



**PUBLIC COUNCIL MEETING MINUTES  
July 26, 2016**

Minutes of the Regular Meeting of Council held in the Council Chambers, City Hall, on July 26, 2016 at 4:15 pm.

MEMBERS PRESENT

Mayor Randy Simms  
Councillor Lucy Stoyles  
Councillor John Walsh  
Councillor Paula Tessier  
Councillor Dave Aker  
Councillor Andrew Ledwell

STAFF PRESENT

Michele Peach, Chief Administrative Officer  
Stephen Jewczyk, Director, Planning & Development  
Jason Silver, Director, Corporate Services  
Gerry Antle, Director, Infrastructure & Public Works  
Jason Collins, Director, Community Services  
Mona Lewis, Deputy City Clerk

MEMBERS ABSENT

Deputy Mayor Jim Locke

**Mayor Simms chaired the meeting.**

16-07-466     Adoption of Agenda

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

16-07-467     Adoption of Minutes

Motion – Councillor Walsh/Councillor Aker

RESOLVED THAT the minutes of the public meeting held on July 12, 2016 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING

16-07-468     Neighbourhood Watch Program

In addition to Avery Place, the neighbourhoods participating in the program include Cloverbrae Crescent, Branscombe Pond (Goldeneye Place and Harlequin Crescent), Pearlgate Terrace (Smallwood Drive, Surin Street and Athens Drive), and Badcock Place. Staff is currently working with residents in the Castors Drive and Emerald Drive areas.

ACTION REPORT

The action report was accepted as presented.

PROCLAMATIONS/PRESENTATIONS

None presented.

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

CORPORATE & COMMUNITY SERVICES COMMITTEE

16-07-469     Invoices for Approval

Motion – Councillor Stoyles/Councillor Ledwell

RESOLVED THAT the following invoices be approved for payment:

1.	Air-Tite Sheet Metal Ltd. (Air Quality H. Neil Windsor Municipal Bldg. PP#6)	\$ 16,475.40
2.	Afonso Group Limited (Residential Sewer Line Repair)	\$ 5,106.76
3.	Armour Lock & Safe (Steel Frames, Doors, & Hardware Tennis Complex)	\$ 24,070.41
4.	Armour Lock & Safe (Glacier Arena)	\$ 10,141.75
5.	Murray's Horticultural Services (Landscaping Maintenance June 15-21/16)	\$ 7,419.69

6.	CAN-AM Platforms & Construction Ltd. (Admiralty House Annex Upgrades PP#2)	\$ 76,834.35
7.	Farrell's Excavating Limited (Gravel)	\$ 5,134.22
8.	Bae-Newplan Group (Gymnastics Facility Professional Services)	\$ 15,731.98
9.	Emberley Electric Limited (Generator Rental Dec 24/15-June 9/16)	\$ 19,625.02
10.	Fougere Menchenton Architecture (Admiralty House Annex Upgrades PP#2)	\$ 23,402.13
11.	Fougere Menchenton Architecture (Admiralty House Annex Upgrades PP#3)	\$ 28,987.33
12.	Harbourside Transportation Consultants (Transportation Study Intersection Signal Drawings)	\$ 10,463.80
13.	Harbourside Transportation Consultants (Transportation Study Signal Timing)	\$ 8,955.25
14.	Harbourside Transportation Consultants (Transportation Study Synchro/Sim Traffic Model)	\$ 5,311.00
15.	Harvey & Company Limited (Engine Repairs)	\$ 10,282.71
16.	Hickman Motors Limited (Van)	\$ 27,066.89
17.	Hickman Motors Limited (OH&S Vehicle)	\$ 27,874.85
18.	Infinity Construction Ltd. (2010 Street Upgrading CP5)	\$ 122,237.32
19.	JW Lindsay Enterprises Limited (Gymnastics Facility PP#10)	\$ 16,043.76
20.	Kelloway Construction Ltd. (Cleaning Various Facilities May/16)	\$ 16,761.63
21.	Kelloway Construction Ltd. (Cleaning Summit May/16)	\$ 10,414.06
22.	Kelloway Construction Ltd. (Cleaning Summit March/16)	\$ 10,414.06
23.	Municipal Assessment Agency (Third Quarter Assessment Fees)	\$ 70,602.00
24.	Murray's Horticultural Services (Landscaping Maintenance June 8-14)	\$ 5,178.09
25.	Newfoundland Design Associates Limited (Team Gushue Park Prof. Svcs)	\$ 26,672.93

