

**PUBLIC COUNCIL MEETING MINUTES**  
**June 30, 2020**

Minutes of the Regular Meeting of Council held via video conference on June 16, 2020 at 4:30 pm.

MEMBERS PRESENT

Mayor Dave Aker  
Deputy Mayor Jim Locke  
Councillor Lucy Stoyles  
Councillor Andrew Ledwell  
Councillor Isabelle Fry  
Councillor Andrea Power  
Councillor Bill Antle

STAFF PRESENT

Jason Collins, Director of Community Development  
Cassie Pittman, Acting Director of Corporate Services  
Mona Lewis, City Clerk

STAFF ABSENT

Gerry Antle, Director of Infrastructure and Public Works

**Mayor Aker chaired the meeting.**

20-06-191 Adoption of Agenda

Motion – Councillor Power/Councillor Ledwell

RESOLVED THAT the agenda be adopted as presented.

Question called. Motion carried unanimously.

20-06-192 Adoption of Minutes

Motion – Deputy Mayor Locke/Councillor Fry

RESOLVED THAT the minutes of the public meeting held June 16, 2020 be adopted as presented.

Errors & Omissions: None noted.

Question called. Motion carried unanimously.

BUSINESS ARISING

20-06-193 Hotel Mount Pearl

Council was advised that the City's legal counsel has written the property owner's legal counsel; the file is actively being pursued and it is hoped that a resolution will soon be reached.

20-06-194 Vehicle Break-Ins

Council was advised that the Municipal Enforcement Division continues to work with the RNC who have advised there is an active investigation into the recent vehicle break-ins.

ACTION REPORT

The action report was accepted as presented.

PRESENTATION OF MOTIONS

20-06-195 Conflict of Interest – Councillor Andrea Power

Motion – Councillor Antle/Councillor Fry

**WHEREAS** Andrea Power, a councillor of the City of Mount Pearl, was advised of a Notice of Complaint dated May 4, 2020 which alleged that Councillor Power breached the City Council Code of Ethics Policy and/or was in a conflict of interest contrary to Section 22 of the *City of Mount Pearl Act* (the "Act");

**AND WHEREAS** Council conducted an investigation into the Complaint, Councillor Power has been represented by legal counsel, and she has been provided with an opportunity to address the allegations in the Notice of Complaint;

**AND WHEREAS** section 22(1)(a) of the Act provides that a councillor shall not vote on or speak to a matter before the council or a committee of the council where the councillor has an interest in the matter distinct from an interest arising from his or her functions as a councillor;

**AND WHEREAS** Councillor Power engaged in a course of conduct and communications during the period from on or about October 9, 2019 to on or about May 1, 2020 in connection with the then Chief Administrative Officer Steve Kent

(CAO Kent), who was on leave and the subject of a harassment investigation, and the course of conduct and communications pertained to CAO Kent's harassment investigation in which Councillor Power has decision-making responsibilities as well as in relation to other City business;

**NOW THEREFORE BE IT RESOLVED THAT**

1. Council has determined that Councillor Power's actions as disclosed by her course of conduct and communications with CAO Kent constitute a breach of the City Council Code of Ethics Policy.
2. Council has determined that Councillor Power had a conflict of interest in connection with the harassment investigation of CAO Kent.
3. Councillor Power did speak to and/or vote on the matter of the harassment investigation of CAO Kent at all privileged Council meetings at which Councillor Power was in attendance, and which related to the harassment investigation of CAO Kent between October 2019 and April 2020 in which Councillor Power had an interest distinct from an interest arising from her functions as a councillor, which is a violation of section 22(1)(a) of the Act.
4. Pursuant to section 20(2)(a) of the Act, the office of Councillor Andrea Power is hereby declared vacant for failing to disclose the conflict of interest in the matter discussed by Council.

**Councillor Power presented a written statement in response to the motion.**

Question called. Motion carried with Councillor Ledwell voting against the motion and Mayor Aker abstaining from voting due to the complaint filed by Councillor Power on June 30, 2020 against him.

