canada (IPAC)
National Board of Directors Meeting
Toronto, Ontario – April 18 – 20, 2008

Motion – Councillor Grant/Deputy Mayor Lane

RESOLVED THAT approval be granted for the City Planner's attendance at the IPAC National Board of Directors meeting held from April 18 – 20, 2008.

Discussion: It was noted that cost associated with this travel are at the expense of IPAC.

Question called. Motion carried unanimously.

08-04-328 Development Permits

Motion – Councillor Grant/Deputy Mayor Lane

RESOLVED THAT development permits issued for the period of April 14 – 25, 2008 be approved as presented.

Question called. Motion carried unanimously.

08-04-329 Turndown BMX Inc. (Rob Yetman)
Proposed Indoor BMX/Skateboard Park
9 Riverview Avenue

Motion – Councillor Grant/Deputy Mayor Lane

RESOLVED THAT pursuant to Regulation 10, the application by Turndown BMX Inc. to occupy a portion of the building at 9 Riverview

Avenue for a proposed shop and indoor bike and skateboard park be refused for the following reasons:

1. The use is not compatible with the adjoining residential uses due to its days and long hours of operations and its attraction to a predominate youth population that will bring further youth to an area that is already experiencing youth related problems.
2. The hours of operation extend late into the evening and will create undue disturbances and nuisances to the quiet enjoyment of the residential properties across the street.
3. The proponent will not be able to control the youth population that are attracted and congregated in the area outside of the property boundaries and outside business hours.

AND FURTHER THAT the Parks and Community Services and Economic Development Departments meet with Turndown BMX Inc. to investigate other locations or opportunities that could accommodate such a use.

Question called. Motion carried unanimously.

08-04-330

Notice of Motion

Amendment - Mount Pearl Development Regulations 1988

Councillor Grant gave notice that in accordance with Section 39 of the City of Mount Pearl Act 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:

1. Amend the Mixed Development (MD), Commercial-General (GC), and City Centre (CC) use zones as follows:
 - a. In the list of permitted uses add "Existing Dwellings"
 - b. In the conditions section add the following:

Replacement of Existing Dwellings

If an existing dwelling is destroyed by 50% or more of its value, the existing dwelling can be rebuilt on its original footprint.

The purpose of the proposed amendment is to provide Council with the authority to allow the rebuilding of existing dwellings within commercial zones.

NEW BUSINESS

08-04-331 Focus on Youth Awards

Councillor Locke extended congratulations to the Youth of the Year nominees on their speech presentations. Appreciation was also extended to Andrew Harvey who emceed the event and to Garry Fraser (Youth Coordinator) who organized it.

08-04-332 Walking Trails

Councillor Locke reminded residents who have properties backing onto the City's walking trails not to dispose of their garbage by throwing it over the rear yard fences. Residents were also reminded to pick up after their animals when walking the trails.

08-04-333 Safe Grad Ceremonies – O'Donel High School

Councillor Locke acknowledged the O'Donel High School Safe Grad held this past weekend and extended appreciation to all parents involved in organizing such a successful event.

08-04-334 High School Drama Festival (Avalon East School Drama Association)

Councillor Locke extended congratulations to the members of the Mount Pearl Senior High Drama Club on placing first in the recently held High School Drama Festival. He noted that the students would now participate in the provincial festival being held in Carbonear during the next couple of weeks.

08-04-335 Megan Drodge - Congratulations

Councillor Locke extended congratulations to Megan Drodge on being awarded the Millennium Award of Excellence Scholarship in the amount of \$4,000. It was requested that the Mayor forward a letter of congratulations to Ms. Drodge.

08-04-336 Clean-Up

In response to Mayor Simms, the Parks & Community Services Director advised that clean-up of property will commence on May 5, 2008 with first priority being given to playgrounds, green space and open space.

08-04-337 Walkways & Public Spaces

Councillor Locke commented on trees along the walkways and public spaces that were damaged during the winter season and suggested that consideration be given to planting replacement trees and/or seedlings.

08-04-338 Damaged Lawns – Snowclearing

Councillor Stoyles reminded residents of the City's policy on repairs to lawns as a result of snow clearing. She advised residents to contact the Public Works Department to advise of such damage and following an inspection of the property, repairs would be undertaken when materials are available and weather conditions permit.

08-04-339 Northeast Avalon Joint Council (NEAJC)

Councillor Stoyles advised that the next meeting of the NEAJC will be held on May 21, 2008 in Torbay. She advised that representatives (Deputy Minister and a technical staff member) of the Department of Transportation have been invited to attend to discuss issues related to pavement and paint.

08-04-340 Provincial Budget

Councillor Stoyles advised that that she attended the provincial budget presentation and she proceeded to identify some of the budget highlights. Reference was also made to the change in the improved multi-year capital program cost-share ratio funding arrangement (70/30).

08-04-341 Product Solution (Mosquito) to Loitering & Vandalism

Councillor Grant spoke of a device acquired by the City to deter young people from loitering in unsuitable locations.

08-04-342 Provincial Government Announcements

Deputy Mayor Lane referenced the recent announcements by the Province on improved cost-share ratios for municipalities as well as the elimination of the 15 per cent retail sales tax on insurance premiums and the positive

financial impact it will mean to the City. It was suggested that a letter acknowledging these changes be forwarded to Minister Denine.

08-04-343 Avalon Regional Meeting (Municipalities NL)

Deputy Mayor Lane advised of meetings scheduled for April 30 (Whitbourne) and May 1 (Mount Pearl) at which presentations will be made by Gerard Lewis (President, NLMEB Inc.) on Municipal Employee Benefits and by Assistant Deputy Minister Gerry Antle (Municipal Affairs) on Waste Management.

08-04-344 National Day of Mourning

Deputy Mayor Lane advised that he attended the National Day of Mourning ceremony held on April 28th at the Confederation Building. This ceremony was held in remembrance of people who have been killed or injured at work. In 2007, there were 23 fatalities reported in this province, with seven due to incidents in the workplace and 16 as a result of occupational disease. He noted that the CUPE Local 2099 was also represented at the ceremony.

ADJOURNMENT

As there was no further business, the meeting adjourned at 5:15 pm on a motion by Councillor Locke and seconded by Councillor Grant.

Chairperson

Executive Secretary