

Public Meeting of Witless Bay Council
Town Hall - 7:30 p.m.
September 9, 2014

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

Reporting: Barb Harrigan/Geraldine Caul

1. The meeting was called to order at 7:30 p.m. by Mayor Sébastien Després.
2. **2014-211**- Ralph Carey/Dena Wiseman
Be it resolved Council adopt the September 9, 2014 agenda.
Amendment - Additions to agenda:
 - Motion to develop the Witless Bay 2030 Strategic Vision Plan
 - Island Cove Road, Bay Bulls – Coffee shop, last phase of Bristol Landing Subdivision.
2014-212-Jacqueline Mair/ René Estrada
Be it resolved Council adopt the September 9, 2014 agenda as amended for additions.
Amendment carried unanimously
Motion carried unanimously.
3. Sebastien called for a motion to adopt the Minutes of August 12, 2014, asking if there were any errors or omissions.
Correction: Under Public Works from minutes, number 6a., Motion #2014-199, under discussion, it should have read: Ralph Carey recommended Council meet with the applicant, because a one-way road might service the community better. Council agreed to **table this application and to** invite the applicant to meet with them on August 26th.

2014-213-Jacqueline Mair/René Estrada
Be it resolved Council adopt the August 12, 2014 Minutes of Meeting as amended.
Motion carried unanimously.
4. Business arising from minutes:
 - a. Reconsider policies on the Use of Witless Bay's Community Centre –

2014-214-Dena Wiseman/Ann Marie Hann
Be it resolved Council exclude Fridays from weekend peak times and to allow monthly bookings of the building on weekend peak times until they determine what the demand will be.
Motion carried unanimously.
 - b. Ratifying Regulations on Youth Representatives - Jacqueline Mair read the proposed regulations on youth representatives. (**Appendix 1**)

2014-215-Jacqueline Mair/Ann Marie Hann

Be it resolved Council ratify regulations on youth representatives.

Motion carried unanimously.

- c. Ratifying Regulations on Remote Meeting Attendance - Ralph Carey read the regulations on remote meeting attendance.

Because the Town of Witless Bay is not currently equipped with the means necessary for allowing remote attendance at public meetings, a Councillor may currently only participate in person. Recognizing that the full participation of all members of Council is desirable, however, Council shall prioritize the acquisition of the necessary equipment and revise this policy once it is obtained.”

2014-216-Ralph Carey/Jacqueline Mair

Be it resolved Council ratify regulations of remote meeting attendance.

Motion carried unanimously.

- d. Ratifying Regulations on Snow Clearing - Jacqueline Mair read proposed regulations on snow clearing. (**Appendix 2**)

2014-217-Kevin Smart/Ann Marie Hann

Be it resolved Council ratify regulations on snow clearing.

Motion carried unanimously.

- e. Ratifying Regulations on Fences - Ralph Carey read proposed regulations on Fences. (**Appendix 3**)

2014-218-Ralph Carey/Jacqueline Mair

Be it resolved Council ratify proposed regulations on fences.

Motion carried unanimously.

2014-219-Dena Wiseman/Ralph Carey

Be it resolved Council repeal all previous municipal regulations on fences, with the exception of those in the 2005-2015 and 2014-2024 Town Plans.

- f. Ratifying Regulations on Culvert Extensions
Ralph Carey read proposed regulations on culvert extensions. (**Appendix 4**)

2014-220-Jacqueline Mair/Kevin Smart

Be it resolved Council ratify proposed regulations on culvert extensions.

Motion carried unanimously.

- g. Ratifying Regulations on Professional Development

2014-221-Ann Marie Hann/Jacqueline Mair

Be it resolved Council postpone ratifying regulations on professional development until October meeting.

Motion carried unanimously.

- h. Applications to Operate a Business (Ratify new forms) -

2014-222-Dena Wiseman/Jacqueline Mair

Be it resolved Council ratify new forms to operate a business.

Motion carried unanimously.

- i. Applications to Develop Land (Ratify revised forms) -

2014-223-Ralph Carey/Kevin Smart

Be it resolved Council ratify application to develop land.

Motion carried unanimously.

