

Regular Meeting #14 September 18, 2018

A Regular Meeting of Council convened in the Council Chambers at 7:04 p.m. in the presence of Deputy Mayor Murphy, Councillors (with the exception of Mayor French), Chief Administrative Officer, Brian Crawley, Town Clerk, Gail Pomroy, Director of Finance, Liz Davis, Director of Planning and Development, Corrie Davis, Director of Engineering and Public Works, Jennifer Norris, Director of Economic Development, Jennifer Lake and Director of Recreation and Leisure Services, Dave Tibbo.

1. ADOPTION OF AGENDAS AND MINUTES

a. Adoption of the Meeting Agenda for September 18, 2018

Resolution #18-321

Councillor Youden/Councillor Davis

Be it so resolved that the agenda of the meeting of September 18, 2018 be adopted as presented.

- carried unanimously

b. Adoption of the Meeting Minutes of September 4, 2018

Resolution #18-322

Councillor Bursey/Councillor Butler

Be it so resolved that the minutes of the meeting of September 4, 2018 be adopted as presented.

- carried unanimously

2. BUSINESS ARISING FROM PREVIOUS MINUTES

Nil

3. VISITORS, PRESENTATIONS AND PETITIONS

a. Rovers Ground Search and Rescue

Deputy Mayor Murphy presented Harry Blackmore, Rovers Ground Search and Rescue with the Town's contribution to the purchase of a drone.

b. Conception Bay South/Paradise Food Bank

Youth Advisory Council Chair, Carissa Haines presented a donation to the Conception Bay South/Paradise Food Bank.

Deputy Mayor Murphy also presented a contribution to the Conception Bay South/Paradise Food Bank from the Town of Conception Bay South.

c. Proclamation – Blood Cancer Awareness Month

Deputy Mayor Murphy and Paul Davis, National Board Member of the Leukemia & Lymphoma Society of Canada, proclaimed the month of September as Blood Cancer Awareness Month in the Town of Conception Bay South.

**4. RECOMMENDATIONS OF PLANNING AND DEVELOPMENT COMMITTEE
(Chair, Councillor Cheryl Davis)**

Presentation of recommendations of meeting held on September 10, 2018

**1. Request for Fence Height Exemption
49 Bishops Road, Long Pond**

**Resolution #18-323
Councillor Davis/Councillor Bursey**

Be it so resolved that Council exercise its discretion under section 16 of the Conception Bay South Fence Regulations and allow a fence under construction at the southern boundary of 49 Bishops Road, Long Pond, to a maximum height of 2.13m (7') high, on the condition that the remainder of the fence complies with CBS Fence Regulations.

- 6 yeas

- 2 nay (Hillier and Bent)
- motion carried

2. Request for Fence Height Exception, 33 Spruce Hill Road, Topsail

Resolution #18-324
Councillor Davis/Councillor Bursey

Be it so resolved that the application to allow an increase to the height of an existing fence from approximately 1.8m (6') to 3.35m (11') above the established grade at 33 Spruce Hill Road, Topsail be refused.

- carried unanimously

3. Planning and Development Committee Meeting Report

Resolution #18-325
Councillor Davis/Councillor Butler

Be it so resolved that the recommendations/decisions made at the Planning and Development Committee Meeting of September 10, 2018, be accepted as presented.

- carried unanimously

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

Transferred from Committee of the Whole meeting #16

1. Seal Cove Bridge Maintenance – Approval to Award

**Resolution #18-326
Councillor Tilley/Councillor Butler**

Be it so resolved that approval be given to award the Seal Cove Bridge Maintenance to CAN-AM Construction 2004 Limited for \$27,700 plus HST, pending applicable Government approvals. Funds are available in the project account.

- carried unanimously

Councillor Tilley read the following statement:

The Town is asking residents to complete a transportation survey to gather feedback on road and traffic enhancements. The survey will be available on the Town's website from September 19 – October 5. There will also be hard-copies versions available at the Town Hall. Using an interactive web map, residents will have the ability to pin point specific locations within the Town and then post comments relating to the area. Submissions could include: intersection improvements, pedestrian safety concerns (crosswalks and sidewalks), suggestions for traffic control signals like stop signs, and other road safety concerns (entrance/exits, volume of traffic, line painting). Visit www.conceptionbaysouth.ca to have your say!

