

## **REGULAR MEETING #05 March 15, 2016**

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 Connors), Chief Administrative Officer, Dan Noseworthy, Town Clerk Gail Pomroy, Director of Planning and Development, Elaine Mitchell, Director of Engineering and Public Works, Jennifer Lake, Director of Recreation and Leisure Services, Dave Tibbo, Director of Finance, Liz Davis, Director of Economic Development and Tourism, Jennifer Lake, Fire Chief John Heffernan and Communications Coordinator, Kristina George.

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

#### **a. Adoption of meeting agenda of March 15, 2016**

**Resolution #16-075**  
**Councillor Youden/Deputy Mayor George**

Be it so resolved that the agenda of the meeting of March 15, 2016 be adopted as presented.

- carried unanimously

#### **b. Adoption of minutes of meeting of March 1, 2016**

**Resolution #16-076**  
**Councillor Tilley/Councillor Rowe**

Be it so resolved that the minutes of the meeting of March 1, 2016 be adopted as presented.

- carried unanimously

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

Nil

**3. VISITORS, PRESENTATIONS AND PETITIONS**

**a. Proclamation – Purple Day for Epilepsy**

Mayor Tessier proclaimed March 26, 2015 as Purple Day for Epilepsy in the Town of Conception Bay South.

**b. Poetry Month Proclamation**

Mayor Tessier proclaimed the month of April as Poetry Month in the Town of Conception Bay South.

**c. East Coast Trail Memorandum of Understanding**

Randy Murphy and Marie Jones of the East Coast Trail Association were in attendance for the signing of the Memorandum of Understanding.

**Resolution #16-077**

**Mayor Tessier/Councillor Rowe**

Be it so resolved that the Town enter into a Memorandum of Understanding with the East Coast Trail Association to work together to promote the East Coast Trail to residents and visitors, thus encouraging hiking and other outdoor fitness activities.

- carried unanimously

**d. Winterfest Photo Contest Winner**

Mayor Tessier made a presentation to Marilyn Crotty, Winterfest Photo Contest Winner.

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

Presentation of recommendations of meeting held March 7, 2016

**1. Municipal Plan Amendment No. 9, 2015 and Development Regulations Amendment No. 13, 2015 – Back Lot Development**

Councillor Rowe provided the following statement:

These amendments to the Conception Bay South Municipal Plan and Development Regulations were prepared to provide for the development of back lands in the Town.

The Municipal Plan is a comprehensive policy document which directs growth and development of the community. The Town's Development Regulations lay out conditions and standards for development. The Town's current policy does not allow for backlot development.

The Province's Urban and Rural Planning Act, 2000 outlines the process that must be followed to make changes to the Municipal Plan and Development Regulations.

In 2014, Council decided to explore the possibility of allowing backlot development. Council engaged an independent consultant, CBCL Limited, to prepare a report on backlot development. After reviewing this report, Council directed that a Municipal Plan and Development Regulations amendment package be prepared.

On June 10 2015, the Town held a public consultation meeting. In addition, Council received written representations outlining both the challenges and benefits of backlot development. Council adopted the proposed amendments on October 26, 2015 and scheduled the statutory public hearing for January 27, 2016.

Stanley Clinton was appointed as Commissioner to hold the statutory public hearing. The hearing was

advertised in accordance with the requirements of the Urban and Rural Planning Act with notices in the Shoreline and the Telegram and postings on the Town's website, on Facebook and in the Scoop. Approximately 15 people attended.

Mr. Clinton submitted his report, which recommended that Council not approve the amendments.

Each member of Council expressed their support or opposition to this matter.

**Resolution #16-078**  
**Councillor Rowe/Councillor Tilley**

Be it so resolved that the Commissioner's Report and recommendations submitted by Stanley Clinton be accepted;

**AND FURTHER**

Be it so resolved that Municipal Plan Amendment No. 9, 2015 and Development Regulations Amendment No. 13, 2015 be withdrawn and that resolution #15-411 be rescinded.

