

Public Meeting of Witless Bay Council
Town Hall - 7:30 p.m.
August 12, 2014

Attending: Mayor Sébastien Després, Deputy Mayor Dena Wiseman
Councillors: René Estrada, Ralph Carey, Ann Marie Hann, Jacqueline Mair

Reporting: Geraldine Caul

1. The meeting was called to order at 7:35 p.m. by Mayor Sébastien Després.
[New Councillors Ann Marie Hann and Jacqueline Mair were sworn in on July 30, 2014].

2. **2014-183** Ralph Carey/Jacqueline Mair
Be it resolved Council adopt the August 12, 2014 agenda.
Amendment - Additions to agenda:
Notice of Motion for regulations on snow clearing
Notice of Motion for regulations on Professional Development
Motion to paint the Rec Building parking lot and The Avenue

2014-184 René Estrada/Ann Marie Hann
Be it resolved Council adopt the August 12, 2014 agenda as amended for additions.
Amendment carried unanimously
Motion carried unanimously.

3. **2014-185** Dena Wiseman/René Estrada
Be it resolved Council adopt the July 8, 2014 Minutes of Meeting as presented.
Motion carried unanimously.

4. Business arising from minutes:

a. Ratifying Code of Ethics - Sébastien explained that Council presented a Code of Ethics at July's public meeting, and that this document would be presented for adoption at this meeting. Dena Wiseman read out the Code of Ethics. (Attachment #1). Council made two changes to the Code of Ethics:

Number 1.B.2 is amended to read: "*Personnel, legal and property-related issues pertaining to private individuals are confidential matters and must never be made public. Only the final decisions requiring official council ratification by a motion in a public meeting need to be brought forward. All other deliberations shall be conducted openly in an atmosphere of respect and civility.*"

Number 1.D.8 is amended to read: "*Members of Council and employees of the municipality shall not advocate on behalf of a relative, as defined by the Municipalities Act, to be hired, employed, promoted, transferred or advanced to any full or part-time employment with the Town of Witless Bay. Nor shall a Town official or employee participate in any action relating to the discipline of a relative.*"

2014-186 Dena Wiseman/Ralph Carey
Be it resolved Council amend these two sections of the Code of Ethics as amended.
Motion carried unanimously.

2014-187 Jacqueline Mair/René Estrada

Be it resolved Council adopt omnibus the Code of Ethics as amended.

Motion carried unanimously.

- b. Structure removal on 432 Southern Shore Highway - Ralph Carey reported that he visited the site and the structure was still only partially removed. Council agreed that the resident would be given one week to have it removed, otherwise, Council would do so at the resident's expense.

2014-188 Ralph Carey/Jacqueline Mair

Be it resolved the Town contact the resident in writing to inform him the structure is to be removed in 7 days. Be it further resolved, if after that period there is no movement, Council will take action to remove it at the resident's expense.

Motion carried unanimously.

- c. Election results - Sébastien explained that on July 16th, the Town held a by-election, and that three candidates were nominated for the two positions open on Council. He said a total of 227 ballots were cast, with Ann Marie Hann receiving 154 votes, Jacqueline Mair receiving 125 votes, and Joan Tobin receiving 91 votes. Congratulations were extended to the Town's two new councillors, Ann Marie Hann and Jacqueline Mair.
- d. Public Hearing for the Town Plan - Sébastien reported that the Town has adopted the Witless Bay Municipal Plan and Development Regulations 2014-2024 at the July public meeting, and that a Public Hearing was then held on August 7, by Commissioner Tom Strickland. He further explained that eight letters were received by Council, and a number of other residents and stakeholders presented their views at the hearing. Sébastien said that the Commissioner must file his report within 30 days of the hearing, and once the report is submitted, Council will consider the Commissioner's recommendations, make the revisions Council deems necessary, and make a motion to approve the Plan as amended. Once the Plan is approved by Council, it will be forwarded to Municipal Affairs for registration, and placed in the Gazette, at which time it will become a legal document and will be in force.
- e. Motion: Development Control Officer - Ralph Carey reported that the Town has met with Pat Curran to develop a framework for this position. He said Pat submitted a proposal to the Town, which provides Council with an idea of what will be required in terms of background and skills, expected salary, and also provides ideas on how to obtain further funding related to this position. Ralph said the Town will again reach out to other select communities to see if they want to cost share for this position.