26.	Newfound Mechanical Ltd (Seresco Unit for Dehumidification at Summit)	\$ 9,390.64
27.	Pennecon Energy Technical Services (Valves for Farrell Drive Pumphouse)	\$ 6,600.56
28.	Stanley Flowers Limited (Supply, Install, & Maintain Hanging Baskets & Planters)	\$ 26,860.10
29.	Toromont CAT (Actuators/Wiring at Farrell Drive Pumphouse)	\$ 5,518.17
		\$ 649,576.86

Question called. Motion carried unanimously.

16-07-470 Fitness Equipment Tender  
Approval to Award – TP-16-020

Motion – Councillor Stoyles/Councillor Ledwell

RESOLVED THAT approval be granted to award the contract for the supply, delivery and installation of fitness equipment to the only bidder, Spartan Athletic Products, in the amount of \$32,197.70, HST included.

Question called. Motion carried unanimously.

16-07-471 2016 Premier's Forum on Local Government

Motion – Councillor Ledwell/Councillor Stoyles

RESOLVED THAT approval be granted to nominate Councillor Dave Aker as a representative for the Avalon Region to the 2016 Premier's Forum on Local Government being held on October 5, 2016.

Question called. Motion carried unanimously.

16-07-472 Summit Centre Swimming Pool Closure  
August 29 – September 12, 2016

For the information of the public, the swimming pool will be closed for regular maintenance from August 29 to September 12. Registered programs and swim lessons will resume on September 18. It was noted that the timing of the closure is consistent with other years; however, it was asked if consideration had ever been given to closing at another time during the year.

INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE

16-07-473 Change Order – 2016 Concrete & Asphalt Works (TP-16-009)  
Fairview Investments

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the following change order for the 2016 Concrete & Asphalt Works (Fairview Investments) project be approved:

RCO #	Description	Value (HST Excluded)
	Original Contract Price	\$827,155.00
#01	Install water main, hydrant and all associated works on Commonwealth Avenue in the vicinity of Civic #'s 181-195.	\$168,143.00
	Total Change Orders	\$168,143.00
	Revised Contract Price (HST Excluded)	\$995,298.00

Question called. Motion carried unanimously.

16-07-474 Change Orders – Building Canada Fund - Pumphrey Avenue/Princeton Crescent  
Claims Settlement – Dexter Construction

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the following change orders for the Pumphrey Avenue/ Princeton Crescent Claims Settlement (Dexter Construction) be approved:

RCO #	Description	Value (HST Excluded)
	Original Contract Price	\$1,244,308.00
#01	RCO to Revise Contract Start & End dates	\$0.00
#02	Negotiated and agreed upon compensation for 'downtime' relating to restrictions imposed by the City for power outages effecting contractors work schedule.	\$8,710.92
#03	Various force account activities that occurred over the course of contract relating to work not originally included in contract, but necessary to complete contract work. All activities negotiated and agreed upon.	\$8,505.89
#04	Revised quantities reflecting actual quantities used in Unit Price contract.	\$6,288.00
#05	Negotiated and agreed upon compensation for provision of temporary water supply and installation of new water main not original included in the contract unit prices	\$28,353.00

	Total Change Orders	\$51,857.81
	Revised Contract Price (HST Excluded)	\$1,244,308.00

Question called. Motion carried unanimously.