- j. Town Plan –

The Town of Witless Bay adopted the Witless Bay Municipal Plan and development Regulations 2014-2024 at the July Public meeting. A Public Hearing was then held by the Town on August 7th, with Tom Strickland as commissioner. A number of residents and stakeholders presented their views at the hearing, which were considered by the Commissioner. The Commissioner's report was then submitted to Council. At this point, we need a motion of Council to adopt the report. After this, members of Council will be invited to consider the Commissioner's recommendations, and suggest the revisions that are deemed necessary. Once this is done, the final version of the Plan must be approved before it is forwarded to Municipal Affairs for registration. Once it is Gazetted, it will immediately be in force.

2014-224-Jacqueline Mair/Ann Marie Hann

Be it resolved Council adopt the Commissioners Report as submitted.

Motion carried unanimously.

Changes to Town Plan:

Zoning of Ragged Beach & Area

2014-225-Dena Wiseman/Jacqueline Mair

Be it resolved that the land located south of Mallowney's Lane and extending south to the beginning of the current Conservation zone, at a width of 450 metres from the high water mark be zoned as "Recreation". Be it further resolved that the Crown Land in this area retain its Park designation (as in the 2005 Municipal Plan), and be officially given the name, "Ragged Beach Park."

For the motion: Sebastien Despres, Dena Wiseman, Ralph Carey, Ann Marie Hann, Kevin Smart, Jacqueline Mair

Against the motion: Rene Estrada

Motion carried.

Buffers along the East Coast Trail

2014-226-Dena Wiseman/Jacqueline Mair

Be it resolved that the text pertaining to the East Coast Trail be amended to read, "Council is committed to the maintenance of a buffer along the trail to protect the natural landscape and views from the trail, and to ensure that the trail is not negatively impacted by development, erosion, and other changes in the landscape.

REASONS:

- (1) This is necessary to guarantee public access and to protect the natural wilderness around the trail.

- (2) The East Coast Trail Association recommended that we include the language that Logy Bay has in its Plan: “The Council is committed to the maintenance of a buffer along the trail to protect the natural landscape and views from the trail and to ensure that future development doesn’t negatively impact the trail.”

Motion carried unanimously.

ENGINEERING FEES

2014-227-Ralph Cary/Jacqueline Mair

Be it resolved Council contact Reg Garland for clarification of the following:

Under “Developer to pay Engineer’s Fees and Charges” it states, “The developer shall pay to the Authority all the Engineer’s fees and charges for the preparation of designs.”

Motion carried unanimously.

PUBLIC OPEN SPACE IN SUBDIVISION DEVELOPMENTS

2014-228-Dena Wiseman/Ann Marie Hann

Be it resolved Council contact Reg Garland for clarification of the following:

Under sub-division development, “A minimum of 10% of the gross area of land developed for subdivision purposes shall be dedicated to the Town as public open space” versus “Before a development commences, the developer shall, if required, dedicate to the Authority, at no cost to the Authority, an area of land equivalent to not more than 10% of the gross area of the subdivision.” (Council also asked that it be made clear in the Plan that if Council accepts money in lieu of land, this money is to be used for the purchasing of land dedicated to public open space or of equipment to be used on land dedicated to public open space (such as playground equipment, for instance).

Motion carried unanimously.

- k. Development/Control Officer – Progress Report

Last month, Council decided to take the next step toward creating the position of a Development Control Officer by inviting other towns to partner in the initiative and to approach government for a possible funding assistance. We have sent an invitation to four nearby towns, and have a meeting for the end of the month to discuss.

- l. Application to extend culvert on 37 Country Path Drive - Public Works consulted with the Towns Engineer and his recommendation was to keep open space in culverts.

2014-229 –Ralph Carey/Dena Wiseman

Be it resolved Council decline application to extend culvert on 37 Country Path Drive.

Motion carried unanimously.

- m. Application to develop residential dwelling on 155 Southside Track/Jockey’s Lane

2014-230- Ralph Carey/Jacqueline Mair

Be it resolved Council approve application for residential dwelling on 155 Northside Track/Jockey’s Lane contingent on the applicant upgrading the road to current town standards.

Discussion: There was a brief discussion on whether or not this was a town road due to the fact that there is a sign on this road and it was maintained by the town up to a couple of years ago. Ralph reported that in conversations with Municipal Affairs it was confirmed

that the key word council must abide by are their current roads standards that state all developments must front on a currently maintained public road.