[Due to the level of education, experience (to include Municipal Development Regulations and By-laws), and extensive duties required for this position, the starting salary is expected to be in the area of \$47,500 - \$59,000, over a 3-year period (includes benefits, admin costs, etc.). On a cost-shared basis at 50%, the anticipated average cost per Town would be approximately \$29,500.]

2014-189 Ralph Carey/Ann Marie Hann

Be it resolved Council approach other towns as possible partners, and approach government for possible funding assistance.

Motion carried unanimously.

- f. Motion: Begin process of moving the fire department to the municipal garage - It was noted that discussions were held previously regarding the fire department moving into the municipal garage because they needed more space.

2014-190 Dena Wiseman/Jacqueline Mair

Be it resolved Council and the fire department begin the process of moving the fire department into the Municipal Garage.

Motion carried unanimously.

- g. Application to extend culvert on 37 Country Path Drive - Sébastien explained that the Town sought advice from the Engineer on this application, but the information has not been received at this time.

2014-191 Ralph Carey/Jacqueline Mair

Be it resolved Council table this application until the information has been received from the Town's engineer.

Motion carried unanimously.

- h. Discretionary Use Notice for Smoke House on Northside Track - At the July meeting Council reviewed an application for a Smoke House on Northside Track. He said eight responses were received with concerns relating to potential issues with offensive fumes, allergies, air quality, and market value of properties. Sébastien said that Councillor Kevin Smart, who has extensive experience with the Smoke House business, asked that Council table this item until he can do a site visit.

Sébastien vacated the Chair at 8:03 p.m. and was replaced by Dena Wiseman. Speaking as a councillor, Sébastien explained that Council would be better informed if the decision was tabled until Kevin could do a site visit.

2014-192 Dena Wiseman/Jacqueline Mair

Be it resolved Council table a decision on the application for Smoke House, until Kevin Smart has completed a site visit. Be it further resolved, with the agreement of the applicant, all residents who submitted written responses be forwarded a copy of the applicant's detailed responding letter.

Motion carried unanimously.

Sébastien returned to the Chair at 8:06 p.m.

- i. Ditching and shouldering tender results - There was one quote submitted from Harbour Construction Ltd.

2014-193 Ralph Carey/Ann Marie Hann

Be it resolved Council accept the quote from Harbour Construction Ltd. of \$17,673.20 for ditching and shouldering.

Motion carried unanimously.

- j. Tender for pothole repairs - There was one quote submitted from Dominion Paving for \$39,500 plus HST (\$44,635.00), which is much higher than the Town is allowed to spend without going to a formal tendering process.

2014-194 Ralph Carey/Jacqueline Mair

Be it resolved Council prepare a tender for potholes and swales.

Motion carried unanimously.

- k. Tourism Development Workshop - Aug. 23, 2014 - Sébastien explained that the workshop was discussed at the July public meeting, and that this is just a reminder for people to register before next week. He said the workshop, which is financed by the Province, will be from 8 a.m. to 8 p.m. in Council Chambers.

5. New Business:

- a. Notice of Motion to review fence regulations - Ralph Carey reported that there were several inquiries regarding fence regulations and how it relates to the old and new sections of the town. Ralph suggested Council get input from snow clearing contractors to determine how the regulations work with snow clearing operations.

Sébastien vacated the Chair at 8:22 p.m. to discuss this item. He explained that the Town's current fence regulation requires that they must be between 1.2m and 3.7m in height, and not closer than 35 feet from the centre line of the roadway. He said a reservation is needed to discourage fence lines close to the street due to potential damage to fences during snow clearing, but that 35 feet may be excessive.

- b. Fence around the swimming pool - Sébastien explained that the fence was completed and a motion was made at July's meeting to accept the lowest bid.

Sébastien returned to the Chair at 8:25 p.m.

- c. Remote meeting attendance and youth representatives - Sébastien said that a few months back the provincial government announced that youth representatives would become an option for Councils, and that this option is now open to Councils.

Sébastien vacated the Chair at 8:27 p.m. and was replaced by Dena Wiseman.

In reference to the remote meeting option, Sébastien expressed that this may not be possible at this time because the Town is not currently set up for it. It could also be disruptive.