**Councillor Power left the meeting.**

20-06-196 Conflict of Interest – Councillor Andrew Ledwell

Motion – Councillor Antle/Councillor Fry

**WHEREAS** Andrew Ledwell, a councillor of the City of Mount Pearl, was advised of a Notice of Complaint dated May 4, 2020 which alleged that Councillor Ledwell breached the City Council Code of Ethics Policy and/or was in a conflict of interest contrary to Section 22 of the City of Mount Pearl Act (the "Act");

**AND WHEREAS** Council conducted an investigation into the Complaint, Councillor Ledwell has been represented by legal counsel, and he has been provided with an opportunity to address the allegations in the Notice of Complaint;

**AND WHEREAS** section 22(1)(a) of the Act provides that a councillor shall not vote on or speak to a matter before the council or a committee of the council where the councillor has an interest in the matter distinct from an interest arising from his or her functions as a councillor;

**AND WHEREAS** Councillor Ledwell engaged in a course of conduct and communications during the period from on or about October 9, 2019 to on or about May 1, 2020 in connection with the then Chief Administrative Officer Steve Kent (CAO Kent), who was on leave and the subject of a harassment investigation, and the course of conduct and communications pertained to CAO Kent's harassment investigation in which Councillor Ledwell has decision-making responsibilities as well as in relation to other City business;

**NOW THEREFORE BE IT RESOLVED THAT**

5. Council has determined that Councillor Ledwell's actions as disclosed by his course of conduct and communications with CAO Kent constitute a breach of the City Council Code of Ethics Policy.
6. Council has determined that Councillor Ledwell had a conflict of interest in connection with the harassment investigation of CAO Kent.
7. Councillor Ledwell did speak to and/or vote on the matter of the harassment investigation of CAO Kent at all privileged Council meetings at which Councillor Ledwell was in attendance, and which related to the harassment investigation of CAO Kent between October 2019 and April 2020 in which Councillor Ledwell had an interest distinct from an interest arising from his functions as a councillor, which is a violation of section 22(1)(a) of the Act.
8. Pursuant to section 20(2)(a) of the Act, the office of Councillor Andrew Ledwell is hereby declared vacant for failing to disclose the conflict of interest in the matter discussed by Council.

**Councillor Ledwell presented a statement in response to the motion.**

Question called. Motion carried unanimously.

**Councillor Ledwell left the meeting.**

20-06-197 Motion to Dismiss Steve Kent

Motion – Councillor Antle/Deputy Mayor Locke

**WHEREAS** section 83 of the *City of Mount Pearl Act* (the “Act”) provides the procedure for which the City Manager may be dismissed;

**AND WHEREAS** the Chief Administrative Officer of the City of Mount Pearl acts as the City Manager as established by the Act;

**AND WHEREAS** Steve Kent was provided with a Notice of Meeting and Notice of Motion on June 16, 2020 in accordance with section 83(2) of the Act;

**AND WHEREAS** during the period he was absent on leave and the subject of an harassment investigation, and as detailed in a letter dated June 16, 2020, Steve Kent engaged in a course of conduct and communications with two councillors on matters directly related to the harassment investigation and other City business which provide just cause for his dismissal;

**BE IT RESOLVED THAT** Steve Kent be dismissed as Chief Administrative Officer of the City of Mount Pearl.

Question called. Motion carried unanimously.

**Deputy Mayor Locke presented a statement on behalf of Council with respect to the Conflict of Interest Motions for Councillors Ledwell and Power and the Motion to Dismiss Steve Kent.**

CORRESPONDENCE

None presented.

COMMITTEE REPORTS

COMMUNITY DEVELOPMENT COMMITTEE

20-06-198 Use of Bicycle Bells on Walking Trails and Parks

The importance of a cyclist using a bell to alert walkers was presented.

20-06-199 Speeding | City Streets

Drivers were reminded to slow down and drive safely on City streets.

20-06-200 Canada Day Celebrations (July 1, 2020)

Due to the COVID-19 pandemic and the guidelines in place, Canada Day celebrations will be offered virtually to maintain a sense of community pride and connectedness in an online environment. Further details are available on the City website.

