



DRAFT MINUTES
Regular Public Council
Tuesday, October 16, 2018
Town Hall - Council Chambers, 7:00 PM

Present

Carol McDonald, Mayor
Jeff Laham, Deputy Mayor
Dave Bartlett, Councillor
Johnny Hanlon, Councillor
Darryl J. Harding, Councillor
Tina Neary, Councillor
Madonna Stewart-Sharpe, Councillor

Absent W/Notice

Chris Milley, Town Manager
Jeff Lawlor, Director of Economic Development, Marketing and Communications

Also Present

Tony Pollard, Director of Financial Operations/Town Clerk
Charlie Hamlyn, Director of Public Works
Dawn Sharpe, Director of Recreation and Community Services
Les Spurrell, Planning & Development Coordinator
Claudine Murray, Deputy Town Clerk

1. CALL OF MEETING TO ORDER

1.1 Mayor McDonald called the meeting to order and welcomed a gallery of 8 persons.

2. ADOPTION OF AGENDA

2.1 Adoption of the Agenda for October 16, 2018

Motion 2018-332 Moved by Dave Bartlett; Seconded by Madonna Stewart-Sharpe
Resolved that the October 16, 2018 Minutes be adopted as presented
CARRIED. Unanimously

3. DELEGATIONS/PRESENTATIONS

3.1 Newfoundland & Labrador Association of Optometrists - Children's Vision Month Proclamation
[Proclamation signed](#)

4. ADOPTION OF MINUTES

4.1 Adoption of Minutes for October 2, 2018

Motion 2018-333 Moved by Tina Neary; Seconded by Dave Bartlett
Resolved that the Minutes of October 2, 2018 be adopted as presented.
CARRIED. Unanimously

5. BUSINESS ARISING FROM MINUTES

5.1 Amend a Previously Adopted Motion

The minutes of August 29, 2017 minutes were recently found to have the incorrect seconder recorded. To correct motion #2017-404, the following motion is recommended to reflect the seconder of the motion was actually Councillor Butler as found in the written minutes.

Motion 2018-334 Moved by Jeff Laham; Seconded by Tina Neary
Resolved that the minutes of August 29, 2017 be corrected to reflect motion #2017-404 was seconded by Councillor Butler, not Councillor Collins.
CARRIED. Unanimously

5.2 Town Clerk's Report to Council:

Congratulations to the Recreation and Community Services team on a successful Family Fall Festival event. There were 600 people in attendance.

Budget consultations will be starting soon. The first round will be for a review of 2018 happenings and input from residents for what they would like to see in 2019. Thursday November 1 at Murray's Pond at 7:00-9:00 pm. The second round will be at the recreation center on Sunday November 4th at 2:00-4:00 pm. November 21 from 7:00-9:00 pm at the Rec Centre, will be the presentation of the 2019 budget. The Town encourages residents to come out.

The Meter Project's RFP for engineering services is in the process of being prepared. All of the approvals have been received from Municipal Affairs and Environment. Once the engineering design is done, it will have to go to Municipal Affairs again for that part of the approval process. There was a change order that we all worked through and has to go through procurement because it was in excess of 10% making it a requirement under the Procurement Act. Nothing has changed from the original conversations on it. The money has not been given out to the contractor, as being said. There has been no money spent on this project for that contractor to date. The money that has been mentioned has not been disbursed to anybody. It will be once we end up having the contractor bring our meters and start the process of getting them installed along with the control system that goes with that.

The Drover Heights project – all consulting approvals have been received and the

design of the project is now being done. We hope to have that within the next couple of weeks. That will also have to go to Municipal Affairs for approval and back and then it will go to tender. So we should be in good shape for the start of the next year.

We recently received a call for projects under the new Investing in Canada Infrastructure program. The deadline to submit applications is the 21st of December 2018. That has been circulated to all of Council and to staff actually from a number of sources. The Premier recently announced a cost share change. Two years ago they changed the cost share ratio on roads and recreation to a 60/40 for recreation and a 50/50 for roads. They have since under this Canadian Infrastructure program gone back to 1/3, 1/3, 1/3. Our portion would now be 1/3 of any projects that we submit. They asked us to look at a provincial climate lens checklist. We haven't seen it yet so there is some work to be done in terms of identifying projects and uploading these in the system and waiting for subsequent approval. The deadline is 28th of December. They expect that approvals will be sometime in the spring of next year, probably April or May. More information will be available as we move forward and will be part of the approval process. There is some urgency now, into October, by the time you get some identification of projects, engineering design work done and all this information uploaded, add 2 weeks for Council approval that brings us to the 17th of December. We need something approved and ready to go by the end of November.

