

Regular Meeting #02 February 2, 2021

A Regular Meeting of Council convened at 7:05 p.m. in the presence of Mayor French, Councillors, 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.

1. ADOPTION OF AGENDAS AND MINUTES

a. Adoption of the Meeting Agenda for February 2, 2021

Resolution #21-026

Councillor Hillier/Deputy Mayor Murphy

Be it so resolved that the agenda of the meeting of February 2, 2021 be adopted as presented.

- carried unanimously

b. Adoption of the Meeting Minutes of January 19, 2021

Resolution #21-027

Councillor Tilley/Councillor Butler

Be it so resolved that the minutes of the meeting of January 19, 2021 be adopted as presented.

- carried unanimously

2. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

3. VISITORS, PRESENTATIONS AND PETITIONS

Nil

4. NEW BUSINESS

Deputy Mayor Murphy

expressed condolences to Councillor Hillier on the recent passing of his father, John Hillier.

stated that the 2021 tax bills were sent out in the mail and by email during the first week of January. Residents are encouraged to review information included on the reverse side of the tax bill or in the link provided in the email for payment options and incentive programs. Tax bills for 2021 are due on February 26. Residents should arrange payment in full or enrol in payment plan prior to that date.

The town is currently owed arrears of taxes of more than \$4.3 million. This has increased over \$600,000 over the balance owed at the end of 2019. The town recognizes that 2020 was a difficult year for a lot of people. However, the town also needs to collect amounts owing to provide the cash flow required to fund its day-to-day operations.

Residents are encouraged to contact financial services staff to arrange payment plans to clear up arrears balances and to avoid further collection efforts. Staff are currently reviewing all accounts and will be starting collection proceedings in the coming weeks. Staff will work with residents to find solutions to clear up outstanding accounts. However, it is important for residents to reach out and contact staff to avoid escalation of their account. Collection efforts will include: water disconnection, legal action, third party collection agency and sale of property.

Councillor Youden

expressed condolences to Councillor Hillier.

commented on recent vandalism at property intended to be mosque. He welcomed the new owners to the Town of Conception Bay South.

commented on the use of fireworks and stated that the Town will work with other municipalities to try to increase safety.

Councillor Tilley

stated that there have been complaints received pertaining to snowclearing of sidewalks in the area of Dicks Place and Anchorage Road. He reminded residents that Route 60 is under the jurisdiction of the Department of Transportation and Works. He stated that Town staff are in contact with the Department to request the area be addressed.

Councillor Hillier

thanked everyone for the expressions of condolences.

Councillor Bent

also expressed condolences to Councillor Hillier.

stated that residents who receive the Seniors' discount must apply each year. He requested that information pertaining to this be moved from the back of the tax bills to the front page.

Councillor Bursey

stated that Town staff, and members of the Winterfest Committee are working on plans for this years Winterfest celebration. With current guidelines and safety practices, Winterfest will look different from past years, with some events unable to proceed. Staff and the Committee will work closely with the Occupational Health and Safety Coordinator to host safe and fun events for all our residents and visitors. The full schedule of events will be posted once finalized.

This years festival will take place a little later than normal , tentatively set for March 1-7,2021.

Councillor Butler

stated that the first meeting of the New Year for the Seniors Advisory Committee took place on January 21st. The main topic of discussion was the results of the Age Friendly Survey that was completed by Residents of the Town.

There was a great response to the survey, with a total of 239 completed surveys being submitted.

The next steps for this Committee are to work with a staff member to analyze the data that has resulted from the survey, and develop a workplan for future steps in the Age Friendly Program.

stated that the Youth Advisory Council had their first meeting of 2021 on January 20th. I am very excited to welcome the youth members back and wish them great success with the initiatives that they work on this year.

Councillor Davis

stated that the CBS Community Garden Committee has released an Expression of Interest (EOI) inviting applications from residential neighborhoods interested in leading the creation of Neighbourhood Gardens on town-owned lands. Interested residents will be asked to organize themselves and submit a detailed application of their proposed location, sub-committee members, as well as the names, addresses, and contact information for all residents surrounding their proposed location. The deadline for submissions is February 19, 2021.

Mayor French

expressed condolences to Councillor Hillier.

stated that the Town is looking into options for the 2021 Election. He stated that it is hoped that options will be available to make it as easy as possible for residents to vote.

commented on the recent story of vandalism that has been in the media. He stated that the juveniles responsible have been caught. He welcomed the new property owners and stated that all people, of all races and religion are welcome in the Town of Conception Bay South.

commented on the sea swells experienced last week that caused damage to the breakwater in Long Pond. He stated that the Town is working to arrange repairs.