Sewer System:

Your toilet is not a garbage can. Very few items should be flushed down the toilet and flushing certain items can result in a back-up of your sewer line into your home, your neighbors, and creates problems in the Town's sewer system and at the treatment plant.

Sewers are designed to collect and convey wastewater from residential and commercial properties for treatment at the Town's wastewater facility. Therefore, wastewater that comes from flushing the toilet should only contain water, human waste and toilet paper.

Wastewater in our Town travels through a series of pump systems before being treated. Sewermain and pump malfunctions can be very costly and may increase the Town's maintenance cost from year to year.

Common items that should never be flushed include; cleaning and personal care wipes, diapers, foods/fat and grease, heavy paper towels, cigarette waste, hair, and personal hygiene products.

By keeping these items out of the sewer system, not only are you improving the environment but also reducing maintenance expenses.

Presentation of recommendations of meeting held on September 11, 2018

1. Engineering and Public Works Committee Meeting

Resolution #18-327

Councillor Tilley/Councillor Hillier

Be it so resolved that the recommendations/decisions made at the Engineering and Public Works Committee Meeting of September 11, 2018, be accepted as presented.

- carried unanimously

6. RECOMMENDATIONS OF RECREATION AND LEISURE SERVICES COMMITTEE (Chair, Councillor Christine Butler)

Councillor Butler read the following statement:

The Terry Fox Run took place this past Sunday, September 16, 2018. There were approximately 20 participants at the event and over \$750 was raised for the Terry Fox Foundation. This includes online and run day donations. Councillor Bursey and I were also in attendance.

On Wednesday, September 5, 2018 I had the opportunity to attend the Special Olympics Softball Program end of season celebration at the Parson's Rotary Field clubhouse in Seal Cove. This was a great event and really nice to see so many happy faces in attendance. Kudos to Mr. Eric Hart for organizing this event and running the program for another year.

On Saturday September 8 the Town was host to Best Kind Comedy Tour. This was the first of its kind in the new Stadium and while I was not in attendance there were many positives about the show and its set up. Over 1400 people were in attendance .We had some sound concerns from those in the bleachers but staff

will make the necessary arrangements to have this rectified for any upcoming events.

Presentation of recommendations of meeting held on September 11, 2018

1. Recreation and Leisure Services Committee

Resolution #18-328
Councillor Butler/Councillor Bursey

Be it so resolved that the recommendations/decisions made at the Recreation and Leisure Services Meeting of September 11, 2018 be accepted as presented.

- carried unanimously

7. RECOMMENDATIONS OF FINANCIAL AND ADMINISTRATIVE SERVICES COMMITTEE (Chair, Councillor Kirk Youden)

Transferred from Committee of the Whole #16

1. Ricketts Memorial Peace Park

Resolution #18-329
Councillor Hillier/Councillor Youden

Be it so resolved that approval be given for a \$5,500 donation to the Kiwanis Ricketts Memorial Peace Park. Funds are available in account #01-502-1018-7706.

- carried unanimously

2. Premier's Forum on Local Government – Call for Nominations

Resolution #18-330
Councillor Hillier/Councillor Bent

Be it so resolved that Mayor Terry French be nominated to represent the MNL Avalon Region for the 2018 Premier's Forum on Local Government to be held in Gander, NL on October 4, 2018.

- carried unanimously

Presentation of recommendations of meeting held on September 11, 2018

1. Accounts Payable Cheque Register

Resolution #18-331
Councillor Hillier/Councillor Bursey

Be it so resolved that approval be given for the payment of cheques totaling \$40,608.04 as per the Accounts Payable Cheque Register Report.

- carried unanimously

2. Ratification of Manual Cheques Previously Released

Resolution #18-332
Councillor Hillier/Councillor Davis

Be it so resolved that approval be given to ratify the payment of manual cheques previously released totaling \$263,463.25.

- carried unanimously

3. Ratification of Direct Payments Previously Released

Resolution #18-333
Councillor Hillier/Councillor Bursey

Be it so resolved that approval be given to ratify direct payments previously released totaling \$187,690.74.

- carried unanimously

4. Capital Invoices

Resolution #18-334
Councillor Hillier/Councillor Bursey

Be it so resolved that approval be given to pay capital invoices totaling \$1,237,471.89 as listed in the Financial Services Minutes of September 11, 2018 and Committee of the Whole Meeting of September 18, 2018.

