



**PUBLIC COUNCIL MEETING MINUTES**  
**July 26, 2011**

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on July 26, 2011 at 4:15 pm.

MEMBERS PRESENT

Deputy Mayor Jim Locke  
Councillor Lucy Stoyles  
Councillor John Walsh  
Councillor Paul Lane  
Councillor Dave Aker

STAFF PRESENT

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

MEMBERS ABSENT

Mayor Randy Simms  
Councillor Paula Tessier

**Deputy Mayor Locke chaired the meeting.**

11-07-509     Adoption of Agenda

Motion – Councillor Walsh/Councillor Aker

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

11-07-510     Adoption of Minutes

Motion – Councillor Stoyles/Councillor Walsh

RESOLVED THAT the minutes of the public meeting held on July 12, 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

None presented.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

COMMUNITY SERVICES COMMITTEE

11-07-511      City Days

Appreciation was extended to the City Days Committee (volunteers), chaired by Kendra Lester, as well as Community Services staff in recognition of their efforts in organizing and running another successful event.

*Playground – Adjacent to Powers Pond*

*Reference was made to the amount of standing water (as a result of rain) in the playground at the Family Day event. The Director of Infrastructure & Public Works was requested to arrange for corrective action as this is an ongoing concern.*

11-07-512      Upcoming Community Events

The upcoming community events are:

- Association for the Arts in Mount Pearl  
Arts in the Park Series  
Scheduled for August 1, 8, 15, 22 at 7:00pm  
Location: Centennial Park (next to City Hall)  
Entertainment will be advised soon.

Arts in the Park Series are coordinated by the Association for the Arts in Mount Pearl (AAMP) in partnership with the Community Services Department.

For more information visit [www.aamp.ca](http://www.aamp.ca).

- Movie in the Park

The Outdoor Family Movie will take place on Thursday, August 11, 2011. Movie starts at dusk (8:30pm approximately). In case of inclement weather, movie will take place the next night. Bring your blankets and enjoy the movie. Admission: non-perishable food item.

For more information, please call Krista Tucker at 748-1008 or email [ktucker@mountpearl.ca](mailto:ktucker@mountpearl.ca).

#### CORPORATE SERVICES COMMITTEE

11-07-513 Municipalities Newfoundland & Labrador (MNL)  
2011 Annual Convention – November 2-5, 2011 – Corner Brook

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT approval be granted, in accordance with the Professional Development & Training Policy, for Mayor Simms, Deputy Mayor Locke and Councillors Walsh, Tessier and Aker to attend the MNL Annual Convention being held in Corner Brook from November 2-5, 2011.

Discussion: It was noted that Councillor Stoyles will also be attending in her capacity as MNL Avalon Director.

Question called. Motion carried unanimously.

11-07-514 Invoices for Council Approval

Motion – Councillor Lane/Councillor Stoyles

RESOLVED THAT the following invoices be approved for payment:

1.	Clearaway Contracting Limited (Line Painting completed to July 18, 2011)	\$	65,454.99
2.	Modern Paving Limited (2010 Street Upgrading CP3 - Pymt No. 3)	\$	220,299.19
3.	Modern Paving Limited (2010 Street Upgrading CP1 - Pymt No. 6)	\$	16,573.50
4.	Modern Paving Limited (2010 Street Upgrading CP2 - Pymt No. 6)	\$	100,126.08
5.	Magna Contracting & Management Inc. (Interior Fit-Up - Progress Invoice No. 15)	\$	52,843.57
6.	Stanley Flowers Limited (July Supply & Maintenance as per Contract)	\$	10,959.87
7.	Stanley Flowers Limited (August Supply & Maintenance as per Contract)	\$	10,959.87
8.	Wheelway Transportation (Para-Transit System for Year Ending May 2011)	\$	50,000.00

9.	Spartan Athletic Products Limited (Fitness Equipment for Reid Center)	\$	18,751.22
10.	Harris Ryan Chartered Accountants (Accounting Services for 2010)	\$	6,497.50
11.	Bae Newplan Group Limited (Greenwood Crescent Bridge Upgrading)	\$	6,521.15
12.	City of Corner Brook (Corner Brook Expo 2010)	\$	18,142.16
13.	Andrew Sancton (Preparation of Report)	\$	11,300.00
14.	Canadian Classic Rock (Entertainment for City Days 2011 - Irish Descendants)	\$	5,910.00
	TOTAL	\$	594,339.10

Discussion: Clarification was provided on the City of Corner Brook invoice – in that it represented one-half of the ACOA grant shared with Corner Brook plus some minor payments to balance the 2010 account.

