

REGULAR MEETING #18

November 17, 2015

A Regular Meeting of Council convened in the Council Chambers at 7:00 p.m. in the presence of Mayor Steve Tessier, Councillors (with the exception of Councillor Murphy), Acting Chief Administrative Officer, Gail Pomroy, Director of Planning and Development, Elaine Mitchell, Director of Finance, Liz Davis, Director of Recreation and Leisure Services, David Tibbo, Director of Engineering and Public Works, Jennifer Manuel, Director of Economic Development and Tourism, Jennifer Lake and Executive Secretary, Jody Fifield.

1. ADOPTION OF AGENDA AND MINUTES

a. Adoption of meeting agenda of November 17, 2015

Resolution #15-431
Councillor Youden/Councillor Rowe

Be it so resolved that the agenda of the meeting of November 17, 2015 be adopted as presented.

- carried unanimously

b. Adoption of minutes of meeting of November 3, 2015

Resolution #15-432
Councillor Youden /Councillor Connors

Be it so resolved that the agenda of the meeting of November 3, 2015 be adopted as presented.

- carried unanimously

2. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

3. VISITORS, PRESENTATIONS AND PETITIONS

1. Municipal Enforcement Officers – Oath of Office

Two Municipal Enforcement Officers were sworn in by Mayor Tessier

- 1) Stewart Giles, Municipal Enforcement Officer
- 2) Jill Saunders, Municipal Enforcement Officer

**4. RECOMMENDATIONS OF PLANNING & DEVELOPMENT COMMITTEE
(Chair, Councillor Beverley Rowe)**

Transferred from Privileged Meeting #21

1. 6-8 Nugents Place, Kelligrews

**Resolution #15-433
Councillor Rowe/Councillor Youden**

Be it so resolved that the Order issued November 10, 2015 under the Municipalities Act, 1999 and The Town of Conception Bay South Occupancy and Maintenance Regulations ordering the demolition of the dwelling at 6-8 Nugent's Place, Kelligrews, be confirmed.

- carried unanimously

Presentation of recommendations of meeting held November 9, 2015

1. Noise and Nuisance Regulations

**Resolution #15-434
Councillor Rowe/Deputy Mayor George**

Be it so resolved that the updated Noise and Nuisance Regulations be adopted as presented.

1. TITLE

These regulations shall be known and cited as "Town of Conception Bay South Noise and Nuisance Regulations".

2. INTERPRETATION

In these regulations:

- (a) **"Regulations"** means the Town of Conception Bay South Noise and Nuisance Regulations.
- (b) **"Air Gun"** means those guns commonly referred to as B.B. or pellet guns and all guns operated by pump or spring mechanisms and compressed gas cylinders regardless of muzzle velocity.
- (c) **"Chief"** means the Fire Chief of the Conception Bay South Fire Department or other person designated by the Chief in and for the fire protection of the town.
- (d) **"Council"** means the Council of the Town of Conception Bay South or designate.
- (e) **"Nuisance"** means anything or any condition of things which is or may become injurious or dangerous or presents an obstruction to pedestrians or vehicular traffic or anything or any condition of things that, in the opinion of Council, has an unpleasant effect on the senses or adversely affects the amenities of the surrounding property.
- (f) **"Public Address System"** means any system of loudspeakers, amplifiers, microphones or reproducers or any combination of such equipment used in the reproduction or amplication of music, speech or other sounds when used for communication or to otherwise address or entertain groups of people whether the same is mounted upon a vehicle or upon a building or other structure or upon the ground.
- (g) **"Town"** means the Town of Conception Bay South.

3. APPLICATION

These Regulations shall apply within the boundaries of the Town.

4. NOISE

- (a) No person shall create a noise within the Town through the use of fire-arms or other similar noise-making devices, except as may be approved by Council and subject to the approval of law enforcement or other regulatory agencies.
- (b) No person shall create a noise within the Town through the use of shouting or noise-making devices for the purpose of selling wares, soliciting business or attracting attention.
- (c) No person shall create a noise within the Town through the use of motor vehicle horns except as may be reasonably necessary in the opinion of Council for the safety and warning of traffic and pedestrians.

5. NUISANCE

- (a) No person shall fire or discharge an air gun within 300 metres of a house or 1000 metres of a school, playground or athletic field within the Town.
- (b) No person shall fire or discharge an air gun in a manner creating a nuisance.
- (c) A police officer/municipal enforcement officer/peace officer may seize any air gun where there are reasonable and probable grounds to believe that an offence has been committed pursuant to these Regulations.
- (d) Where a charge is not laid pursuant to Regulation 5 (a) and (b) within a period of thirty (30) days from the date of the offence, an air gun seized pursuant to Regulation 5 (c) shall be returned.