- 6 yeas
- 2 nays (Burse and Youden)
- motion carried

**2. Legal – 15 Indian Pond Road, Seal Cove**

Councillor Rowe read the following statement:

This file dates back to July, 2013 when the property owner submitted a general repair application to the Town to install a new roof, windows, siding, deck and stairs. In October 2013, the property owner was found to be completing work on an extension which was outside the scope of the general repairs permit. A stop work order was issued and personally served by Town officials. Council confirmed the Order in November 2013.

Council subsequently refused an application for the extension as it was contrary to the Minister's Development Regulations made under the Urban and Rural Planning Act.

Section 12 of the Urban and Rural Planning Act specifies that any plans or regulations made under the Act are binding on Council and any person undertaking development.

In August 2014, it was determined the property owner was continuing to work on the extension without a permit. The Town applied for and was granted an interlocutory prohibitive injunction by the Supreme Court of Newfoundland and Labrador on September 8, 2014.

The Town was granted an order by the Supreme Court of Newfoundland and Labrador on September 24, 2015 stating that the injunction remains in force, that the Town has the legal authority to compel the homeowner remove the extension and restore the property and that, if they failed to do so, the Town had the ability to remove the extension and recover any costs.

The property owner asked Council to accommodate the extension, however, the Town's legal counsel has advised the Town is not empowered to grant such an accommodation and that the extension must be removed.

**Resolution #16-079**  
**Councillor Rowe/Councillor Tilley**

Be it so resolved that the order by the Supreme Court of Newfoundland and Labrador dated September 24, 2015 confirming the Town's authority to require the removal of an extension built at 15 Indian Pond Road, Seal Cove and restore the property be enforced.

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

**3. Request for Municipal Plan and Development regulations Amendments – Hopewell Gardens, Upper Gullies**

**Resolution #16-080**  
**Councillor Rowe/Councillor Murphy**

Be it so resolved that an amendment to the Municipal Plan and Development Regulations redesignating and rezoning land on the west side of Hopewell Gardens, Upper Gullies, to accommodate a serviced residential subdivision be prepared and that the public consultation process be initiated.

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

Councillor Youden declared a conflict of interest with this item as he resides on Hopewell Gardens. He vacated the Chamber at 7:29 p.m. and returned at 7:30 p.m.

**4. Sale of Town Owned Land – 61 Porters Road**

**Resolution #16-081**  
**Councillor Rowe/Councillor Tilley**

Be it so resolved that the Town sell by private sale a portion of Town Owned Land on Porters Road, Kelligrews at the market value of \$500 as well as the provision of a survey and the payment of all related costs.

- carried unanimously

**5. Outstanding Files – Occupied Without Permit**

**Resolution #16-082**  
**Councillor Rowe/Deputy Mayor George**

Be it so resolved that the matter related to residences occupied without permit be referred to the Town's solicitor for legal action.

**AND FURTHER**

Be it so resolved that the occupancy deposits as listed below be taken into general revenue.

Address	Permit Date	Letter Date	Receipt #	Amount
24-26 All Saints Road	July 15, 2004	February 3, 2016	231816	470.00
60-72 Battens Road	December 6, 2013	February 10, 2016	154402	750.00
130 Lawrence Pond Road	October 21, 2013	February 10, 2016	152627	750.00

- carried unanimously

**6. Accessory Building Application – Fagans Road**

**Resolution #16-083**  
**Councillor Rowe/Councillor Bent**

Be it so resolved that the replacement of an existing accessory building at 56 Fagans Road, Kelligrews be permitted.

- carried unanimously

Councillor Youden inquired if the accessory building meets Development Regulations. The Director of Planning and Development advised that this is a replacement of an existing building.

**7. Crown Land Application – Conception Bay Highway, Seal Cove**

**Resolution #16-084**  
**Councillor Rowe/Councillor Murphy**

Be it so resolved that the Town indicate no objection to the acquisition of approximately 1 acre of Crown Land, located off the Conception Bay Highway, Seal Cove, to be utilized for an equipment contractors yard.