Sebastien vacated the chair at 8:35pm and was replaced by Dena Wiseman.

Sebastien said that if the Town take this on it would be a costly venture for one person to build a house and that other roads with more residents living on them would be more of a priority. The applicant would have to pave a very short road whereas council would have to pave the entire road. It should also be noted that the applicant has access to his property from Harbour Road. He said Municipal Affairs and other towns confirmed that every other municipality has the applicant pay the cost of bringing the road to town standards. Sebastien also said the applicant could have a one way road.

Sebastien returned to the chair at 8:40pm.

For the motion: Sebastien Despres, Dena Wiseman, Ralph Carey, Jacqueline Mair,

Against the motion: Rene Estrada, Kevin Smart, Ann Marie Hann

Motion carried.

n. Application for Smoke House on Northside Track

In response to the Discretionary Use Notice that Council sent out last month, we received approximately 6 letters from concerned residents. We then invited the applicant to respond to the concerns expressed. The applicant submitted a letter to Council explaining exactly what is involved in an operation of this size. Kevin Smart who is familiar with a smoke house, conducted a site visit and reported that he did not foresee any issues with approving this application.

2014-231-Ralph Carey/Kevin Smart

Be it resolved Council approve smoke house on Northside Track on the condition that all regulations required by government are met and that a copy of all inspections be filed with the town.

Sebastien vacated the chair at 8:45 and was replaced by Dena Wiseman.

Amendment – Sebastien Despres/Kevin Smart

Sebastien made an amendment that if the applicant was to exceed the size of the operation he must submit a new application to the town.

Amendment carried unanimously.

Motion carried unanimously.

Sebastien returned to the chair 8:50 p.m.

o. Paving tender – Deadline September 12/14

2014-232-Dena Wiseman/Rene Estrada

Be it resolved Council give Public Works the authority to award the work to the winning tender when it closes on September 12/14.

Motion carried unanimously.

p. Basic Emergency Management Training Sessions

The Town of Witless Bay is currently spearheading the preparation of the Regional Emergency Management for the Southern Shore North region. In order to prepare a team to serve as the Emergency Council/Planning Committee, we have invited Fire &

Emergency Services to come to Witless Bay to offer their "Basic Emergency Management Course." Sessions will be taking place from 6:00pm to 10:00pm on November 19th, 26th and December 3rd (three consecutive Wednesday evenings).

5. New Business

- a. **Notice of Motion:** Revising the following regulations and policies -
Policy on submissions to Council
Policy on Public Meetings
Policy on Plan Amendments Requests
Policies on Permits

The above will be ratified at October's public meeting.

- b. Motion to Evaluate the Feasibility of Extending Town Boundaries

2014-233-Ralph Carey/Kevin Smart

Be it resolved Council evaluate the feasibility of extending the Town boundaries.

Motion carried unanimously.

- c. Gas Tax Agreement -

2014-234-Ann Marie Hann/Kevin Smart

Be it resolved Council approve the Gas Tax Agreement.

Motion carried unanimously.

- d. Gas Tax Audit – Annual Expenditure Report

2014-235- Rene Estrada/Jacqueline Mair

Be it resolved Council approve annual expenditure report.

Motion carried unanimously.

- e. 2015-2016 Capital Works Applications – Reminder to council to select projects for the coming year.

- f. Tender for snow clearing 2014-2016

2014-236-Ralph Cary/Kevin Smart

Be it resolved Council empower public works via electronic means to award snow clearing contact for 2014-2016.

Motion carried unanimously.

- g. MNL 2014 Convention – Reminder to councillors planning on attending convention that the deadline is soon approaching.

- h. Ratification of Group

2014-237-Ralph Carey/Rene Estrada

Be it resolved Council ratify New Hope Group as a recognized group.

Motion carried unanimously.

- i. Office to contact New Hope Group to advise that council granted their request to use the Recreation Building on Wednesday nights.
- j. Request to use Witless Bay Community Centre Monday to Friday for Educational after school program.

2014-238 – Ralph Carey/Ann Marie Hann

Be it resolved Council decline request until they receive more information.

Motion carried unanimously.