6. PEACE AND TRANQUILITY

- (a) No person shall use within the Town, a lawnmower, chainsaw, snowmobile or other machinery or equipment which may disturb the peace and quiet of a neighborhood between the hours of 11:00 p.m. of any day to 7:00 a.m. of the following day, except as may otherwise be approved by Council.
- (b) No person shall create a noise within the Town through the use of a motor vehicle that has no muffler or a defective muffler except as may be necessary to move such motor vehicle to a location for associated repairs.
- (c) No person shall create a noise within the Town through the squealing of tires of a motor vehicle which is caused by unnecessary braking, turning or setting in motion of such motor vehicle.

7. FIREWORKS AND EXPLOSIVE DEVICES

- (a) No person shall detonate fireworks or explosive devices, not used in construction, within the Town unless authorized by the Chief and subject to the approval of law enforcement or other regulatory agencies, with the exception of statutory holidays as declared for New Year's Eve and Canada Day.
- (b) Authorization by the Chief may be granted by a member of the Fire Department from the Kelligrews Fire Department, Monday to Friday between 8:00 AM and 6:00 PM, subject to terms and conditions as may be determined by the Council.
- (c) No fireworks may be discharged within 30 metres of a dwelling, structure, wood, brush or other flammable material.
- (d) All fireworks must be handled and discharged in accordance with directions specified on the fireworks label.
- (e) Authorization by the Chief shall not relieve a person from the responsibilities or liabilities in connection to the purchase, storage and/or use of fireworks.

8. PUBLIC ADDRESS SYSTEMS

No person shall within the Town operate or cause or permit to be operated any public address system, gramophone, radio or other device or apparatus for reproducing or amplifying sound where the sounds of which are capable of being heard on any street in the Town without having first received a license therefore from the Municipal Enforcement Officer or from the Council as hereinafter provided.

- (a) Such license may be granted by the Council for the operation of such apparatus or device between the hours of 10:00 a.m. and 10:00 p.m. and may be refused if, in the opinion of the Council, the operation of such apparatus or device will disturb or tend to disturb the peace and tranquility of the Town or any portion thereof;
- (b) Such license may be granted subject to terms and conditions as may be determined by the Council including the volume of sound to be reproduced by such apparatus or device, and shall be for such period as stated in such license;
- (c) Any license so granted may be cancelled by the Council at any time if, in its opinion, the operation of such apparatus or device for which such license was issued violates any of the terms and conditions attached to such license or disturbs or tends to disturb the peace and tranquility of the Town or any portion thereof.

9. HOURS OF OPERATION

- (a) Between the hours of 11:00 p.m. on any day and 7:00 a.m. of the following day, no person, firm or company or owner of any land or building or premises shall in the Town operate, conduct or carry on or use or cause or permit to be operated, conducted or carried on any industry, business, trade or vocation whatever which makes or allows to be made in connection with such operation, conduct or carrying on of such industry, business, trade or vocation, any noise or music which disturbs or tends to disturb the peace and tranquility of the Town or any portion thereof, or which disturbs or tends to disturb the peace and tranquility of any person residing in the vicinity of such street, building or place, or which can reasonably be deemed to be an

annoyance to any person residing or carrying on business or being in the vicinity of such street, building or place;

- (b) No person, firm or corporation shall permit or maintain a nuisance by creating loud noises or raucous sounds or by creating or participating in any raucous behaviour that, in the opinion of Council, may have an unpleasant or disagreeable effect upon the senses.
- (c) Notwithstanding the provisions of Section 7 (a), Council may grant a license to operate, conduct or carry on any industry, business, trade or vocation which makes or allows to be made in connection with such operation, conduct or carrying on of such industry, business, trade, vocation any noise which disturbs or tends to disturb the peace and tranquility of the Town or any portion thereof between the hours of 11:00 p.m. on any day and 7:00 a.m. if, in its opinion, such operation, conduct or carrying on of such industry, business, trade or vocation is necessary in the interests of public health and safety.
- (d) Such license may be granted upon such terms and conditions as may be determined by the Inspector and shall be for a period not to exceed three 3 days.

10. EXCEPTIONS

- (a) Nothing in these Regulations shall be deemed to prohibit:
 - (i) The sounding of any bell, horn, siren or other warning device of any vehicle the law requires, or when responding to an emergency;
 - (ii) The ringing of church bells or chimes;
 - (iii) The sounding of industrial whistles;
 - (iv) The sounding of motor vehicle horns in a wedding procession or in parades permitted by Council; or
 - (v) The removal of snow by heavy equipment, immediately following a snow storm.
- (b) The provisions of these regulations shall not apply to:

- (i) Any member of the Royal Canadian Mounted Police, Royal Newfoundland Constabulary, Municipal Enforcement Officer or the Conception Bay South Fire Department.
- (ii) A person or an employee of the Town, while any such member or employee is employed in the execution of his duties as a member of such Force.