16-07-475 Change Orders – 2012 Street Upgrading Second Street & Winsor Place  
Weir's Construction

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the following change orders for the 2012 Street Upgrading Project (Second Street & Winsor Place), Weirs Construction, be approved:

RCO #	Description	Value (HST Excluded)
	Original Contract Price	\$1,244,308.00
#01	An unknown/unmarked water main at the intersection of Edinburg Drive and Second Street was encountered while installing the storm and sanitary mains on Second Street resulting in flooding of storm sewer system on Second Street. Repairs completed via Force Account.	\$5,760.18
#02	Replace section of collapsed concrete storm pipe and repair deteriorated section of corrugated metal pipe on St. David's Avenue with new high density polyethylene pipe (approximately 30 meters). New storm sewer on Second Street connected to this section.	\$22,505.00
#03	Water main could not be buried to the proper frost depth due to existing conditions, requiring the supply and Installation of insulation for the water main. Work completed via force account.	\$8,773.00
#04	Revised quantities reflecting actual quantities used in Unit Price contract	\$2,956.90
#05	NL Power switching and temporary overhead line costs (awaiting further details from NL Power approximately \$29,257.35). *Not seeking approval at this time.	\$00.00
#06	Additional charges from NL Power to install Temporary Pole brace and hold poles on Second Street.	\$12,119.25
#07	Additional driveway pavement on Winsor Place as requested and directed by the City. Change order is	\$0.00

	for extra working days only; quantities are included in the unit prices.	
#08	Some sidewalks had to be removed and replaced within the limits of excavation due to the location of manholes to be replaced. No unit price for sidewalk was included in the original contract.	\$5,610.00
	Total Change Orders	\$57,724.33
	Revised Contract Price (HST Excluded)	\$1,302,032.33

Question called. Motion carried unanimously.

16-07-476 Contract Recommendation  
Summit Centre Balcony Rail Enhancement Upgrade TP-16-024

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the contract for the Centre Balcony Railing Enhancement Upgrade be awarded to the lowest qualified bidder, Eastern Contracting Ltd., for the bid amount of \$42,606.99 (HST included).

Question called. Motion carried unanimously.

16-07-477 Contract Recommendation  
Waterford River Trail Pedestrian Bridge Guard Rail Replacement TP-16-026

Motion – Councillor Aker/Councillor Tessier

RESOLVED THAT the contract for the Waterford River Trail Pedestrian Bridge Guard Rail Replacement Equipment be awarded to the lowest qualified bidder, Stafford's Welding Ltd., for the bid amount of \$77,295.00 (HST included).

Question called. Motion carried unanimously.

16-07-478 Project Updates

Updates on various projects ongoing throughout the city were presented.

16-07-479 Reid Centre Interior Renovations - Photographs

Some photographs showing the Reid Centre interior renovations project were presented.

16-07-480 St. David's Park Redevelopment - Photographs

Some photographs showing the St. David's Park redevelopment project were presented. Clarification was provided on the amenities (i.e. logs) that have been

recently added to the site. Discussion ensued regarding the inclusion of a time capsule; however, no decision was made.

16-07-481     Public Works Maintenance Updates

Maintenance updates were provided on roads, fleet, parks and UTM. Council was advised that artists have been engaged to participate in the “Out of the Box” program and painting is anticipated to start by the end of August.

PLANNING AND DEVELOPMENT COMMITTEE

16-07-482     Mount Pearl Development Regulations 2010 Amendment No. 56, 2016  
Quonset Hut Amendment

Motion – Councillor Walsh/Councillor Ledwell

RESOLVED THAT Mount Pearl Development Regulations 2010 Amendment No 56, 2016 be adopted. The changes are:

1. In Section 7, Special Developments; Subsection 7.14, General Industry and Hazardous Industry Uses: remove subsection 7.14.4 which states “the use shall be located centrally within the industrial area.” and renumber subsequent subsections from 7.14.5 onward accordingly.
2. In Section 11, Use Zone Schedules; Subsection 11.19, Industrial - Light (IL) Zone; Subsection 11.19.11, Quonset Hut; Subsection (e); change the wording from “... warehouse, storage or workshop use ...” to “... warehouse, storage, workshop, general industry and hazardous industry use ...”.

Discussion: It was acknowledged that this amendment was a result of a proposal from NewLab Oxygen Ltd. for the installation of a temporary Quonset hut at 19 Sagona Avenue for the operation of a propane tank refurbishing business. The amendment was proposed as it was not permitted for Quonset huts to be occupied for uses other than warehouse, storage or workshop. It was clarified that the matter being considered by Council at this time is the amendment change. Council will have an opportunity to consider the proposal at the time the application is presented for consideration. Discussions regarding temporary or permanent structures; regular inspections; federal and provincial approvals would be held at that time.

Question called. Motion carried unanimously.