- k. Installing ladder in swimming pool

2014-239-Ralph Carey/Rene Estrada

Be it resolved Council consider installing ladders in swimming pool during budget meeting for 2015.

Motion carried unanimously.

- l. Installing storage space in Recreation Building - Council shall contact each stakeholder for input on their needs for storage space in new recreation building.

- m. Weather Station for Witless Bay

Sebastien and Dena met with a team made up of members from NAACAP, MUN, the Department of Environment and Conservation, and the Office of Climate Change. They talked about their plans to conduct a series of studies in Witless Bay, including the Lidar mapping of our bay's contours, storm surge projections, an erosion study, and a water quality analysis of our river systems. During the meeting the team mentioned the fact that a weather station can be helpful in some of these projections. Estimated price of the equipment is \$575 plus tax plus installation.

2014-240-Dena Wiseman/Kevin Smart

Be it resolved Council install this weather station.

Motion carried unanimously.

6. Committee Reports

Finance

Income Statement/Monthly Payables – Information Only

NEAR Plan – Motion to develop the Witless Bay 2030 Strategic Vision Plan - Now that the Town Plan is finalized and that our Economic and Tourism Development Plan is almost ready, the Town now needs to develop a long-term vision plan.

2014-241- Dena Wiseman/Kevin Smart

Be it resolved Council develop the Witless Bay 2030 Strategic Vision Plan

Motion carried unanimously.

Community Enhancement Committee:

Sebastien vacated the chair at 9:20pm and was replaced by Dena Wiseman.

- a. Report on Economic Tourism & Development Strategic Planning Sessions - Sebastien reported that two planning sessions were held and approximately 33-35 people attended. A final consultant report will be submitted on Sept. 23rd at which time council will meet with consultant for the results.
- b. Painting the Tourism Chalet and Change Rooms - Aiden has to finish painting the Chalet and change rooms.
- c. Tidy Town Results – Results to be announced at MNL Convention in October.
- d. Meet & Greet Supper – This event took place on Sept.7th. There was a great turn out and the residents got to meet the Folklore students
- e. A Scuff & a Scoff is scheduled for Sept. 27th - The Folklore students will submit a report of their studies at the end of their three weeks. The town has scheduled a scuff and scoff on September 27 at 5:30pm which will include a pot luck supper. Sebastien said the mayor's facebook page has a link to the students' blog.
- f. Name of the Recreation Centre- Council asked local schools to submit suggestions for naming the Recreation Centre. The name chosen for the Centre is the Witless Bay Puffin Centre, and the name of the parking lot is Puffin Place.

2014-242- Sebastien Despres/Ann Marie Hann

Be it resolved Council name the Recreation Centre the Witless Bay Puffin Centre and the name of the parking lot Puffin Place.

Motion carried unanimously.

Sebastien returned to the chair at 9:35pm.

Public Works:

- a. Flooding on Andrews Lane – The engineer had a look at the culvert on Carey's Road and other areas. Water has been running in its course for years. The town culvert crosses the road but doesn't divert water to private properties. It is recommended that the Town not get involved with private property issues.

2014-243 – Ralph Carey/Jacqueline Mair

Be it resolved that council not get involved in private land issues.

Motion carried unanimously.

2014-244- Ralph Carey/Jacqueline Mair

Be it resolved staff contact property owner on the corner lot off Gallows Cove Road to reinstate ditch to original state.

Motion carried unanimously.

- b. Flooding on Dean's Road – Included in a. This item was also covered under Public Works A.
- c&d. Request to re-zone land on Southern Shore Highway & Cemetery Road

2014-245-Dena Wiseman/Jacqueline Mair

Be it resolved Council not entertain any rezoning requests to amend the new Town Plan.

Motion carried unanimously.

- e. Request for Town to take over section of road (Phase 2) on Emerald Estates.

2014-246-Ralph Carey/Jacqueline Mair

Be it resolved staff contact Tom Kendall and ask that “as built” drawings and engineering reports be returned to the office and get an engineer to sign off on the subdivision road. (Phase 2)

Motion carried unanimously.

- f. Standing ditch water- 106 Southside Track

2014-247 – Ralph Carey/Jacqueline Mair

Be it resolved Council add this ditch to the current ditching work that is being done in the community.