Assessed value – Deputy Mayor Laham has been in contact and there is some reference in the paper, plus residents have been emailing too, asking what the impact was. On a comparative year basis, our assessments have gone down 25 million dollars. Compare what the tax revenue would have been with the existing mill rate in 2018 and do the same thing for 2019, our revenue shortfall will be \$166,500. That is the impact of reduced assessments at the present time.

6. COMMITTEE REPORTS

6.1. Planning & Development Committee - presented by Councillor Harding

Minutes of October 9, 2018

In attendance:

- Darryl J. Harding, Chairperson
- Jeff Laham, Deputy Mayor
- Johnny Hanlon, Councillor
- Carol McDonald, Mayor
- Chris Milley, Town Manager
- Les Spurrell, Planning & Development Coordinator
- Ashley Linehan, Planning Technologist

**6.1.1 Civics # 1535-1537 & 1539-1541 Thorburn Road
Consolidate properties & construct single dwelling**

Motion 2018-335 Moved by Darryl J. Harding; Seconded by Johnny Hanlon
Resolved that the application for Civics # 1535-1537 & 1539-1541 Thorburn Road be granted approval in principle, permitting the consolidation of properties and construction of a single dwelling as per the Planning & Development Committee Minutes.
CARRIED. Unanimously

**6.1.2 Civic # 32-34 Emberley's Road
Demolish & reconstruct single dwelling**

Motion 2018-336 Moved by Darryl J. Harding; Seconded by Jeff Laham
Resolved that the application for Civic # 32-34 Emberley's Road be granted approval in principle, permitting the demolition and reconstruction of a single dwelling as per the Planning & Development Committee Minutes.
CARRIED. Unanimously

**6.1.3 Eastern Newfoundland Regional Appeal Board
Notice of appeal hearings**

The Planning Department is in receipt of correspondence notifying the Town of three upcoming appeal hearings.

Motion 2018-337 Moved by Darryl J. Harding; Seconded by Dave Bartlett
Resolved that Council ratify correspondence forwarded to the Eastern Newfoundland Regional Appeal Board requesting that the appeal hearing for Civic # 432 Old Broad Cove Road be deferred as the Appellant and the Town are amicably working together toward rezoning an area of land for potential future development (which this property is part of).
CARRIED. Unanimously

6.1.4 Other Items Discussed

Items # 4-22 were discussed as per the Planning & Development Committee Minutes.

6.1.5 Permits Issued

There were sixteen (16) permits issued from September 21 to October 4, 2018 as per the Planning & Development Committee Minutes.

6.2. Recreation/Community Services- presented by Councillor Stewart Sharpe

Minutes of October 11, 2018

In attendance:

- Madonna Stewart-Sharpe, Chairperson
- Johnny Hanlon, Councillor
- Carol McDonald, Mayor
- Dawn Sharpe, Director

6.2.1 Business Case Review

The Recreation Director reviewed the first draft of the Gardner Pinfold Lifestyle Centre Business Case. The Recreation Staff, Vigilant, and Gardner Pinfold met to go through the facility in detail, with specific revenues and expenditures for each room. Over the next couple of weeks the final draft will be reviewed by staff and the completed document will be submitted to Council the first week of November.

6.2.2 Coalitions of Persons with Disabilities (COD-NL)

The Coalition of Persons with Disabilities held a session at the MNL Conference in Gander October 4th -6th. Councillor Hanlon informed the committee that the session was very informative and suggested that the Town engage COD-NL to host a training session the staff and Council. The Recreation Director will contact Nancy Reid with COD-NL to obtain potential dates and cost for a session early in the new year.

6.2.3 Update for Youth Committee

The Recreation Director, the Communication Coordinator, and Ms. Leigh Crawford met to discuss further action that could be taken to engage the youth of the community to attend the Youth Committee Meeting. It was mentioned by Ms. Crawford that the facebook page was great. However youth are not using facebook as a means of social media anymore. The Communications Coordinator suggested that she would place the attached poster on all forms of social media to try and generate more interest. For details on the Youth Committee Meeting please see the attached.

6.2.4 Fall Family Festival

The Fall Family Festival will be taking place on Sunday, October 14th. An event report will be provided at the Council Meeting on Tuesday, October 16th.

6.2.5 College of the North Atlantic Student

The Recreation and Community Services Department welcomes Lyndon Cobb for a 4 week unpaid work -term from the Recreation Leadership Program at the College of the North Atlantic.

