

Public Meeting of Witless Bay Council

January 12, 2016

Attending: Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillor Kevin Smart, Councillor Albert Murphy and Councillor Rene Estrada

Absent: Councillor Ken Brinston

Recording: Geraldine Caul/Barb Harrigan

1. The meeting was called to order at 7:34 p.m. by Mayor Sebastien Despres.
2. **2016-001** Councillor Ralph Carey/Councillor Kevin Smart
Be it resolved Council adopt the January 12, 2016 agenda as presented.
Motion carried unanimously.
3. **2016-002** Deputy Mayor Dena Wiseman/Councillor Ralph Carey
Be it resolved Council adopt the December 8, 2015 Minutes of Meeting as presented.
For the motion: Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillor Kevin Smart, Councillor Ralph Carey, Councillor Rene Estrada.
Against: Councillor Albert Murphy.
Motion carried.
- 4a. Correspondence: Mayor Dennis O'Keefe -Mayor Despres reported that Council received a letter from Mayor Dennis O'Keefe relating to motorcycles with straight pipes. The City of St. John's is requesting other municipalities to consider their support in asking the Province to legislate against motorcycles which make excessive noise. No action is being asked of Council at this time but Mayor O'Keefe states in his letter that the City of St. John's requests that "consideration be given to recommending amendments to existing legislation that do allow for this growing problem to be effectively addressed." Council can consider whether residents of Witless Bay will be affected by such legislation and we could address it at a future meeting.
- b. Plowing of roads which are not on the Limits of Service Map –
2016-003 Dena Wiseman/Ralph Carey
Be it resolved that Council consider and discuss each road on a case by case basis.
For the motion: Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillor Ralph Carey, Councillor Rene Estrada, Councillor Kevin Smart.
Against: Councillor Albert Murphy.
Motion carried.

Dena said that since some councillors may consider that there may be a potential conflict of interest if she participates in a discussion on snow clearing on Pond Path at this meeting tonight,

she asked that Council make a formal decision on this tonight. Councillor Ralph Carey asked that Council also make a formal decision regarding him on this same item.

Deputy Mayor Dena Wiseman and Councillor Ralph Carey left the Chamber at 7:41 p.m. for Council to discuss.

Mayor Despres explained that the reason for this request from Deputy Mayor Wiseman and Councillor Carey is because this came up a year and a half ago during an informal discussion prior to a public meeting, and at the time there was uncertainty about whether or not they would be in a conflict of interest because they own land that partially fronts on that road. What wasn't clear at the time, because some of the surveys are incorrect, is the fact that only a small part of the parcel fronts on Pond Path. What Council has to decide right now is, given the fact that the entirety of their parcel is accessible from the Southside Track, is there a potential for financial interest in the plowing of Pond Path for these councillors.

2016-004 Councillor Albert Murphy/Councillor Rene Estrada

Be it resolved Council defer making a decision on potential conflicts of interest until the next public meeting.

For the motion: Councillor Albert Murphy, Councillor Rene Estrada, Councillor Kevin Smart.

Against: Mayor Sebastien Despres.

Motion carried.

Deputy Mayor Wiseman and Councillor Carey returned to the Chamber at 7:45 p.m. Mayor Despres informed them of Council's decision not to make a decision on their possible conflict of interest, and that this item had been deferred until the next public meeting.

Councillor Ralph Carey reminded Council that at last month's meeting he brought the conflict of interest guidelines back to Council that he received at training [offered by Municipal Affairs] so councillors could make informed decisions on all potential conflict of interest matters.

- c. Advancing the Town of Witless Bay Municipal Plan – Mayor Despres left the Chair to make a motion, and was replaced by Deputy Mayor Wiseman.

Councillor Ralph Carey stated that before Mayor Despres begins, he would like to invite members of Council to consider whether they are in a conflict of interest in relation to a motion relating to a choice between two different municipal plans. Councillor Carey asked if there was any Councillor, or a member of their family, as defined by the Act, who may be impacted financially by the choice of Plan. He then asked if anyone could be placing themselves in a conflict of interest by discussing the two different plans. [*No councillor declared a conflict of interest*].

2016-005 Mayor Sebastien Despres/Councillor Ralph Carey

Whereas there are two municipal plans under consideration (the 2013-2023 draft Municipal Plan, and the 2014-2024 Municipal Plan submitted to the Province by Council in January 2015);

Whereas the 2013-2023 draft Municipal Plan was never advanced beyond Section 15 of the *Urban and Rural Planning Act (2000)* or released from review by Municipal Affairs;

Whereas the 2013-2023 draft municipal plan was withdrawn by the Town;

Whereas the Province has not identified any issues in the 2014-2024 Municipal Plan which conflict with a law or policy of the Province;

Whereas an independent Commissioner recommended the approval of the 2014-2024 Municipal Plan following a Public Hearing held on August 7th, 2014;

Whereas Council has determined that no further Public Hearing is required in relation to the changes made to the 2014-2024 Municipal Plan, and whereas Council has the authority to make this determination;

Whereas Council's clear and unambiguous intent on December 9th, 2014 was to submit the Municipal Plan for registration by the Province;

Therefore, be it resolved that Council demand the discontinuance of any further action by the Province on the 2013-2023 draft municipal plan and petition the Minister to instead register the 2014-2024 Municipal Plan that was developed by Council and submitted to the Province in January 2015.