11. PENALTIES

Every person who is guilty of an offence under these Regulations or who acts in contravention of or fails to comply with any provision thereof, or neglects or refuses to do so:

- (a) Shall be liable to penalties as stipulated in accordance with section 420 of the *Municipalities Act, 1999*; or
- (b) Shall be subject to an order under section 404 (1) (j) of the *Municipalities Act, 1999*; or
- (c) Shall be subject to a violation notice issued under section 421.1 (1) of the *Municipalities Act, 1999*; or
- (d) Shall be issued to a ticket under the *Provincial Offences Act* in accordance with section 421.2 of the *Municipalities Act, 1999*.

12. REPEAL OF PREVIOUS REGULATIONS AND AMENDMENTS

All previous Town of Conception Bay South Noise and Nuisance Regulations and amendments are repealed.

13. COMPLIANCE WITH OTHER ACTS AND REGULATIONS

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 regulations or statute applies the more restrictive regulation or statute shall apply.

14. EFFECTIVE DATE

These Regulations shall come into force on the day of November, 2015.

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 Council on this 17th day of November, 2015.

- carried unanimously

2. Planning and Development Committee Meeting Report

**Resolution #15-435
Councillor Rowe/Councillor Connors**

Be it so resolved that the recommendations/decisions made at the Planning and Development Committee Meeting of November 9, 2015, be accepted as presented.

- carried unanimously

The Planning and Development Committee Meeting Report of November 9, 2015, contains the following recommendations:

1. Rescind Order – 2329 Topsail Road, Topsail

Recommendation:

Be it so resolved that the Order, issued on January 9, 2015, under the Urban and Rural Planning Act, 2000 and the Town of Conception Bay South Development Regulations ordering the removal of a dilapidated accessory building at 2329 Topsail Road, be rescinded as compliance has been achieved.

**5. RECOMMENDATIONS OF ENGINEERING & PUBLIC WORKS COMMITTEE
(Chair, Councillor Richard Murphy)**

Presentation of recommendations of meeting held November 10, 2015

1. Approval to call Tender for Asphalt Roller

Resolution #15-436
Councillor Youden/Deputy Mayor George

Be it so resolved, approval be given to call tender for asphalt roller. Funds are available in Capital Equipment.

- carried unanimously

2. Engineering and Public Works Committee Meeting

Resolution #15-437
Councillor Youden/Councillor Bent

Be it so resolved that the recommendations/decisions made at the Engineering and Public Works Committee Meeting of November 10, 2015, be accepted as presented.

- carried unanimously

**6. RECOMMENDATIONS OF RECREATION & LEISURE SERVICES
COMMITTEE (Chair, Councillor Paul Connors)**

Transferred from Privileged Meeting #21

1. Tender 15-15 Purchase of One (1) New Electronic Timing Equipment

Resolution #15-438
Councillor Connors/Councillor Youden

Be it so resolved that tender 15-15 be cancelled and that approval be given to re-tender for the Purchase of One (1) New Electronic Timing Equipment.

- carried unanimously

No meeting held

7. RECOMMENDATIONS OF FINANCIAL & ADMINISTRATIVE SERVICES COMMITTEE (Chair, Ken George)

Transferred from Privileged Meeting #21

1. Chief Administrative Officer

Resolution #15-439
Deputy Mayor George/Councillor Bent

Be it so resolved that Dan Noseworthy be appointed to the position of Chief Administrative Officer as per the Terms and Conditions of the employment contract.

- carried unanimously

Presentation of recommendations of meeting held November 10, 2015

1. Accounts Payable Cheque Register

Resolution #15-440
Deputy Mayor George/Councillor Rowe

Be it so resolved that approval be given to pay cheques totaling \$160,603.14 as per the attached Accounts Payable Cheque Register Report.

- carried unanimously

2. Ratification of Manual Cheques Previously Released

Resolution #15-441
Deputy Mayor George/Councillor Tilley

Be it so resolved that approval be given to ratify the payment of manual cheques previously released totaling \$345,183.42 as per the attached report.

- carried unanimously

3. Ratification of Direct Payments Previously Released

Resolution #15-442

Deputy Mayor George/Councillor Rowe

Be it so resolved that approval be given to ratify direct payments previously released totaling \$120,425.98 as per the attached report.

- carried unanimously

4. Capital Invoices

Resolution #15-443

Deputy Mayor George/Councillor Connors

Be it so resolved that approval be given to pay capital cheques totaling \$834,160.18 as detailed in the Financial Services Committee Minutes of November 10, 2015.