Sébastien felt the youth representation would be an excellent idea. He explained that having a youth representative at the table with Council would strengthen Councils' ties to the younger generation, reinforce these youths' ties to their communities, and give Council a liaison with other youths in the community. Having a voice speaking on behalf of young people at the council table will serve as a constant reminder that presence of a youth representative will also give community leaders an important opportunity to foster interest in governance and provide mentorship for the next generation of councillors and mayors.

Sébastien gave Notice of a Motion to ratify the Town's policies on Youth Representation and remote meeting attendance for September's public meeting. He said Council should have a draft policy developed by then.

Sébastien returned to the Chair at 8:35 p.m.

- d. Capital Works 2015-2016 - Applications for 2015-2016 Capital Works are due by October 17, which means that Council will have to identify projects, and have a motion ready for September meeting.
- e. MNL Memo and Convention 2014 - Sébastien announced the Annual Convention was taking place in Corner Brook. He said the MNL's Rural Forum will be held on October 8, followed by the Convention from the 9th to the 11th.
- f. Setting a fee structure for the Witless Bay Community Centre - Sébastien explained that it was mentioned at a previous meeting that Council would be setting a fee structure for the Recreation Building. The proposed fee structure will be as follows:
 - \$100 for the first three hours, and \$50/hour thereafter.*
 - \$200 for full evening rental (from 5:00 p.m. to 8:00 a.m. the next morning.*
 - \$300 for full day rate (from 9:00 a.m. to 8:00 a.m. the next morning)*

Jacqueline Mair read the proposed Rental and Use Policy for the use of this building. (Attachment #2).

2014-195 Jacqueline Mair/Ralph Carey

Be it resolved Council adopt the Rental Use and Policy, and the Fee Structure.

Discussion: Rene Estrada noted there was no mention in the policy of where and whom to return the key.

Sébastien said the Town could either have a drop box installed, or it could be returned to one of the 50+ members who would be maintaining the building. He said the Town has not yet met with the 50+ to determine the terms, but that it will be added to the Policy once it has been clued up.

There was also a suggestion made to further discuss the section pertaining to non-rental for the peak time of Friday from 5 p.m. to Saturday 8 a.m.

Motion carried unanimously.

- g. Request for weekly use of Witless Bay Community Centre - documentation was not received for meeting so no action is required.
 - h. Ratification of Group - related to item g. No documentation was received for meeting, so no action is required.
 - i. St. John's Regional Fire Department Schedule of Fees – Because this item was for information purposes, Sébastien simply read out the submission. (Attachment #3).
6. Committee Reports:

Finance -

- a. Income statement and monthly payables - Information purpose.
- b. **2014-196** Jacqueline Mair/Ralph Carey
Be it resolved Council make payment to Kendall Engineering in the amount of 891.94 for Witless Bay Community Centre (Consultant fees).
Motion carried unanimously.

- c. **2014-197** Ralph Carey/Jacqueline Mair

Be it resolved Council make payment to Kendall Engineering in the amount of \$1700.84 for Witless Bay Community Centre's Parking Lot Project.

Motion carried unanimously.

NEAR Plan - Sébastien announced that Council and Town Staff will be attending an information session on Phase One Development of the Northeast Avalon Regional (NEAR) Plan by Tract Consulting at the Bay Bulls Council office the following evening at 7:30 p.m.

- a-e. **Community Enhancement Committee** - Sébastien vacated the Chair at 9:07 to discuss items relating to this committee.

Sébastien reported that paint is purchased for the chalet and the swimming pool dressing rooms, and this work will be done soon. He said the Enhancement Committee is working on preparations for the Tidy Town's judging which will include taking the judges on an Eco tour of the bird island, a 4-wheeler trip to the Tolt, and a pot-luck at Juergen Schau's place at 1:00. The Tidy Town's community profile needs to be completed. This will be a 10 page binder profiling Witless Bay, with 8 categories which were listed at the last meeting (*tidiness, environment awareness, community involvement, natural & cultural heritage policy, tree & urban forest management, landscaped areas, and turf covering*). Sébastien said anyone wishing to help draft this document can contact him.

- f. Tidy Town maintenance person/summer student - Sébastien asked that the maintenance person and summer students focus on preparations for the Tidy Town's judging, and that the individuals should work on the planned routes for the judges (clearing around the Tolt, community trail from Upper Pond to the Recreation area, etc.).

Sébastien returned to the Chair at 9:15 p.m.

Emergency Planning Committee - Sébastien announced that this committee is now officially formed. The committee will also include a few members of Council and a Staff member. Sébastien added that two members of Council and one staff member have now completed the Incident Command Systems training course.