6.2.6 Community Grant

The Recreation Committee reviewed the Community Grant application and would like to make the following recommendation:

Motion 2018-338 Moved by Madonna Stewart-Sharpe; Seconded by Dave Bartlett
Resolved that the Town donate \$100.00 to the Canadian Boccia Championship held November 14th -18th in St. John's.
CARRIED. Unanimously

6.3. Public Works - presented by Councillor Bartlett

Minutes of October 9, 2018

In attendance:

- Darryl J. Harding, Chairperson
- Jeff Laham, Deputy Mayor
- Johnny Hanlon, Councillor
- Carol McDonald, Mayor
- Charlie Hamlyn, Director of Public Works
- Linda Newhook, Public Works Coordinator

6.3.1 2018 Road maintenance:

Road maintenance is continuing throughout the community for the month of October, updates as to what areas are being worked on, will be provided to residents through the Town's Communication Department.

6.3.2 Tenders

2018 Tenders will be completed by late November.

6.3.3 Portugal Cove Road- Cross Culvert

Transportation and Works, due to liability issues, endorsed the assessment of water volumes and flow rates necessary to determine the appropriate corrective actions. Hence a request for quotes has been issued to better understand:

- water volumes to assess dam alterations.
- cost associated with changing the channel.

6.3.4 Easements

Balda place – necessary work to obtain surveys for the required easements will be completed this week.

6.3.5 Streets/Fleet/Waste

1. Storm water management:
 - a. Island View Crescent
 - b. Larkspur Lane
 - c. Balda Place
2. Inspections for Town developments are being conducted for 2018.
3. Guard rails in the area of Nice Lane are being assessed.
4. 2018 Road shoulder repairs are ongoing from recent washouts.
5. Driveway access approvals for residential and commercial constructions are being concluded for 2018.
6. Equipment assessment and preparation for winter services are under way.

6.3.6 Facilities

Preparations and cleanup for the 2018 Fall Family Festival, scheduled for Sunday October 14, are expected to be completed early this week, as weather conditions permit.

The necessary 2018 renovations and extension to the Boat House are completed.

2018/2019 Winter maintenance schedule is being assessed.

2018 field maintenance will be concluded by mid-November.

6.3.7 Water Works

1. Second and final residential water inspections are being assessed and completed for 2018.
2. 2018 PRV maintenance is continuing on Portugal Cove Road.
3. 2018 Flushing of hydrants is continuing throughout the Town and will be completed as weather conditions permit.
4. 2018 installation of water sample test stations will be completed as weather conditions permit.
5. 2018 Water loss maintenance is continuing and will be completed as weather conditions permit.
6. 2018 Waste water plant maintenance is in progress.

6.3.8 Other Business

1. Public Works is assisting our Heritage Programs and Services Coordinator with the anchor restoration project.
2. Traffic calming, assessment of equipment and traffic data collection is ongoing.
3. 2018 Animal Control Services are being reviewed and assessed.
4. Public Works is continuing to communicate with Transportation and Works to address ongoing road deficiencies.

6.4. Economic Development, Marketing, Communications and Tourism- Councillor Neary

No meeting held this week

6.5. Protective Services- presented by Councillor Hanlon

Minutes of October 10, 2018

In attendance:

- Johnny Hanlon, Chairperson
- Fred Hollett, Co-Chief
- Carol McDonald, Mayor
- Heather Coughlan, Employee & Public Relations Admin

6.5.1 Commissionaires- Municipal Enforcement

Report coming from MEO and will be circulated to all Committee members for review.

6.5.2 FES Updates

Total Responses: 12

3 residential alarms

1 vehicle fire

1 brush fire

1 carbon monoxide

1 smell of smoke

5 medical calls

6.5.3 Training:

October 1 - Ladder testing and inspections, equipment exercises

October 8 - No training due to Thanksgiving holiday

6.5.4 Other Activity:

-6 FD members attended the NL Fire Services Association annual conference in Clarenville from Sept. 28th to October 1st. Co-Chief Murphy also attended as a member of the NLFS Association and Co-Chief Hollett attended a Sunday session on his own accord.

-Fire Prevention Week activities are ongoing through the week of October 7th - 13th.

-FD participated in the Torbay/Flatrock & Pouch Cove Fire Prevention Week parade on October 7th.

-October 10th - FD members were at Beachy Cove Elementary to present fire prevention education to the grade 2 and grade 4 classes. FD also participated in a fire drill.

-October 11th - FD members were at Brookside Intermediate to present fire prevention education, conduct a fire extinguisher demonstration with the grade 8s, and participate in a fire drill.