Discussion: Councillor Murphy asked the Mayor how he could make this motion when the government took the Plan out of Council's hands, and the people voted for Plan A.

Mayor Despres explained that the motion on the floor is about a choice between two documents, the 2013-2023 draft Municipal Plan and the 2014-2024 Town Plan, so if a member of council or a relative of a member of council, as defined in the Municipalities Act stands to be financially impacted by the choice between the two plans, this councillor should excuse himself from this discussion. [*No councillor declared a conflict of interest*].

Councillor Albert Murphy asked the Mayor why he was going against the people's wishes.

Deputy Mayor Wiseman then asked, "Before this discussion continues, is there a councillor here that feels they may be in a potential conflict of interest on this subject." Deputy Mayor Wiseman repeated this question twice more. [*No councillor declared a conflict of interest*].

Councillor Murphy said three people voted on their own land. Councillor Murphy again asked the Mayor why he would make that motion when it's up to the province to register the plan through the Plebiscite.

For the motion: Mayor Sebastien Despres, Deputy Mayor Dena Wiseman, Councillor Kevin Smart, Councillor Ralph Carey.

Against: Councillor Albert Murphy, Councillor Rene Estrada

Motion carried.

Mayor Despres returned to the Chair.

- d. Appointing appeal commissioner –

2016-006 Councillor Albert Murphy/Councillor Dena Wiseman

Be it resolved Council defer selecting an appeal commissioner for 2016 until a list of consultants is obtained.

Motion carried unanimously.

5. Finance:

- a. Income Statement & Payables – Income Statement will be provided once budgeted numbers are inputted into the accounting system. Payables were distributed to Council and the public.

- b. Snow Clearing Logs –

2016-007 Councillor Albert Murphy/Councillor Ralph Carey

Be it resolved Council pay snow clearing invoices for the periods December 6-12, December 13-19, December 20-26, December 27-31/15, and January 1-2/16.

Motion carried unanimously.

- c. 2015 Audit quote –

2016-008 Councillor Ralph Carey/Councillor Kevin Smart

Be it resolved Council accept the quote for 2015 audit.

Motion carried unanimously.

6. Witless Bay Enhancement Committee – Mayor Despres reported that the Town finally received the Award of Excellence sign which we got last year for the Tidy Towns. Volunteers from most of the groups that pitched in came for a picture, and the sign is now up.

Mayor Despres left the Chair to make a motion, and was replaced by Deputy Mayor Wiseman.

2016-009 Mayor Sebastien Despres/Councillor Kevin Smart

Be it resolved that the Town of Witless Bay enroll in the 2016 version of the Tidy Towns Contest.

[There is no inherent cost for tidy towns. Volunteers help beautify the town in preparation for the contest, demonstrate the town by creating an updated brochure, and they accompany the judges on their visitation throughout the town.]

Motion carried unanimously.

2016-010 Mayor Sebastien Despres/Councillor Kevin Smart

Be it resolved that the Town participate in the 2016 Communities in Bloom, national edition, which entails a registration fee of \$609, as well as lodging fees for the Communities in Bloom judges during their stay.

Motion carried unanimously.

Mayor Despres returned to the Chair.

7. Public Works & Compliance:

- a. Change existing business – Cranes Junction to Orange Store – It was noted that the proposed intent of the application is to upgrade the mechanical part of the business, but no changes will be made to the structure. They will submit an application once changes to structure are determined.

2016-011 Councillor Albert Murphy/Councillor Kevin Smart

Be it resolved Council approve the upgrade of the building pending approval from Services NL and any inspections required.

Motion carried unanimously.

- b. Residential Dwelling – Murphy’s Lane. Councillor Ralph Carey noted there is no civic address on the land, [it’s not yet assessed] and the proposed development did not front on a publicly maintained road. He said the Regulations state that he has to own his right of way. As it stands, the applicant would have to go over private property in order to get access to Murphy’s Lane. If the back lot policy applied they would have to own the access as well.

2016-012 Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved Council decline the development application because the Town’s Regulation states the applicant must own the access.

Motion carried unanimously.

8. **2016-013** Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved Council adjourn at 8:15 p.m.

Motion carried unanimously.