2014-198 Sébastien Després/Jacqueline Mair

Be it resolved that a meeting of the Regional Fire Committee be held on August 27, 2014 at 7:00 p.m.

Motion carried unanimously.

Public Works -

- a. Residential dwelling on 153 Harbour Road - It was noted the access for this proposed development was Jockey's Lane, a road which has not being maintained by the Town in a number of years. A brief discussion resulted in several questions such as: whether it was a town road/publicly maintained road, whether it was eligible for 90/10 per the Limits of Service mapping, whether it could be used as a one way road, and whether applicant should be given the option of bringing the road to the Town Standard, etc. If approved, it would mean Council accepts responsibility for the maintenance of the road unless there is a condition for the applicant to upgrade to these standards.

2014-199 Ralph Carey/Jacqueline Mair

Be it resolved Council approve the application on 153 Harbour Road contingent on the applicant upgrading the road to town standards.

Discussion: It was noted the applicant owns 3 lots and only one other development can be a back lot development onto Harbour Road.

Ralph Carey recommended Council meet with the applicant, because a one-way road might serve the community better. Council agreed to table this application and to invite the applicant to meet with them on August 26th.

Motion carried unanimously.

- b. Residential dwelling on Lot 58 Country Path Drive -

2014-200 Ralph Carey/Dena Wiseman

Be it resolved Council approve in principle residential dwelling on Lot 58 Country Path Drive, subject to approval from Services NL.

Motion carried unanimously.

- c. House to use for cabin on 73 Gallows Cove Road - It was noted the lot was zoned partially residential and partially rural, and that the Town's development standards don't permit cabins to be built in residential areas.

2014-201 Ralph Carey/Jacqueline Mair

Be it resolved Council **deny approval of application** to construct a house to be used for a cabin on 73 Gallows Cove Road because the Town's development standards don't permit cabins in residential areas.

Motion carried unanimously.

- d. Garage & culvert for driveway into garage from new road on 33 Country Path Drive -

2014-202 Ralph Carey/Jacqueline Mair

Be it resolved Council approve culvert & garage on 33 Country Path Drive. Be it further resolved applicant be informed the culvert will need to be inspected and approved by Public Works before the shed permit is given.

Motion carried unanimously.

- e. Garage on 40 Southside Track -

2014-203 Ralph Carey/Jacqueline Mair

Be it resolved Council approve personal use garage on 40 Southside Track.

Motion carried unanimously.

- f. Extension to residence on 229 Dean's Road -

2014-204 Ralph Carey/Jacqueline Mair

Be it resolved Council approve extension to residence on 229 Dean's Road.

Motion carried unanimously.

- g. Fence on 4 Island View Drive –

2014-205 Ralph Carey/Jacqueline Mair

Be it resolved Council approve fence on 4 Island View Drive, on the condition that there is enough space maintained from adjacent boundary lines (1 metre).

Motion carried unanimously.

- h. Light distribution approval for Emerald Estates -

2014-206 Ralph Carey/Ann Marie Hann

Be it resolved Council approve the light distribution selected for Emerald Estates.

Motion carried unanimously.

- i. Home-based business for Youth Ventures (nail service) on 16 Gallows Cove Road -

2014-207 Ralph Carey/Jacqueline Mair

Be it resolved Council approve Youth Ventures business application for nail service on 16 Gallows Cove Road contingent on the business meeting parking requirements.

Motion carried unanimously.

- j. Home-based business (Crafts, ie. Jewelry, embroidery, beauty products, etc.) on 94 Gull Pond Road-

2014-208 Ralph Carey/Ann Marie Hann

Be it resolved Council approve home-based business for Crafts on 94 Gull Pond Road contingent on the business meeting parking requirements.

Motion carried unanimously.

- k. Sébastien gave a Notice of Motion for Regulation on Snow Clearing for September's public meeting.

- l. Sébastien gave a Notice of Motion for Regulations on Professional Development for September's public meeting.

- m. **2014-209** Ralph Carey/Jacqueline Mair

Be it resolved Council obtain a cost and proceed to paint the Recreation parking lot and The Avenue.

Motion carried unanimously.

7. **2014-210** Ralph Carey/Dena Wiseman

Be it resolved Council adjourn at 9:55 p.m.

Motion carried unanimously.