*Memorial Day – the Royal Canadian Legion, Branch 36, ceremony will be streamed live on the City's Facebook page.*

20-06-201 Aquatics & Fitness Guidelines  
Opening Date – July 6, 2020

Staff continue to work on the Fitness and Aquatics guidelines and safe operating procedures to ensure the safety of all members, staff and spectators for the programs that will be offered this summer. The opening date for the fitness centre and the pool is July 6<sup>th</sup>.

20-06-202 Building Permit and Occupancy Permit Listing | June 15 to 26, 2020

Motion – Deputy Mayor Locke/Councillor Fry

RESOLVED THAT building permits issued for the period of June 15 – 26, 2020, showing a total construction value of \$386,225.00, be approved and further that the occupancy permit list be accepted as presented.

Question called. Motion carried unanimously.

INFRASTRUCTURE AND PUBLIC WORKS COMMITTEE

20-06-203 Request for Qualifications (RFQ's) – CPR20008 – RFQs 20-026  
Traffic Engineering Services

Motion – Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT the following list of qualified consultants for the provision of Traffic Engineering Services, for a period of two years (2020-2021), be approved

with staff to seek quotes from one or more of these companies as/when work is required, and awarding of individual contracts will require the approval of Council:

No.	CONSULTANT	OVERALL SCORE	RESULTS
1	Harbourside Transportation Consultants	90	Qualified
2	CBCL Ltd.	86	Qualified
3	Dillon Consulting	80	Qualified
4	EXP	80	Qualified

Question called. Motion carried unanimously.

20-06-204 Sole-Sourced Contract Recommendation – CIMCO Customer Service Agreement Glacier Eco-Chill System & Summit Centre Mycom CO2 Heat Pumps

Motion – Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT approval be granted to award and enter into a Customer Service Agreement with CIMCO for the routine and preventative maintenance of the Glacier Eco-Chill Refrigeration Plant, the CAG controls system, as well as the Summit Centre Mycom CO2 Heat Pumps for the period of July 1, 2020 to June 30, 2025 at an annual cost of \$49,292.45 (Including HST) with an annual cost inflation of two percent (2.0 %).

Question called. Motion carried unanimously.

20-06-205 Sole-Sourced Contract Recommendation – Summit Centre Seresco Unit

Motion – Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT the sole-source supply of materials and installation of the quoted materials from Dehumidified Air Services be approved; this includes the provision of two (2) Seresco-trained technicians being sent to Newfoundland to install and commission these parts at an estimated cost of \$125,822.95 (Including HST).

Question called. Motion carried unanimously.

20-06-206 Proposed Change Order and Contract Recommendation  
 CPR20007 Topsail Road Asphalt Renewal 2020

Motion – Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT the following change order for the asphalt renewal project on  
 Topsail Road be approved:

TOTAL Approved Budget		\$1,376,762.75
Includes:		
Modern Paving Awarded Contract	\$726,688.68	
Material Testing	\$30,000.00	
Original Project Cost		\$756,688.68
Change Order – Additional Quantities The original scope was to mill 3-meter wide sections along each driving lane for the section from Corisande to Commonwealth (all lanes) and 1 lane between Commonwealth and Farrell Drive.  Increase in scope of work from 3-meter lane mill/fill to a full asphalt surface recap to allow a better finished product completed with less disturbance to traffic.  Corisande Drive to Commonwealth Avenue – 1800m Commonwealth Avenue to Farrell Drive – 695m Commonwealth/Topsail Road Intersection		\$303,311.40
<b>TOTAL Project Cost (Includes Previously Approved and New Change Orders)</b>		<b>\$1,060,000.08</b>
<i>Note: All Amounts include HST</i>		

Question called. Motion carried unanimously.

20-06-207 Contract Recommendation CPR20003 – 2020 Traffic Signal Upgrading TP-20-027 –  
 Topsail Road-Dunn’s Road Intersection

Motion – Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT approval be granted to award the 2020 Traffic Signal Upgrading,  
 Topsail Road – Dunn’s Road Intersection TP-20-027, to the lowest compliant bid of



Modern Paving Ltd. for the value of \$220,282.50 and then reduce the contract amount subsequently by issuing a credit Change Order in the value of \$54,907.50 (HST included) to ensure the project will be within budget.