- 7 yeas
- 1 abstention
(Murphy)
- Motion carried

Deputy Mayor Murphy declared a conflict of interest with a Capital Invoice, Eric Taylor Ltd. as it is owned by a family member. He vacated the Chamber at 7:38 p.m. and returned at 7:39 p.m. Councillor Davis took the Chair.

5. Tax and Other Receivables Adjustments

Resolution #18-335
Councillor Hillier/Councillor Bent

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

COMPA003	\$449.28
ESTAE004	\$1,219.74
PETTK004	\$622.53
10991001	\$3,448.87

- carried unanimously

6. Third Party Collections

Resolution #18-336
Councillor Hillier/Councillor Bursey

Be it so resolved that approval be given to proceed with third party collection on the accounts as follows:

320-322	ANCHORAGE ROAD	5,441.65
275-277	ANCHORAGE ROAD	3,810.73

36	CHAMBERLAINS ROAD	5,332.74
295	CONCEPTION BAY HIGHWAY	5,139.36
49-51	DANIELS ROAD	3,248.58
44-46	DICKS PLACE	4,682.55
41-43	DICKS PLACE	3,378.42
128-132	DUNNS HILL ROAD	8,218.13
34	FAGANS ROAD	10,419.58
255-257	FOWLERS ROAD	12,932.64
126-128	GARDEN ROAD	15,241.17
61-63	GREELEY GARDENS	7,280.78
13- 15	JENNINGS PLACE	7,478.33
73-75	LEGION ROAD	17,443.55
189	PEACHYTOWN ROAD	10,161.40
45	PEACOCK PLACE	4,674.56
26-48	POCKET ROAD	3,103.06
27-39	POCKET ROAD	2,975.76
43-49	POCKET ROAD	4,558.72
66-68	POCKET ROAD	5,585.76
18-24	POMEROY PLACE	1,990.26
43	POTTLES LANE	3,930.00
14- 20	RED FERN LANE	12,904.99
6	RED SKY ESTATES	1,037.92
23	ROBERTS ROAD NORTH	2,746.21
330-334	SEAL COVE ROAD	2,830.47
15A	SEAVIEW PLACE	2,618.18
12	STARRIGAN PLACE	5,052.88
19	TALCVILLE ROAD	1,841.97
23	TOPSAIL HEIGHTS	6,648.40

- carried unanimously

7. **Open Air Fire Regulations – Amendment**

Resolution #18-337
Councillor Hillier/Councillor Butler

Be it so resolved that approval be given to adopt the Open Air Fire Regulations as presented.

OPEN AIR FIRE REGULATIONS

PUBLISHED BY AUTHORITY

Pursuant to the powers conferred by Section 414 (2)(ee) of the *Municipalities Act, 1999*, the Town of Conception Bay South has made the following Regulations.

TERRY FRENCH
MAYOR

REGULATIONS

1. TITLE

These Regulations may be cited as the “Town of Conception Bay South Open Air Fire Regulations”.

2. DEFINITIONS

- (a) **“Chief”** shall mean 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.
- (b) **“Fire Department”** shall mean the Conception Bay South Fire Department.
- (c) **“Open Air Fire”** shall mean any fire that is caused, set, lit or otherwise ignited outside the confines of any building. For the purposes of these Regulations, it does not include any fire that is caused, set, lit or otherwise ignited in open-air fireplaces, grills, or barbecues or barrels.

- (d) **“Permit”** shall mean a permit for Open Air Fire.
- (e) **“Regulations”** shall mean the Town of Conception Bay South Open Air Fire Regulations.
- (f) **“Suitably Equipped”** shall mean being in possession of tools or equipment, including without limitation, brooms, rakes, back tanks, shovels, hoses and an adequate water supply, which shall be used to contain and/or prevent the spread of a fire ignited in the open air.
- (g) **“Town”** shall mean the Town of Conception Bay South as defined by the Act.

3. **APPLICATION OF REGULATIONS**

These Regulations shall apply to all areas of the Town and during the entire year.