Question called. Motion carried unanimously.

#### ENGINEERING SERVICES COMMITTEE

11-07-515 Glacier Arena Interior Fit-up (CP2)  
Change Order #11

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT change order # 11 for the Glacier Arena Interior Fit-up (CP2) project in the amount of \$36,636.06, excluding HST be approved.

Discussion: The change order was for the following:

- New ceiling and bulkheads in circulation area
- Additional work in stairwell number 1 – resulting from the existing Glacier being exposed during construction to add new roof joist to new stairwell
- Coach benches in player boxes and benches in figure skating coach office

It was noted that a financial update (to be prepared by the Director of Corporate Services) will be available at an upcoming meeting.

Question called. Motion carried unanimously.

PLANNING & LAND USE DEVELOPMENT COMMITTEE

11-07-516 Waterford River Clean Up Blitz

Council was advised that the Planning & Development Department is preparing for the *Mount Pearl Waterford River Clean Up Blitz* in August 2011. Two events are proposed. They are being prepared in partnership with the Conservation Corps of Newfoundland & Labrador Green Team and the Northeast Avalon ACAP has confirmed that their Green Team will partner with the City on the Blitz events. These events are as follows:

Business Blitz

- The Business Blitz is scheduled for Friday, August 5, 2011, 9:00 am – 11:00 am, to take place along designated portions of the Waterford River in Donovan's Business Park.

Community Blitz

- The Community Blitz is scheduled for Saturday, August 13, 2011, 9:00 am – 12:00 noon to take place along a designated portion of the Waterford River east of Commonwealth Avenue, west of Orchard Avenue.

The City will provide bags and gloves at start locations. Participants would pre-register, and will be provided gloves and garbage bags at start locations. T-Shirts will also be provided participants to be visible and as a thank you to the volunteers for their contribution. A BBQ to celebrate the events will be held on Saturday August 13, 2011 at Centennial Park next to City Hall at 12:00 noon. Corporate Sponsors for both events are CIBC and Tim Horton's.

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted to proceed with the events on the basis of a \$4,000 budget.

Discussion: It was suggested that contact be made with the Chamber of Commerce to arrange for notification to be forwarded to their membership and that consideration be given to hosting a barbeque for the business community. The Director of Planning & Development advised that the business community is invited to the Saturday barbeque; however, he will follow up on the suggestion. It was also clarified that Departments of Planning & Development and Community Services are working together to engage the community organizations and other groups that were involved in the 15 minute clean-up endeavor. Invitations have been forwarded to these groups. Members of council were also invited to participate.

Question called. Motion carried unanimously.

11-07-517     Waterford River Flood Proofing Study

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT approval be granted to engage BAE Newplan to undertake a Flood Proofing Study of the Waterford River at a cost of \$25,000 (plus tax).

Discussion: This study will:

1. The purpose of the study is to examine and recommend flood proofing measures that will eliminate or reduce the flooding of existing dwellings that are located within the 1:100 year flood zone of the Waterford River Flood Zone.
2. Thirteen dwellings have been identified as being located within the floodway and floodway fringe.
3. The Consultant shall:
  - a) Review the 1989 Hydrological Report on the Waterford River and any more recent reports to determine if these flood proofing measures recommended in 1989 are relevant today.
  - b) Review Waterford River flooding data and determine an appropriate elevation for flood proofing measures.
  - c) Determine the type of flood proofing measures that would benefit each of the dwellings identified within the flood plain, either collectively or individually.
  - d) Examine downstream impacts of these flood proofing measures and if required the mitigating measures to reduce these impacts.
  - e) Identify the approval process (at all three levels of government) for each of the flood proofing measures proposed.
  - f) Prepare a report and recommend on the flood proofing options (either collectively or individually) for each dwelling and the estimated cost associated with the flood proofing options.
  - g) In undertaking the work, the Consultant will work in cooperation with the Federal Department of Fisheries and Oceans, the Provincial Department of Environment and Conservation to ensure that federal and provincial policies, regulations and requirements are noted. Likewise the Consultant would be in contact with the individual property owners affected by the flooding and examine the interior

and exterior of dwellings to ensure suitability for flood proofing measures proposed.