- carried unanimously

5. Tax and Other Receivables Adjustments

Resolution #15-444

Deputy Mayor George/Councillor Rowe

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

Account 193400872000/001 Request Denied

- 5 yeas
- 2 nays (Bent Connors)
- motion carried

6. Fire Captain

Resolution #15-445
Deputy Mayor George/Councillor Rowe

Be it so resolved that approval be given to appoint Trevor Fagan to the position of Fire Captain as per the terms and conditions of the employment contract.

- carried unanimously

7. Financial and Administrative Services Committee Report

Resolution #15-446
Deputy Mayor George/Councillor Youden

Be it so resolved that the recommendations/decisions made at the Financial and Administrative Services Committee Meeting of November 10, 2015 be accepted as presented.

- carried unanimously

8. RECOMMENDATIONS OF ECONOMIC DEVELOPMENT AND TOURISM COMMITTEE (Chair, Councillor Darrin Bent)

Presentation of recommendations of meeting held November 9, 2015

1. T'Railway Funding – Trans Canada Trail

Resolution #15-447
Councillor Bent/Councillor Youden

Be it so resolved that approval be given to enter into the Funding Agreement with the Trans Canada Trail for a grant totaling \$40,000 to offset development costs for the T'Railway from Pond Road to Doyles Road.

- carried unanimously

2. Business Improvement Association Initiative Fund

Resolution #15-448
Councillor Bent/Councillor Tilley

Be it so resolved that approval be given to provide the Main Street Business Improvement Association with a grant totaling \$35,000 to initiate a facade improvement program and improve the pedestrian realm in the Main Street area. Funds available in account number 01-502-1018-7706.

- carried unanimously

3. Mass Notification

Resolution #15-449
Councillor Bent/Councillor Connors

Be it so resolved that approval be given to engage Everbridge to provide a Mass Notification Service for a three year period at an annual cost of \$9,802 plus hst. Funds available in account number 01-502-5010-5099.

- carried unanimously

4. Manuels River Capital Request

Resolution #15-450
Councillor Bent/Councillor Connors

Be it so resolved that approval be given for the Grand Concourse Authority to improve pedestrian safety at the former Manuels River chalet lot by installing measures to encourage usage of the underpass to access the Centre when parking at the former chalet lot at an allocated budget of \$35,000. Funds available in account number 01-502-1000-7706.

- carried unanimously

5. Economic Development and Tourism Committee Report

Resolution #15-451
Councillor Bent/Councillor Tilley

Be it so resolved that the recommendations/decisions made at the Economic Development and Tourism Committee Meeting of November 9, 2015 be accepted as presented.

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

Deputy Mayor George declared a conflict of interest with items number 10 and 11 contained in the Committee Report due to family members interest. He vacated the Chamber at 7:22 p.m. and returned at 7:23 p.m.

The Economic Development and Tourism Committee Meeting of November 9, 2015 includes the following recommendations:

1. On-line Statistics Access – ESRI Community Analyst

Be it so resolved that the Town acquire a license to Community Analyst at an annual cost of \$4,800 plus HST. Funds are available in account number 01-502-5010-5099.

9. OTHER COMMITTEE REPORTS

Councillor Youden tabled an information package from Visions Atlantic requesting consideration for the Town to partner with them in hiring an individual with intellectual disabilities in our community.

10. NEW BUSINESS

Councillor Connors

invited all residents to come out and support Conception Bay South resident, Makayla Puddicombe, at Mary's Browns in Paradise. Makayla is currently at Sick Kids in Toronto receiving treatment for a brain tumor. For

each Big Mary sold the proceeds will go to Makayla.

Councillor Bent

provided an update on the MNL conference and the Town's resolution to limit the correspondence to members on various leaves. The resolution received 96% support. All presentations are available on line.

Councillor Tilley

work on Long Shore Road is ongoing but nearing completion, he reminds residents to continue to use caution in the area.

Deputy Mayor George

would like to inform our tax payers that the citizens budget is now available on line and encouraged everyone to take part.

Mayor Tessier

had the privileged to address the Legendary Coast AGM which included tourism operators from Eastern Newfoundland. As a thank you, they presented us with a lovely print.

advised residents the Town Hall will be closed on Friday and Monday as we move into our new building.

stated that the Remembrance Day ceremony was the biggest one to date, very pleased to see all ages in attendance.

Councillor Bent passed along his congratulations to the Recreation and Enforcement staff who ensured the safety of all in attendance.

11. ADJOURNMENT

The meeting adjourned at 7:34 p.m.

Resolution #15-452
Councillor Youden/Councillor Rowe

Be it so resolved that the meeting adjourn.

- carried unanimously

Steve Tessier
Mayor

Gail Pomroy
Acting Chief Administrative Officer