4. **PERMIT**

- (a) No person or persons shall cause, set, light or otherwise ignite an open-air fire within the boundaries of the Town without first applying for and obtaining a permit from the Chief.
- (b) Notwithstanding Section 4(a), no permit is necessary to burn in a barrel, provided:
 - (i) The barrel is covered with a screen with a mesh no larger than ½ inch and completely contains the fire;
 - (ii) The barrel is located on private property and kept at least 15 metres from the nearest woods, brush, or flammable material;
 - (iii) The unit rests on legs or supports and is placed on mineral soil or non-combustible material having a surface area of a minimum of 1.5 square metres;

- (iv) The barrel is made entirely of non-combustible materials, is in good condition and an attendant is on the site if the fire weather index is extreme or high; and
 - (v) The barrel ash is totally extinguished before being discarded on minerals soil at least 15 metres from any woods, brush, or flammable material.
- (c) Notwithstanding Section 4(a), no permit is necessary to burn in an outdoor wood burning unit provided:
- (i) The unit is made entirely of non-combustible material;
 - (ii) The unit completely contains the fire;
 - (iii) The unit is screened to prevent the escape of sparks or other burning material;
 - (iv) The unit rests on legs or supports and is placed on minerals soil or non-combustible materials having a surface area of a minimum of 1.5 square metres, and
 - (v) The unit is located a minimum of 3.5 metres from the nearest woods, brush or other flammable material.
- (d) Where a permit is not required under sections 4.2 and 4.3, this shall not relieve a person from the requirements set out in Section 5 of these Regulations as if they were a permit holder.
- (e) Notwithstanding Section 4(a), following the Department of Fisheries and Land Resources Forest Fire Regulations under the Forestry Act (O.C. 96-178) no permit is required on a sand or gravel beach or quarry if:
- (i) the fire is located at a distance of not less than 15 metres from the nearest woods, brush or other flammable material,
 - (ii) the fire does not exceed a surface area of 0.4 square metres,

- (iii) the fire is located at a distance of not more than 1.25 metres from a body of water whose surface area exceeds 10 square metres;
- (f) A permit may be issued by a member of the Conception Bay South Fire Department, on behalf of the Fire Chief from Station 1 in Kelligrews or Station 2 in Topsail, 7 days a week from 8:00 a.m. to 8:00 p.m.
- (g) In making a determination under Section (a), the Chief may take into consideration the following:
 - (i) The number of permits issued on a particular day;
 - (ii) The velocity of the wind;
 - (iii) The general weather conditions prevalent;
 - (iv) Whether or not the applicant is suitably equipped to ensure the fire is maintained under control;
 - (v) The proposed manner and method of burning;
 - (vi) Whether the applicant owns or is the occupant of the land upon which the burning is intended to occur, or has the written consent, produced prior to the issuance of the permit, of the owner of the land, which the burning will occur;
 - (vii) Whether the applicant is 19 years of age or older and ensures that at least one other person, of 19 years of age or older, suitably equipped to control the fire, will be present while the fire is burning or smoldering;
 - (viii) Any other manner the Chief determines relevant to safety.
- (h) Where the Chief determines that the proposed burning would be a hazard to safety or where there is a failure to meet the

requirements of these Regulations, the Chief shall refuse to issue a permit. Furthermore, where a hazard to safety has been created, the Fire Department may extinguish the fire and anything else that is necessary to eliminate the hazard, the costs of which may be recovered from the person responsible for creating the hazard, as a civil debt.

- (i) The Chief may specify on the permit the hours of the day and the number of days during which the permit shall be valid, and in so doing, may distinguish between permits issued for commercial or other uses.
- (j) If the person attempting to obtain a permit is not the owner of the land on which the burning is intended to occur, then written consent of the owner of the land must be obtained before any permit is approved.
- (k) The Chief may include in a permit those items and conditions that he or she considers appropriate for the permit being sought.
- (l) A permit may, by oral or written notice be cancelled or suspended at any time by the Chief or his/her designate, and upon receiving notice of a cancellation or suspension, the permit holder shall immediately extinguish any fire caused, set, lit, or otherwise ignited under the permit.

5. DUTIES OF PERMIT HOLDER

- (a) The holder of the permit who causes, sets, lights, otherwise ignites an open air fire shall not leave the fire unattended and shall take every reasonable and reasonably foreseeable precaution to prevent the fire from spreading and shall not leave the fire unattended until it is completely extinguished.
- (b) A permit holder shall not burn more than one pile of material at any given time.
- (c) A permit holder shall not ignite any fire when the wind is blowing of sufficient velocity such that it may jeopardize the permit holder's ability to control the fire.

