

## **Regular Meeting #19 December 1, 2020**

A Regular Meeting of Council convened at 7:02 p.m. in the presence of Mayor French, Councillors (with the exception of Councillor Tilley and Councillor Davis), Chief Administrative Officer, Brian Crawley, Town Clerk, Gail Pomroy, Director of Finance, Liz Davis, Director of Engineering and Public Works, Jennifer Norris, Director of Recreation and Leisure Services, Dave Tibbo, Director of Planning and Development, Corrie Davis, Fire Chief, John Heffernan, and Director of Economic Development, Jennifer Lake.

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### **1. ADOPTION OF AGENDAS AND MINUTES**

#### **a. Adoption of the Meeting Agenda for December 1, 2020**

**Resolution #20-393**

**Councillor Butler/Deputy Mayor Murphy**

Be it so resolved that the agenda of the meeting of December 1, 2020 be adopted as presented.

- carried unanimously

#### **b. Adoption of the Meeting Minutes of November 17, 2020**

**Resolution #20-394**

**Councillor Hillier/Councillor Youden**

Be it so resolved that the minutes of the meeting of November 17, 2020 be adopted as presented.

- carried unanimously

### **2. BUSINESS ARISING FROM PREVIOUS MINUTES**

Nil

### 3. VISITORS, PRESENTATIONS AND PETITIONS

#### a. Pipe Down NL

**WHEREAS** scientific evidence suggests that excessive noise affects hearing long term and negatively impacts a person's health and well-being – especially those who have issues with sensory inputs; and

**WHEREAS** it has been shown that excessive noise from the exhaust systems on vehicles (cars, trucks, motorcycles, ATVs and dirt bikes, etc.) can be a source of distraction for road users and a significant disruption to the peace and tranquility of residents in their homes, businesses, cafes, and parks and recreational spaces; and

**WHEREAS** communities throughout the Province of Newfoundland and Labrador are experiencing problems of excessively loud vehicle noise; and

**WHEREAS** the issue of excessive noise from vehicles with modified exhaust systems has been part of public discourse since at least 2012; and

**WHEREAS** a coalition of concerned neighbourhood groups and citizens known as Pipe Down NL was formed to appeal to the provincial government to change/apply the legislation on noise pollution caused by after-market installation of exhaust pipes on cars, trucks and motorcycles; and

**WHEREAS** this matter is governed under the jurisdiction of the Province's Highway Traffic Act; and

**WHEREAS** regulations, tools and technology are readily available to aid in enforcement of the Highway Traffic Act; and

**WHEREAS** other jurisdictions in Canada have made amendments to regulations and legislation to deal with noise from exhaust systems and that they have sound level meters to measure noise generated from vehicles for the purposes of ticketing and fines.

**BE IT SO RESOLVED THAT** the Town of Conception Bay South continue to lobby the Provincial Government of NL to request that the Highway Traffic Act and/or associated regulations be enforced to ensure prohibition of

modifications to exhaust systems that increase noise and to ensure enforcement with fines and ticketing.

Further, that the Town of Conception Bay South continue to lobby the Provincial Government of NL to ensure adequate resources (technology and staffing) are funded to allow enforcement agencies to effectively apply the legislation and regulations prohibiting excessively loud vehicles.

#### **4. NEW BUSINESS**

##### **Councillor Youden**

encouraged all residents to join us for our Virtual Tree Lighting Ceremony, that will be taking place on Sunday, December 6 on the Town's YouTube Channel. We will light up the Town's Christmas Tree with the help of Santa himself at 5:00 pm. We invite our residents to tune in and enjoy this festive event from the safety of their homes.

At the same time, the Town will light the trees in front of the RNC building at 106 Conception Bay Highway. At this location, there will be a tree specially lit with purple lights. This tree is lit to bring awareness of Domestic and Relationship Violence, and to remind us of how prevalent this is in society and what changes need to be made.

##### **Councillor Hillier**

expressed condolences to the friends and family on the recent passing of David Gill. Mr. Gill was a valued volunteer in the Town, notably with Chamberlains Park

##### **Councillor Bent**

also expressed condolences to friends and family of David Gill and noted that he had been a previous member of the Seniors Advisory Committee.

expressed congratulations to the graduates of Holy Spirit High School who received their high school diplomas last week at a drive by ceremony. He noted that there were many

scholarships given out and congratulated Darryl King who became an honorary falcon.