- h) The work shall be completed within 30 day's time of awarding the contract.

It was clarified that the approval to engage this study is not a commitment to undertake/pay for the recommendations that may come from the report.

Question called. Motion carried unanimously.

11-07-518     Development Permits

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT development permits issued for the period of July 11 - 22, 2011 be approved as presented.

Question called. Motion carried unanimously.

11-07-519     Building Permits

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT building permits issued for the period of July 9 - 23, 2011, showing a total construction value of \$1,285,850.00, be approved as presented.

Question called. Motion carried unanimously.

11-07-520     Request for Proposals  
                  989 Topsail Road

Motion – Councillor Aker/Councillor Stoyles

RESOLVED THAT the City's Request for Proposals for the City-owned property at 989 Topsail Road be awarded as follows:

- a) The proposal submitted by Lindsay Loveless dated March 14, 2011 for the development of a three storey, 24-unit apartment (condominium) with a building footprint of 616 sq. meters and a minimum of 36 parking stalls be accepted.
- b) The Offer to Purchase City-owned property, submitted by Lindsay Loveless dated March 14, 2011 for the purchase price of \$57,000 be accepted; and

- c) Mr. Loveless to be advised that the City will require a traffic study be undertaken to determine the measures that are required for safe site access and egress to the property.

Discussion: It was clarified that the traffic study will be restricted to the site of the proposed development. Council noted that the development will fill a void in the housing industry. It was indicated that a public hearing will not be required subject to the development being a permitted use; however, council always has the right to proceed with a public process. It was further noted that this development also encompasses 1 Commonwealth Avenue contrary to the proposal from Belvedere Holding Corporation (Vogue Optical).

Question called. Motion carried unanimously.

### NEW BUSINESS

11-07-521 Oil Spill – Trail/Power’s Pond

Councillor Stoyles advised of inquiries regarding the work ongoing at the rear of United Rentals near the Power’s Pond trail. It was noted that this is corrective action being undertaken by North Atlantic, in consultation with the Department of Environment, as a result of a leak found on their property in 2010. It was suggested that public notification regarding the ongoing work would have been beneficial. It was also noted that the City’s solicitor has informed North Atlantic that the City will be seeking compensation for associated expenses. The Director of Infrastructure & Public Works also advised that this work is phase one of a remediation program that may take some time to complete.

11-07-522 Condolences

Councillor Stoyles extended condolences to the family of the late William Aylward. It was requested that a letter of sympathy be forwarded to the family from the Mayor’s office.

11-07-523 Councillor Walter Butt – Town of Pouch Cove

Councillor Stoyles extended appreciation on behalf of Councillor Butt for Council’s expression of get well wishes.

11-07-524 Nomination – Mount Pearl South – Progressive Conservative Party

Council extended congratulations to Councillor Lane on winning the nomination for the District of Mount Pearl South (P.C. Party). It was noted that Councillor Tessier was also an excellent candidate for the position.



11-07-525     Road Construction

Councillor Walsh encouraged motorists, pedestrians and cyclists to exercise more patience in this time of extensive road construction.

11-07-526     Campia Gymnastics

Councillor Walsh advised that Campia Gymnastics Club has received \$15,000 through the Provincial Government's Capital Grant Program to assist with the purchase and installation of new equipment for the facility. It was confirmed that the public briefing session into the request from Campia Gymnastics to occupy and use the vacant City property at 21-27 Old Placentia Road will be held on August 9 at 7:00 pm, City Hall.

11-07-527     City Days

Councillor Aker also extended congratulations to the City Days Committee and City staff for a job well done. He advised of an inquiry from a resident who uses a wheelchair for improved access from the trail towards the pond. (To be referred to the Committee for future consideration.)

11-07-528     Mount Pearl Soccer Association (MPSA) – Under 15 & 16 Boys Tournament

Councillor Aker extended congratulations to the MPSA on hosting the recent National All-Star Championships in the Boys Under U14/U16 age divisions.

11-07-529     Inclusion Committee

Councillor Lane inquired on the status of the Inclusion Committee and suggested that it would be beneficial to seek their input as well as seniors when considering the design for existing and new development, i.e. buildings, parks. Referred to Director of Planning & Development.

ADJOURNMENT

As there was no further business, the meeting adjourned at 5:10 pm on a motion by Councillor Aker and seconded by Councillor Lane.

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Chairperson

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Deputy City Clerk