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

Transferred from Committee of the Whole #2

1. Proposed Extension to Existing Accessory Building – 102 Porters Road

**Resolution #21-028
Councillor Hillier/Councillor Tilley**

Be it so resolved that application No. 20-TG-177 received on November 26, 2020 seeking approval to erect a 3.66 m x 7.3 m extension to an existing accessory building at 102 Porters Road be refused as the proposed extension encroaches into an easement which is contrary to Section 5.2 (3) of the Town's Development Regulations and the size of the expanded accessory building would exceed what is permitted by Section 5.3(2) of the Town's Development Regulations.

AND FURTHER:

Be it so resolved that the extension that was erected to an existing accessory building at 102 Porters Road prior to submission of an application for a permit to do so be removed from the property.

- 8 yeas
- 1 nay (Youden)
- motion carried

**6. RECOMMENDATIONS OF ENGINEERING AND PUBLIC WORKS COMMITTEE
(Chair, Councillor Gerard Tilley)**

Presentation of recommendations of meeting held on January 26, 2021

1. Ratification of PO #2020-1075 – Unit 104

**Resolution #21-029
Councillor Tilley/Councillor Butler**

Be it so resolved, that approval be given to Brandt Tractor Ltd. to ratify PO #2020-1075 in the amount of \$18,393.50, plus HST. Funds to be taken from account 01-301-8004-5415.

- carried unanimously

2. Capital Fleet 2021 – Water and Sewer Van

**Resolution #21-030
Councillor Tilley/Councillor Bursey**

Be it so resolved that approval is given to purchase a 2021 cube van from Hickman Motors Limited at a cost of \$52,878.00 plus HST. Funds available in the capital fleet account.

- 8 yeas
- 1 abstention
(Youden)
- motion carried

Councillor Youden declared a conflict of interest with this item as he has family that work at Hickman Motors. He vacated the Chamber at 7:28 p.m. and returned at 7:29 p.m.

3. Maintenance Assurance Manual

Resolution #21-031
Councillor Tilley/Councillor Bursey

Be it so resolved that approval be given to engage CBCL Limited to prepare Maintenance Assurance Manuals for the Town's water and sewer systems at a cost of \$30,440.00 plus HST. Funds are available in account 01-302-100-5099.

- carried unanimously

4. Engineering and Public Works Committee Meeting

Resolution #21-032
Councillor Tilley/Councillor Bent

Be it so resolved that the recommendations/decisions made at the Engineering and Public Works Committee Meeting of January 26, 2021, be accepted as presented.

- carried unanimously

7. RECOMMENDATIONS OF RECREATION AND LEISURE SERVICES COMMITTEE (Chair, Councillor Junior Bursey)

Presentation of recommendations of meeting held on January 25, 2021

1. Recreation and Leisure Services Committee

Resolution #21-033
Councillor Bursey/Councillor Davis

Be it so resolved that the recommendations/decisions made at the Recreation and Leisure Services Meeting of January 25, 2021 be accepted as presented.

- carried unanimously

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

Transferred from Committee of the Whole Meeting #2

1. Personnel - Public Works Supervisor

Resolution #21-034
Deputy Mayor Murphy/Councillor Bent

Be it so resolved that approval be given to appoint George Porter to the position of Public Works Supervisor per the terms and conditions of the employment contract.

- carried unanimously

Presentation of recommendations of meeting held on January 26, 2021

1. Accounts Payable Cheque Register

Resolution #21-035
Deputy Mayor Murphy/Councillor Hillier

Be it so resolved that approval be given to pay Accounts Payable Cheques totaling \$371,480.93.

- carried unanimously

2. Ratification of Manual Cheques Previously Released

Resolution #21-036
Deputy Mayor Murphy/Councillor Bursey

Be it so resolved that approval be given to ratify the payment of manual cheques previously released totaling \$267,174.65.

- carried unanimously

3. Ratification of Direct Payments Previously Released

Resolution #21-037
Deputy Mayor Murphy/Councillor Bent

Be it so resolved that approval be given to ratify direct payments previously released totaling \$669,919.48.

- carried unanimously

4. Capital Invoices

Resolution #21-038
Deputy Mayor Murphy/Councillor Butler

Be it so resolved that approval be given to pay capital invoices totaling \$234,847.96 as follows:

Project	Vendor	Invoice Details	Amount
Tilleys Road South Phase 3	SNC Lavalin	Invoice #1504525	\$13,596.75
Wastewater Trtmt Plant Study	SNC Lavalin	Invoice #1529643	\$2,970.81
District Water Meters	SNC Lavalin	Invoice #1529644	\$1,828.50
District Water Meters	Dexter	Progress Claim #1	\$50,249.25
2020 Streets	Farrells	Progress Claim #4	\$141,533.99
2020 Streets	All Rock	Invoice #313	\$23,237.48
Route 60 Pedestrian Crossing Evaluation	Harbourside	Invoice #1960	\$1,121.25
Parmiters Lane	All Rock	Invoice #328	\$309.93
Total Capital Invoices:			\$234,847.96

- carried unanimously

5. Tax and Other Receivables Adjustments

Resolution #21-039

Deputy Mayor Murphy/Councillor Hillier

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

GREEL014	\$3,601.12
CANNI001	Request Denied

- carried unanimously

6. Gas Tax Funding – Capital Investment Plan

Resolution #21-040

Deputy Mayor Murphy/Councillor Tilley

Be it so resolved that approval be given to submit a capital investment plan to the Gas Tax Secretariat in the amount of \$2,500,000 for the Upgrade of Minerals Road.