- carried unanimously

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

No meeting held.

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

Discussion on Youth Advisory Meeting

Presentation of recommendations of meeting held March 8, 2016

**1. Amend Resolution #16-033**

**Resolution #16-085**  
**Councillor Tilley/Councillor Youden**

Be it so resolved that Resolution #16-033, item # 2, Tender Call – Electric Lift Truck (Forklift) be amended to call tender for one Lift Truck (Forklift).

- carried unanimously

**2. Recreation and Leisure Services Committee**

**Resolution #16-086**  
**Councillor Tilley/Councillor Youden**

Be it so resolved that the recommendations/decisions made at the Recreation and Leisure Services Meeting of March 8, 2016 be accepted as presented.

- carried unanimously

Councillor Tilley highlighted some of the events organized and/or hosted by the Recreation and Leisure Services Department. He also encouraged all to volunteer for the upcoming 2016 NL Summer Games.



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

Transferred from the Committee of the Whole Meeting #05

**1. Donation Request – Chamberlains Park Action Committee**

**Resolution #16-087**

**Deputy Mayor George/Councillor Rowe**

Be it so resolved that approval be given for an in-kind donation in the amount of \$5,000 to the Chamberlains Park Action Committee in support of their continued trail construction. Funds are available in account #01-101-1000-7705.

- carried unanimously

Councillor Rowe commended all the workers for their hard work on this project.

Presentation of recommendations of meeting held March 9, 2016

**1. Accounts Payable Cheque Register**

**Resolution #16-088**

**Deputy Mayor George/Councillor Rowe**

Be it so resolved that approval be given to pay cheques totaling \$170,763.12 as per the Accounts Payable Cheque Register Report.

- carried unanimously

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

**Resolution #16-089**

**Deputy Mayor George/Councillor Rowe**

Be it so resolved that approval be given to ratify the payment of manual cheques previously released totaling \$1,623,551.61 as per the attached report.

- carried unanimously

**3. Ratification of Direct Payments Previously Released**

**Resolution #16-090**  
**Deputy Mayor George/Councillor Tilley**

Be it so resolved that approval be given to ratify direct payments previously released totaling \$282,608.16 as per the attached report.

- carried unanimously

**4. Capital Invoices**

**Resolution #16-091**  
**Deputy Mayor George/Councillor Murphy**

Be it so resolved that approval be given to pay capital cheques totaling \$963,229.60 as listed in the Financial Services Minutes of March 9, 2016 and the Committee of the Whole meeting of March 15, 2016.

- carried unanimously

**5. Tax and Other Receivables Adjustments**

**Resolution #16-092**  
**Deputy Mayor George/Councillor Bursey**

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

EVERA001	\$2,145.55
MAJCO001	\$350.00
LAWRE002	\$749.20
STRIA001	Request Denied
JABAE001	\$1,627.41

- 7 yeas  
- 1 nay (Bent)  
- motion carried

Councillor Bent stated that he would like to see consideration given to adjusting taxes for previous years. He also reminded residents to understand their tax bill and to inquire on the taxes when purchasing a property.

**6. Award of Tender 16-02 – Air Cylinders for Self-Contained Breathing Apparatus**

**Resolution #16-093**

**Deputy Mayor George/Councillor Rowe**

Be it so resolved that approval be given to award Tender 16-02 – Air Cylinders for Self-Contained Breathing Apparatus to Acklands Grainger in the amount of \$22,713.00 all taxes included, the lowest of the bids received and meeting all required specifications. Funds for this purchase will be allocated from account 01-201-1008-7028.

- carried unanimously

**7. Human Resources Coordinator**

**Resolution #16-094**

**Deputy Mayor George/Councillor Bent**

Be it so resolved that approval be given to confirm Ashley Blackmore in the position of Human Resources Coordinator as per the terms and conditions outlined in the contract letter of March 3, 2015.

- carried unanimously

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

**Resolution #16-095**

**Deputy Mayor George/Councillor Rowe**

Be it so resolved that the recommendations/decisions made at the Financial and Administrative Services Committee Meeting of March 9, 2016 be accepted as presented.