16-07-483 Community Profile - Consultant Selection

Motion – Councillor Walsh/Councillor Ledwell

RESOLVED THAT, pending a reference check, approval be granted to engage Open Communications for the development of a Community Profile and key economic development messaging, in the amount of \$39,495.00, including HST.

Question called. Motion carried unanimously.

16-07-484 Philip Pratt Architect (Winsor Homes 2005 Ltd.)  
Proposed Office Building  
1021 Topsail Road

Motion – Councillor Walsh/Councillor Ledwell

RESOLVED THAT Council use its discretion to approve the proposed three to four storey office building at 1021 Topsail Road as indicated by Philip Pratt Architect subject to the following conditions:

- a) the subject property being subdivided from the parent property
- b) a joint access agreement being signed between the future 1021 Topsail Road and the existing 1027 Topsail Road
- c) St. John's Regional Fire Department conditions
- d) City Financial Division's conditions
- e) City Inspection Service's conditions
- f) City Engineering Services conditions;
- g) the developer to engage a pest control company in advance of construction to manage any potential rodent that may be on site and provide a report to the City prior to construction commencing
- h) the development meeting Mount Pearl Development and Building Regulations

AND FURTHER THAT the matter of the definition of building height, its application for development and Council's use of discretion, be referred to staff for review and subsequent report.

Question called. Motion carried unanimously.

16-07-485 Application for 2.4 m (8 foot) Fence Along Rear Lot Line  
21 Barbour Drive

Motion – Councillor Walsh/Councillor Ledwell

RESOLVED THAT an application for an eight-foot fence at 21 Barbour Drive be approved as the fence would be located in the side portion of the rear yard and is to maintain all other conformity with the regulations.

Discussion: It was noted that the property backs on to the existing Open Space (OS) buffer. The fence would not affect any of the surrounding area or residents and will not exceed the rear corner of the dwelling. The 2.4m (8') portion of the fence would only be applied to the Rear Yard Section.

Question called. Motion carried unanimously.

16-07-486 Development Permits

Motion – Councillor Walsh/Councillor Ledwell

RESOLVED THAT development permits issued for the period of July 12 – 22, 2016 be approved as presented.

Question called. Motion carried unanimously.

16-07-487 Building Permits

Motion – Councillor Walsh/Councillor Ledwell

RESOLVED THAT building permits issued for the period of July 11 - 22, 2016, showing a total construction value of \$639,368.00, be approved as presented.

Question called. Motion carried unanimously.

NEW BUSINESS

16-07-488 City Days

Members of Council extended appreciation to volunteers and staff on the success of the City Days' festivities. Discussion ensued on how well suited the new location was for the events. It was noted that the City Days' Committee and staff will undertake a post-mortem and a subsequent report will be provided for Council's consideration.

16-07-489 Kraft Heinz Project Play

Members of Council encouraged the public to vote for Pearlgate Track & Field, one of four finalists in the Kraft Heinz Project Play contest. The grand prize winner will receive \$250,000 for their recreational facility upgrade and the three secondary prize winners will each receive \$20,000 towards their recreational facility upgrade. Further details are available on the City's website.

16-07-490 Toronto Dominion (TD) Bank – Anniversary

Councillor Stoyles advised that the TD Bank recently celebrated their 40<sup>th</sup> year of business in the City. It was requested that a congratulatory note be forwarded by Mayor Simms.

16-07-491     Newfoundland Power

Councillor Stoyles advised that she attended a recent dinner hosted by NF Power in honor of its clients. Officials extended appreciation to City staff on a good working relationship.

16-07-492     Pride Crosswalk

Councillor Walsh advised that plans are underway to install a Pride Crosswalk in a high profile location and it is anticipated to be in place when school opens in September.

16-07-493     Tely 10 Running Event

Councillor Ledwell extended congratulations to all participants in the Tely 10 and appreciation to staff, Steve Butler and Roseann Linstead, for their involvement.

16-07-494     St. David's Redevelopment Project

In response to Mayor Simms, it was noted that a rendering showing the completed project has been erected at the site.

ADJOURNMENT

There being no further business, the meeting adjourned at 5:20 pm on a motion by Councillor Tessier.

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Chairperson

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Deputy City Clerk