Motion carried unanimously.

- g. Crown Land Application – Southside Track

Ralph and Dena declared themselves in conflict and left the chambers at 9:55.

2014-248- Jacqueline Mair/Rene Estrada

Be it resolved application for crown land on Southside Track be denied as this land is privately owned.

For Motion: Sebastien Despres, Kevin Smart, Ann Marie Hann, Jacqueline Mair, Rene Estrada

Abstain: Ralph Carey, Dena Wiseman

Motion carried.

Ralph & Dena returned to the chamber at 9:57

- h. Application for gazebo & fence – 11 Evergreen Place

2014-249-Ralph Carey/Ann Marie Hann

Be it resolved Council approve application for gazebo & fence on 11 Evergreen Place.

Motion carried unanimously.

- i. Application for fence on Mallowney’s Lane extension

2014-250-Ralph Carey/Dena Wiseman

Be it resolved Council postpone application for a fence on Mallowney’s Lane Extension to seek legal advice.

Motion carried unanimously.

- j. Application for shed - 3 Country Path Drive

2014-251- Ralph Carey/Jacqueline Mair

Be it resolved Council approve shed on 3 Country Path Drive.

Motion carried unanimously.

- k. Application for shed – 12 Ocean View Drive

2014-252

Be it resolved Council approve shed on 12 Ocean View Drive.

Motion carried unanimously.

- l. Application for residential duplex dwelling on Carey's Road/Andrew's Lane

2014-253-Ralph Carey/Jacqueline Mair

Be it resolved Council approve residential duplex dwelling on Carey's Road/Andrews Lane subject to approval from Service NL.

Motion carried unanimously.

Sebastien vacated the chair at 10:10 and was replaced by Dena Wiseman.

Sebastien added that a note be placed on this file indicating that this dwelling, if sold, is not to be split but sold as one family home. Barb clarified that this is a regulation enforced by Services NL.

Sebastien returned to the chair at 10:12.

- m. Application to build residential dwelling – 241A Gallows Cove Road

A previous application and survey submitted to the Town to clear brush shows a NL Power easement. A recent survey submitted with an application to build a residential home for this same property shows no easement but rather a right of way. Also the criteria for a driveway requires a minimum of 6m yet only 3.1m is shown on survey. The applicants' survey shows they do not own the access to their property.

2014-254-Ralph Carey/Jacqueline Mair

Be it resolved Council at this point refuse application to build residential home on 241A Gallows Cove Road.

Motion carried unanimously.

- n. Application for residential dwelling – 101-109 Gallows Cove Road

2014-255-Ralph Carey/Jacqueline Mair

Be it resolved Council approve residential dwelling on 101-109 Gallows Cove Road.

Motion carried unanimously.

- o. Island Cove Road, Bay Bulls (near Maggoty Pond)- Coffee Shop. Last phase of Bristol Landing Subdivision.

The Town of Bay Bulls has already acknowledged that traffic will be an issue for commuters around the area of Maggoty Cove Pond.

It is of both the Town of Witless Bay and the Town of Bay Bulls' understanding that the developer of the last phase of Bristol Landing intends to join up to the Witless Bay Line. If this is so, it will be a problem for the Town of Witless Bay as the Town will have to maintain that portion of road and the snow clearing equipment will have to do the extra

kilometers which would become a financial burden to our town. The Town has to proactively approach this before it becomes a financial burden.

Sebastien vacated the chair at 10:27 and was replaced by Dena Wiseman.

2014-256-Sebastien Despres/Kevin Smart

Be it resolved that Council write a letter to Honourable Nick McGrath requesting that a third lane be added on to the Southern Shore Highway at the intersection of Island Cove Road and Route 10.

Motion carried unanimously

Sebastien returned to his chair at 10:29pm.

2014-257-Sebastien Despres/Kevin Smart

Be it resolved that Council approach the Town of Bay Bulls and require that they submit a full plan for the development of the last phases of Bristol Landing.

Amendment: Dena requested that Council also approach Municipal Affairs on this matter.

Amendment carried unanimously.

Motion carried unanimously.

7. Adjournment

2014-258-Ann Marie Hann/Rene Estrada

Be it resolved Council adjourn at 10:30 p.m.

Motion carried unanimously.