- (d) The permit holder shall ensure that the method of burning and material burned is consistent with the information provided by the Chief when the permit was issued.
- (e) The Fire Department shall be immediately notified if the fire is or appears to be getting out of control.
- (f) No person or permit holder shall light, ignite, or start or allow or cause to be lighted, ignited or started, a fire of any kind whatsoever in the open air without being suitably equipped to contain or extinguish the fire.
- (g) The holder of the permit will not be permitted to burn any petroleum-based product, such as oil, rubber tires, plastic, shingles, electrical wire etc.
- (h) A person must not light any fire that will cause smoke from said fire to cause irritation to neighbouring properties.
- (i) The possession of a permit does not discharge the person to whom it is issued from responsibility for damage resulting from the open-air fire.
- (j) A person to whom the permit is issued shall keep a copy of the permit on site where the burning is taking place.

6. 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 a ticket under the *Provincial Offences Act* in accordance with section 421.2 of the *Municipalities Act, 1999*.

7. REPEAL OF PREVIOUS REGULATIONS AND AMENDMENTS

All previous Town of Conception Bay South Open Air Fire Regulations and amendments are repealed.

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 applies the more restrictive Regulation or Statute shall apply.

9. EFFECTIVE DATE

These Regulations shall come into force on the 19^h day of September, 2018.

- carried unanimously

8. Appointment of Appeal Assessment Commissioner – Year 2019

Resolution #18-338
Councillor Hillier/Councillor Davis

Be it so resolved that the Town of Conception Bay South appoint Mr. Tom Strickland as the Appeal Assessment Commissioner for the year 2019.

- carried unanimously

9. Financial and Administrative Services Committee Report

Resolution #18-339
Councillor Hillier/Councillor Davis

Be it so resolved that the recommendations/decisions made at the Financial and Administrative Services Committee Meeting of September 11, 2018 be accepted as presented.

- carried unanimously

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

Presentation of recommendations of meeting held on September 10, 2018

1. 2019 Traveller's Guide

Resolution #18-340
Councillor Bent/Councillor Tilley

Be it so resolved that the Town place an ad in the 2019 Traveller's Guide at a cost of \$2,035 plus HST. Funds are available in account 01-502-1000-7005.

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

Councillor Youden declared a conflict of interest with this item due to the involvement of his employer. He vacated the Chamber at 7:42 p.m. and returned at 7:43 p.m.

2. Horizons

Resolution #18-341
Councillor Bent/Councillor Butler

Be it so resolved that the Town place a half-page ad in the October 2018 edition of Horizons at a cost of \$1,650 + HST. Funds are available in account 01-502-1000-7005.

- carried unanimously

3. Communications and Economic Development Committee Meeting Report

Resolution #18-342
Councillor Bent/Councillor Tilley

Be it so resolved that the recommendations/decisions made at the Communications and Economic Development Committee meeting of September 10, 2018 be accepted as presented.

- carried unanimously

9. OTHER COMMITTEE REPORTS

Nil

10. NEW BUSINESS

Councillor Youden

stated that there is a trailer located within the City of St. John's Boundary, at the end of Daniels Road that he suspects contains hazardous materials. He requested correspondence be sent to the City of St. John's and the Department of Municipal Affairs and Environment to request clean up. Deputy Mayor Murphy supported this request.

Councillor Butler

stated that in an effort to help raise money for the Kids Eat Smart Program, staff at the Town Hall will be holding a Jeans Day on Tuesday,

November 6, 2018 in support of this initiative. All funds raised by an individual or group will go towards the Kids Eat Smart breakfast program for the area. As this is a Council day it would be great to see the Mayor and fellow Councillors participate.

stated that the Walking for Wellness program started up last Wednesday with a beautiful Worsley walk. As a reminder this weeks walk will be the River Walk, and the meeting location is the Kiwanis Club, meeting time 10:30 a.m. on Wednesday, September 19, 2018.

Deputy Mayor Murphy

stated that Mayor French sends his regrets for the meeting tonight. Mayor French is out of town for work commitments.

stated that the Committee members have been changed and will come into effect prior to the next Council meeting of October 2, 2018.

encouraged emergency preparedness as we enter into hurricane season.

11. ADJOURNMENT

The meeting adjourned at 7:49 p.m.

Resolution #18-343
Councillor Youden/Councillor Davis

Be it so resolved that the meeting adjourn.

- carried unanimously

Richard Murphy
Deputy Mayor

Chery Davis
Councillor

Gail Pomroy
Town Clerk