- carried unanimously

7. Financial and Administrative Services Committee Report

Resolution #21-041

Deputy Mayor Murphy/Councillor Bent

Be it so resolved that the recommendations/decisions made at the Financial and Administrative Services Committee Meeting of January 26, 2021 be accepted as presented.

- carried unanimously

**9. RECOMMENDATIONS OF ECONOMIC DEVELOPMENT AND TOURISM
(Chair, Councillor Cheryl Davis)**

Presentation of recommendations of meeting held on January 26, 2021

1. Heritage Regulations

**Resolution #21-042
Councillor Davis/Councillor Bursey**

Be it so resolved that the Heritage Regulations be adopted as presented.

**HERITAGE REGULATIONS
PUBLISHED BY AUTHORITY**

Pursuant to the powers conferred by the *Municipalities Act, 1999*, Chapter M-24, SN 1999, the Town of Conception Bay South has made the following Regulations.

1. TITLE

These Regulations shall be cited as the "Town of Conception Bay South Heritage Regulations".

2. DEFINITIONS

In these Regulations:

- a. **"Act"** means the *Municipalities Act, 1999, Newfoundland*
- b. **"Town"** means the Town Council of the Town of Conception Bay South
- c. **"Council"** means the Town Council of the Town of Conception Bay South
- d. **"Municipal Site"** means as the case may require, an area or a place, parcel of land, building or structure, exterior or interior portion or segment of a building or structure, within the municipality, whether it is privately owned or owned by the Town of Conception Bay South
- e. **"Municipal Heritage Site"** means a municipal site within the municipality that represents an important historical development of the locality, of its

natural history or its people and their culture and has been designated as such by the Town of Conception Bay South

- f. **“Heritage Area”** means any building, land, structure, erection, site or other real property so designated by Council under these Regulations.
- g. **“Heritage District”** means a geographically defined area made up of buildings, structures and spaces modified by human use that have a sense of connectedness through past events or use and/or have an appearance of visual cohesion through architecture or plan.
- h. **“Heritage use”** means the use of a heritage building for a dwelling unit, a retail store, an office, a service shop, a hotel, a residential clinic, a restaurant, which could be controlled so as to be compatible with adjoining residential uses.
- i. **“Statement of Significance”** means the written record of heritage significance prepared and published by the Heritage Foundation of Newfoundland and Labrador, which summarizes the description, heritage value, and character-defining elements of the designated heritage site, property, area, or district.

3. APPLICATION

These Regulations shall apply within the boundaries of the Town.

4. DESIGNATION

- i) Council may, by Regulation, designate any building, structure or land as a heritage building, structure or land.
- ii) Buildings and sites may also be designated by the Provincial Government and/or the Newfoundland and Labrador Heritage Foundation as heritage buildings and sites.

A registry of designated heritage buildings and properties shall be maintained by the Town. This list may be updated without amendment to the Development Regulations.

Council shall municipally designate any site that has been provincially designated by Heritage NL, with the property owners written consent, and shall inform Heritage NL of any permit applications for work to be conducted to the designated site or structure.

Council may act in accordance with the *Municipalities Act, 1999*, and designate as a municipal heritage site any municipal site within the borders of the municipality that in the opinion of Council represents an important development of:

- a) the locality;
- b) its natural history;
- c) its people and their culture;
- d) land adjacent to a municipal heritage site, although not containing heritage resources.

Unless the request for designation is made by the owner of such property, written notice of Council's intention to designate shall be given to the owner or owners of such property by one of the following:

- a) by personally serving notice on the owner, or
- b) by mail and/or email

For the purpose of this section, it shall be deemed sufficient service if the notice is given or sent to the person or persons listed on Council's assessment roll as owner of the property.

Council shall give the owner of any such property a reasonable opportunity to make representation to Council with respect to the intended designation and the designation will only be assigned with the property owners written consent.

Should the owner of a municipally designated property no longer wish to maintain the designation, a written request must come to Council from the property owner. Should Council concur, the designation will be revoked during a public Council meeting.

5. PERMIT REQUIRED

No person shall remove, pull down, or demolish any property designated as a heritage building, structure or land, nor shall the exterior of the building or structure be altered except under written permit of Council specifically authorizing the alteration and in accordance with the terms and conditions of the permit.