**Councillor Bursey**

reminded residents that winter operations have started and the on street parking ban is in effect.

**Councillor Butler**

also extended condolences to the friends and family of David Gill.

stated that six T’Railway counters have been installed along the T’Railway from Heritage Road to Spruce Hill Road. These counters will provide us with valuable data on trail usage.

**5. RECOMMENDATIONS OF PLANNING AND DEVELOPMENT COMMITTEE  
(Chair, Councillor Rex Hillier)**

Presentation of recommendations of meeting held on November 24, 2020

**1. Sale of Town-Owned Land, 36-40 Kennedys Road**

**Resolution #20-395**

**Councillor Hillier/Councillor Youden**

Be it so resolved that in accordance with Section 201.3 of the *Municipalities Act, 1999*, the Town dispose of 582m<sup>2</sup> of land at 36-40 Kennedys Road, Upper Gullies.

- 6 yeas
- 1 abstention  
(Murphy)
- motion carried

Deputy Mayor Murphy declared a conflict of interest with this item as he resides on this road. He vacated the Chambers at 7:12 p.m. and returned at 7:13 p.m..

**2. Home-Based Business – 63 Indian Pond Estates**

**Resolution #20-396**  
**Councillor Hillier/Councillor Youden**

Be it so resolved that Application No. COM-20-087 for a home-based business of an office within incidental retail sales be approved at 63 Indian Pond Estates on the conditions that not more than one vehicle offered for sale be located on the property at any given time, there be no signage on the property and that the vehicle that is for sale be stored inside the detached garage on the property.

- carried unanimously

**3. 2611 Topsail Road – Commercial General Garage Application**

**Resolution #20-397**  
**Councillor Hillier/Councillor Youden**

Be it so resolved that Application No. COM-20-101 received on November 6, 2020 seeking approval to operate a general garage (wheel and tire services) at 2611 Topsail Road be refused in accordance with Section 10.8 of the Town's Development Regulations as the proposed use is not listed as permitted or discretionary use within the R-3 zone.

- carried unanimously

**4. 2628 Topsail Road – Home-based Business**

**Resolution #20-398**  
**Councillor Hillier/Councillor Butler**

Be it so resolved that Application No. COM-20-090 received on October 19, 2020 seeking approval to operate a home based business at 2628 Topsail Road be approved in accordance with Sections 6.7.1 and 10.6 of the Town's Development Regulations on condition that no more than one client visit be scheduled at a time, and that the business is limited to animal grooming services only.

- carried unanimously

**5. Demolition Order – 22 Noseworthys Lane**

**Resolution #20-399**  
**Councillor Hillier/Councillor Youden**

Be it so resolved that Resolution No. 20-065 passed at Council's meeting on March 3, 2020 be rescinded.

**AND FURTHER:**

Be it so resolved that the Town engage Eric Taylor Limited for the abatement and removal of hazardous materials and the demolition of the main and accessory buildings at 22 Noseworthys Lane, Long Pond for the quoted price of \$14,950.00 plus HST. All costs associated with the work will be applied to the property tax account as a debt to the Town in accordance with Section 404(5) of the *Municipalities Act, 1999* and Section 102(5) of the *Urban and Rural Planning Act, 2000*.

- 6 yeas
- 1 abstention  
(Murphy)
- motion carried

Deputy Mayor Murphy declared a conflict of interest with this item as he has family involved with this company. He vacated the Chambers at 7:16 p.m. and returned at 7:18 p.m..

Councillor Hillier made a statement on the proposed OCI Infill and Wharf project. Written comments will be accepted until December 16, 2020. Online consultations will take place on Thursday, December 17, 2020. This will be a zoom meeting and will be broadcasted on the Town's youtube channel.

Mayor French declared a conflict of interest when the discussion turned to the proposed infill project. He vacated the Chamber at 7:18 p.m. and returned at 7:21 p.m.