Question called. Motion carried unanimously.

20-06-208 Contract Extension Recommendation  
Janitorial Services - City Facilities TP-17-007

Motion – Councillor Stoyles/Deputy Mayor Locke

RESOLVED THAT approval be granted to extend the existing Janitorial Services Contract, modified as presented the Committee report dated June 24, 2020, with Kelloway Construction Ltd. for an additional one (1) year for the period of July 1, 2020 to June 30, 2021 for the annual bid amount of \$375,163.00 (HST Included).

Question called. Motion carried unanimously.

20-06-209 Public Works Update

Councillor Stoyles provided an update on public works services.

20-06-210 Capital Works Projects Update

Councillor Stoyles provided an update on various projects.

CORPORATE SERVICES AND ECONOMIC DEVELOPMENT COMMITTEE

20-06-211 Invoices for Approval

Motion – Councillor Antle/Councillor Fry

RESOLVED THAT the following invoices be approved for payment:

1.	Keep Cool Refrigeration & A/C Ltd. (HVAC maintenance- Multiple Facilities)	\$ 7,942.66
2.	City of St. John's (Robin Hood Bay Tipping Fee- May 2020)	\$ 43,777.41

3.	Armour Lock & Safe (Installation of Lexon Barriers in relation to COVID-19 in Multiple City Facilities)	\$ 18,106.75
4.	Armour Lock & Safe (Installation of Power Operated Buttons & Switches in relation to COVID-19 at City Hall)	\$ 8,393.85
5.	MVT Canadian Bus, Inc (Para Transit & Go Bus Trip- May 2020)	\$ 6,333.68
6.	North Atlantic Petroleum (Regular Gas- Depot)	\$ 6,033.07
7.	DMC- Dallas Mercer Consulting (Twinrix Vaccination Clinic)	\$ 6,173.20
8.	McInnes Cooper (Risk Assessment)	\$ 20,610.88
9.	St. John's Transportation Commission (Metro Bus Services- May 2020)	\$ 111,985.54
10.	Dehumidified AIR Services (Equipment for Pool-Summit Center)	\$ 53,372.96
		\$ 282,730.00

Question called. Motion carried unanimously.

20-06-212 Payment Register and Purchase Card Report

The payment register for the period of June 17 - 26, 2020, totalling \$896,846.59 and the purchase card report from May 6 to June 5, 2020, totalling \$17,101.17, were accepted.

20-06-213 Business Engagement in Response to COVID-19

An update on the Business Engagement in Response to COVID-19 was present. Mount Pearl businesses have been directly affected by the COVID-19 outbreak and the City has prioritized assisting our businesses through outreach, support, resource information, and answering questions. The Economic Development team is currently working on an Economic Development Recovery Strategy to assist, recover, and rebuild the economy in Mount Pearl as we adapt to life with COVID-19. Some of the

concerns of our businesses were property and commercial taxes, staffing, communication, business operations, promotion, etc.

NEW BUSINESS

20-06-214 Condolences

Councillor Stoyles recognized the passing of Bill Earle and extended condolences to the Earle and Noseworthy families.

20-06-215 Smallwood Drive – NF Power Project

Councillor Stoyles advised that staff have been consulting with NF Power officials with respect to the Smallwood Drive project. It was anticipated that an update should be available at the next meeting.

20-06-216 Canada Post – Community Mailboxes

Councillor Stoyles advised that Canada Post has indicated repairs to the community mailbox sites due to snow clearing operations were now complete. She noted that Director Antle will be following up with Canada Post officials as some of the work is unsatisfactory. A further report will be provided to the Committee of the Whole.

20-06-217 Birthday Wishes

Members of Council extended birthday wishes to Shirley Boone, Chairperson of the Seniors Independence Group.

20-06-218 Ross King Memorial Public Library

Councillor Antle advised that curbside services are now being offered at the Ross King Memorial Public Library.

ADJOURNMENT

There being no further business, the meeting adjourned at 6:10 pm on a motion by Councillor Stoyles and seconded by Councillor Antle.

---

Chairperson

---

City Clerk