The Town shall ensure that the conditions attached to the designation of this property, by referring to the Statements of Significance, are satisfied before issuing the permit.

No person shall build upon any land that has been designated as a heritage area or cause the land to be altered by any means without a permit by Council specifically authorizing the alteration and in accordance with the terms and conditions of the permit.

For the purpose of these designated properties, minor repairs including fence paintings and posts, replacing hardware, roof shingles and similar repairs which do not alter the original appearance or materials of the structure will be permitted.

Repairs that impact the nature of the designation per the Statement of Significance, may result in the designation being revoked.

6. PROTECTION OF PROPOSED AND DESIGNATED MUNICIPAL SITES

1. Notwithstanding the provisions of the Municipalities Development Regulations, any person proposing to:

- a) excavate, repair, alter, renovate, enlarge, construct an addition to, demolish, remove, destroy or damage a municipal heritage site;
- b) erect, build or construct any erection, building or structure upon or within a municipal heritage site;
- c) carry out any development project including any commercial, industrial, agricultural, residential, construction or other similar activity, development or project, upon or within any municipal site that is a municipal heritage site.

shall before commencing the proposed work, activity, development or project described in Clause (a), (b), or (c) submit to Council an application outlining the proposed work and request a permit authorizing the proposed work, activity, development or project.

2. Except for minor repairs, Council shall consider the impact that all development applications, including fences and outbuildings, could have on the heritage value and character defining elements of designated municipal heritage sites; as per the site's Statement of Significance outlined by the

Newfoundland & Labrador Heritage Foundation.

3. For the purpose of these Regulations, minor repairs, including fence paintings and posts, replacing hardware, roof shingles and similar repairs which do not alter the original appearance or materials of the structure, will be permitted.
4. Any application for a permit required under this section shall be in such form and shall contain such information as Council may prescribe.
5. If the proposed work is to be conducted on a provincially designated heritage site, Council shall notify the Heritage Foundation of Newfoundland and Labrador and work with Heritage NL to determine if the proposed work can be approved.
6. After considering the application Council may approve the work, activity, development or project in the form in which it is proposed or with such variations as Council deems necessary for the protection of the site.
7. Large old trees that contribute to the character of an area should be preserved and enhanced, unless otherwise approved by Council.
8. No person shall carry out any work, activity, development or project upon or within a site that is subject to designation or has been designated a municipal heritage site, unless and until Council has issued a permit authorizing the work, activity, development or project and unless the work, activity, development or project is carried out in accordance with such terms and conditions as Council may impose and as may be set out in or attached to the permit.
9. Confirmation by town staff, or designate, that work has been carried out in accordance with the permit and that the property features are consistent with its corresponding Statement of Significance will be required in order to maintain the municipal designation.

7. PENALTY

If the work, activity, development or project is carried out on a heritage site without the appropriate permit, and/or the approval of Council, the site may lose its heritage designation and the property owner may be subject to the enforcement

provisions of the Municipalities Act, 1999 and/or the Urban and Rural Planning Act, 2000.

8. COMPLIANCE WITH OTHER ACTS

Nothing in these Regulations serves to exempt any person from obtaining any license, permission, permit, authority or approval required by any other Regulation of the Town or any Statute or Regulation of the Province of Newfoundland and Labrador, and in such cases where more than one Regulation or Statute applied the more restrictive Regulation or Statute shall apply.

9. EFFECTIVE DATE

These Regulations shall come into force on the 2nd day of February, 2021.

In witness whereof the Seal of the Town of Conception Bay South has been affixed hereto and these Regulations have been signed by the Mayor and the Chief Administrative Officer on behalf of the Council on this 2nd day of February, 2021.

- carried unanimously

8. CanExport Community Investment Fund 2021

Resolution #21-043
Councillor Davis/Councillor Bent

Be it so resolved that approval be given to enter into a contribution agreement with Global Affairs Canada for funding from their CanExport Community Investments Fund totaling \$26,275 for use in investment attraction initiatives. Matching funds are available within the Town's operating budget.

- carried unanimously

9. Economic Development and Tourism Committee Meeting Report

Resolution #21-044
Councillor Davis/Councillor Hillier

Be it so resolved that the recommendations/decisions made at the Economic Development and Tourism Committee meeting of January 26, 2021 be accepted as presented.

- carried unanimously

10. OTHER COMMITTEE REPORTS

Councillor Bent stated that he had attended a BIA meeting on January 21, 2021. He noted that the Board has five positions available and requested interested parties to visit the website for information.

11. ADJOURNMENT

The meeting adjourned at 7:39 p.m.

Resolution #21-045
Deputy Mayor Murphy/Councillor Tilley

Be it so resolved that the meeting adjourn.

- carried unanimously

Terry French
Mayor

Gail Pomroy
Town Clerk