- 7 yeas  
- 1 nay (Bent)  
- motion carried

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

Presentation of recommendations of meeting held March 7, 2016

**1. Tax Incentive Program – Andy’s Pet Town (1018 Conception Bay Highway)**

**Resolution #16-096**  
**Councillor Bent/Councillor Tilley**

Be it so resolved that Andy’s Pet Town be included in the Tax Incentive Program.

- carried unanimously

**2. Economic Development and Tourism Committee Report**

**Resolution #16-097**  
**Councillor Bent/Councillor Bursey**

Be it so resolved that the recommendations/decisions made at the Economic Development and Tourism Committee Meeting of March 7, 2016 be accepted as presented.

- carried unanimously

**9. RECOMMENDATIONS OF FIRE, ENFORCEMENT AND PUBLIC SAFETY COMMITTEE (Chair, Councillor Kirk Youden)**

Presentation of recommendations of meeting held March 8, 2016

**1. Fire, Enforcement and Public Safety Committee Report**

**Resolution #16-098**  
**Councillor Youden/Councillor Bent**

Be it so resolved that the recommendations/decisions made at the Fire, Enforcement and Public Safety Committee Meeting of March 8, 2016 be accepted as presented.

- carried unanimously

Councillor Youden reviewed the Fire Department and Enforcement Statistics for 2016 to date. He also advised that he, Mayor Tessier and Chief Administrative Officer, Dan Noseworthy attended the St. George's School Council meeting to discuss student safety.

## 10. OTHER COMMITTEE REPORTS

### a. NEAJC (Northeast Avalon Joint Council)

Mayor Tessier advised that the next NEAJC meeting will be held in Conception Bay South on Wednesday, March 16, 2016 at 7:00 p.m. He encouraged members of Council to attend.

## 11. NEW BUSINESS

### Councillor Bent

noted that the annual Swim for Hope will be held on March 18<sup>th</sup>. He commended the athletes for their fundraising efforts.

### Councillor Tilley

stated that he has received complaints from residents of Kerry Avenue of garbage being blown around. He requested that the Engineering and Public Works Committee review the Garbage and Refuse Regulations and perhaps considering introducing mandatory covering of garbage.

### Deputy Mayor George

advised that last week he had helped celebrate the 140<sup>th</sup> anniversary of Prince of Orange Loyal Orange Lodge (LOL#23) of Kelligrews.

### Councillor Youden

stated that he is disappointed in the low number of residents who are participating in the Town's curbside recycling. He suggested a social media campaign to encourage increase in participation.

### Councillor Murphy

March 22<sup>nd</sup> and 23 the Conception Bay South Fire Department will host and conduct training for first aid for mental health. He stated that

this training is being offered to surrounding organizations at no cost. He commended the Fire Chiefs for their continued efforts.

expressed condolences to the Director of Engineering and Public Works on the recent passing of her mother-in-law.

expressed condolences to the family of Roger Scott, (Scott and Bursey families) a long serving employee with Home Hardware.

**Councillor Bursey**

advised that Roger Scott was a relative of his and also expressed condolences to the families as well as the staff at Home Hardware.

**Mayor Tessier**

stated that he had attended the DARE graduation at Villa Nova Junior High. He stated that he would like representative of the RNC be invited to an upcoming Fire, Enforcement and Public Safety Committee to discuss joint efforts with the Town's Municipal Enforcement unit.

stated that he would like to review the criteria for the Canada 150 Fund to determine if it is possible to commission art work from local artists to display at the Town Hall.

reminded residents to properly dispose of hazardous waste such as unused paint and oil containers. These products do not belong in regular household garbage.

**12. ADJOURNMENT**

The meeting adjourned at 8:15 p.m.

**Resolution #16-099**  
**Councillor Bent/Councillor Rowe**

Be it so resolved that the meeting adjourn.

- carried unanimously

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Steve Tessier  
Mayor

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Gail Pomroy  
Town Clerk