**6. Planning and Development Committee Meeting Report**

**Resolution #20-400**  
**Councillor Hillier/Councillor Butler**

Be it so resolved that the decisions and recommendations made at the Planning and Development Committee meeting on November 24, 2020, be accepted as presented.

- carried unanimously

**6. RECOMMENDATIONS OF ENGINEERING AND PUBLIC WORKS COMMITTEE  
(Chair, Councillor Junior Bursey)**

Transferred from Committee of the Whole #21

**1. Community Park Phase 2 – Approval to Award Consulting Services**

**Resolution #20-401**  
**Councillor Bursey/Councillor Bent**

Be it so resolved that approval be given to award consulting services for Community Park Phase 2 to Mills & Wright for the bid prices of \$208,983.75, tax included. Funds to be taken from the project account.

- carried unanimously

Presentation of recommendations of meeting held on November 24, 2020

**1. Engineering and Public Works Committee Meeting**

**Resolution #20-402**  
**Councillor Bursey/Councillor Hillier**

Be it so resolved that the recommendations/decisions made at the Engineering and Public Works Committee Meeting of November 24, 2020, be accepted as presented.

- carried unanimously

**7. RECOMMENDATIONS OF RECREATION AND LEISURE SERVICES COMMITTEE (Chair, Councillor Kirk Youden)**

Presentation of recommendations of meeting held on November 23, 2020

**1. Recreation and Leisure Services Committee**

**Resolution #20-403**  
**Councillor Youden/Councillor Hillier**

Be it so resolved that the recommendations/decisions made at the Recreation and Leisure Services Meeting of November 23, 2020 be accepted as presented.

- carried unanimously

**8. RECOMMENDATIONS OF FINANCIAL AND ADMINISTRATIVE SERVICES COMMITTEE (Chair, Deputy Mayor Richard Murphy)**

Presentation of recommendations of meeting held on November 24, 2020

**1. 2021 Budget**

**Resolution #20-404**  
**Deputy Mayor Murphy/Councillor Bent**

Be it so resolved that the Town of Conception Bay South accept the balanced budget hereby tabled for the fiscal year 2021 in the amount of \$37,243,119 and that this budget be submitted to the Minister of Environment, Climate Change and Municipalities for review and acceptance.

- carried unanimously

Councillor Youden stated that it is great to not raise taxes and to maintain everything for four years in a row. He thanked staff, especially this year with Covid. He stated that everything costs more this year. He stated that we continue to work on most infrastructure and have made great progress on roads. He stated that one of the Town's key objectives was the community park and that this time next year, we will all be proud of this space.



Councillor Hillier stated that he is pleased with the entire package. He stated that four years with no increases is quite a feat considering costs have increased. He stated that tax reductions are continuing and the Library project is proceeding. He thanked the provincial and federal governments and thanked staff for their work.

Councillor Bent stated that he is pleased with the progress made on sidewalks in school zones and that there is more committed. He stated that it is great to be able to do this will costs going up, with the January storm and the pandemic. The Town has been able to maintain our costs and improve our infrastructure. He congratulated staff for their work.

Councillor Bursey thanked all the staff for their work, including management and frontline staff as well. He stated that without them we would not have a balanced budget this evening.

Councillor Butler stated that she is proud of everything that we have been able to do, including initiating 24/7 snow clearing. She stated that this is such a great service.

Mayor French stated that the Town tried and succeeded to maintain the tax rates and reduce costs. He thanked staff, the management staff for leading the charge and the unionized staff for their cooperation. He commented on the sidewalks, mill and fill projects, the community park and the upcoming library project. He thanked the area MHAs and MP, the Minister of Environment, Climate Change and Municipalities and the Minister of Transportation and Infrastructure.

Deputy Mayor Murphy stated that this is a great budget to bring as the last of this Council term. He stated that he is quite proud of the accomplishments this Council has been able to achieve.

**2. Accounts Payable Cheque Register**

**Resolution #20-405**

**Deputy Mayor Murphy/Councillor Bent**

Be it so resolved that approval is given to pay Accounts Payable Cheques totaling \$254,606.07.

- carried unanimously

**3. Ratification of Manual Cheques Previously Released**

**Resolution #20-406**  
**Deputy Mayor Murphy/Councillor Hillier**

Be it so resolved that approval is given to ratify the payment of manual cheques previously released totaling \$25,494.83.

- carried unanimously

**4. Capital Invoices**

**Resolution #20-407**  
**Councillor Hillier/Councillor Youden**

Be it so resolved that approval be given to pay capital cheques totaling \$982,010.93 as listed below:

<b>Project</b>	<b>Vendor</b>	<b>Invoice Details</b>	<b>Amount</b>
2020 Streets	Farrells	Progress Claim #3	\$449,590.45
Legion Road	PEC	Invoice #2017-039-12	\$1,437.21
Steadybrook Culvert Upgrade	ETL	Claim 1	\$336,534.76
Community Park – Inclusive Swing Set	Tessier	Invoice #7272	\$21,425.74
Community Park – Inclusive Playground	Tessier	Invoice #7274	\$52,991.47
Wastewater Treatment Plant Study	SNC Lavalin	Invoice #1516750	\$1,976.97
Trailway Storm Damage Repair	Grand Concourse Authority	Invoice #20091	\$2,744.61
Trailway Storm Damage Repair	Grand Concourse Authority	Invoice #20093	\$20,079.25
RFMS Upgrades	Northbrook Construction	Progress Claim #4	\$46,719.00
RFMS Upgrades	Northbrook Construction	Progress Claim #5	\$1,207.50

District Water Meters	SNC Lavalin	Invoice #1516751	\$2,829.00
Lawrence Pond Road Phase 2	PEC	Invoice #2020-006-4	\$42,232.47
Route 60 Pedestrian Crossing Evaluation	Harbourside	Invoice #1905	\$2,242.50
<b>Total Capital Invoices:</b>			<b>\$982,010.93</b>

- 6 yeas
- 1 abstention (Murphy)
- carried unanimously

Deputy Mayor Murphy declared a conflict of interest with this item as he has family involved with Eric Taylor Ltd. He vacated the Chamber at 7:43 p.m. and returned at 7:44 p.m.

**5. Tax and Other Receivables Adjustments**

**Resolution #20-408**  
**Deputy Mayor Murphy/Councillor Butler**

Be it so resolved that approval be given to adjust tax and other receivables accounts as follows:

BANKJ001                      \$244.67

- carried unanimously

**6. Financial and Administrative Services Committee Report**

**Resolution #20-409**  
**Deputy Mayor Murphy/Councillor Hillier**

Be it so resolved that the recommendations/decisions made at the Financial and Administrative Services Committee Meeting of November 24, 2020 be accepted as presented.

- carried unanimously

**9. RECOMMENDATIONS OF ECONOMIC DEVELOPMENT AND TOURISM  
(Chair, Councillor Christine Butler)**

Presentation of recommendations of meeting held on November 24, 2020

**1. Downtown CBS T'Railway Loop Project**

**Resolution #20-410  
Councillor Butler/Councillor Bent**

Be it so resolved that approval be given to provide a donation of \$5,000 to Downtown CBS to support the development of engineering design toward the T'Railway Loop Project. Funds are available in account 01-101-1000-7705.

- carried unanimously

**2. LPHA Business Representative**

**Resolution #20-411  
Councillor Butler/Deputy Mayor Murphy**

Be it so resolved that Margo Soucy be extended for a two-year term in the role of Business Representative on the Long Pond Harbour Authority Inc. in conjunction with the LPHAI bylaws.

- carried unanimously

**3. Economic Development and Tourism Committee Meeting Report**

**Resolution #20-412  
Councillor Butler/Councillor Bursey**

Be it so resolved that the recommendations/decisions made at the Economic Development and Tourism Committee meeting of November 24, 2020 be accepted as presented.

- carried unanimously

**10. OTHER COMMITTEE REPORTS**

Councillor Youden stated that for the benefit of the YouTube viewers, members of Council should indicate the source of a conflict when making a declaration.

**11. ADJOURNMENT**

The meeting adjourned at 7:49 p.m.

**Resolution #20-413**  
**Deputy Mayor Murphy/Councillor Butler**

Be it so resolved that the meeting adjourn.

- carried unanimously

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Terry French  
Mayor

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Richard Murphy  
Deputy Mayor

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Gail Pomroy  
Town Clerk