-October 12th - we will be selecting a Fire Chief for a day from a grade 2 and a grade 4 class at Beachy Cove Elementary and having a pizza party with the Chiefs of the Day classes. With the parent's permission, the FD will transport the Chiefs for a Day to school on the fire apparatus.

-October 13th - FD will be conducting a Fire Prevention Week parade from Voisey's Brook Park to Rainbow Gully Park starting at 1:00pm. From 2:00pm - 4:00pm we will be having an open house at the Thorburn Road Fire Station, Station 2. There will be booths presenting on the equipment, a vehicle extrication demonstration, and a fire extinguisher demonstration. Posters will be posted throughout the community and the Communications Officer for the Town will be provided the information to promote on social media and the Town website.

6.5.5 Carry Forward Items:

Traffic Regulations

Emergency Management Plan Review

6.6. Administration and Finance - presented by Deputy Mayor Laham

Minutes of October 10, 2018

In attendance:

- Jeff Laham, Chairperson
- Darryl J. Harding, Councillor
- Madonna Stewart-Sharpe, Councillor
- Carol McDonald, Mayor
- Tony Pollard, Director of Financial Operations/Town Clerk
- Claudine Murray, Deputy Town Clerk

6.6.1 Accounts For Payment

Accounts for payment approval

Motion 2018-339 Moved by Jeff Laham; Seconded by Johnny Hanlon
Resolved that Council approve payment of regular accounts in the amount of \$154,304.91

CARRIED. Unanimously

6.6.2 Staffing

The interviews for the vacant Admin Support Clerk position have been completed. Final selections shall be chosen in the next few weeks.

6.6.3 Courtesy Bus Seating

The committee received further correspondence from a resident with concerns over Brookside Intermediate school courtesy bus seating and the Mayor advised the committee that she, and MHA Brazil, are still working on a solution for the school.

6.6.4 Tolt Road

The Town sent a survey to the residents of Tolt Road asking if they preferred their project scope to include the road reconstruction, water service, sewer service, a paved shoulder or a raised curb. The committee reviewed the 104 responses from the residents in which 94 residents felt road reconstruction was important or very important and 92 residents were interested in walk-ability (68 responded to having a paved shoulder and 24 responded to having a raised curb). There were 29 residents interested in water service (19 currently have water service) and 42 respondents interested in sewer service.

The committee will be recommending the road reconstruction and paved shoulder to be approved, based on resident feedback. The Town will be sending letters to the residents, as a follow up to the survey, to advise of Council's decisions.

Motion 2018-340 Moved by Jeff Laham; Seconded by Madonna Stewart-Sharpe
Resolved that the Tolt Road project consist of road reconstruction and installation of a paved shoulder for walkability.
CARRIED. Unanimously

6.6.5 Drovers Heights

The committee discussed correspondence from residents of Drovers Heights, including a petition, that requested a meeting with Council to discuss their opposition to the conditional approval for the Drover's Hts access to the pending business of a speciality shop, located at 1614-1616 Portugal Cove Rd. The Town Manager will reply to the correspondence.

Deputy Mayor Laham confirmed the Portugal Cove Road entrance has been barred off using two large boulders.

6.6.6 Non-unionized Hiring Policy

The committee is putting forward a notice of motion to adopt a revision to the Hiring Non-Unionized Personnel Policy of 2012.

6.6.7 Skinners Road

The committee discussed requests from four residents on Skinners Road to hook into the water tower. Further discussion will be needed at the next Committee meeting.

6.6.8 Rainbow 50+ club

The committee discussed questions from residents regarding funding of the Rainbow 50+ club and referred the discussion to Recreation and Community Services committee for resolution.

6.6.9 Legal Opinion

A resident has re-requested the legal opinion from a Conflict of Interest matter involving a former Councillor.

Access to Information legislation states that it is at the Town's discretion whether to release Legal Advice that is subject to solicitor and client privilege. The legislation also provides discretion whether the Town consults with the solicitor to determine if they advise against releasing their advice for other reasons.

The Office of the Information Privacy Commissioner's assessment of a related complaint was that discretionary disclosure of a legal opinion is appropriate if there is no risk to the Public Body's interests, and if there are benefits to be gained from the disclosure . The commissioner also stated that the legal opinion was uncomplicated which applied clear law to a simple, straightforward set of facts.

The Committee is recommending the town disclose the legal opinion obtained.

Motion 2018-341 Moved by Jeff Laham; Seconded by Darryl J. Harding
Resolved that the Town disclose the legal opinion dated April 24, 2018 relating to a Conflict of Interest matter involving a former PCSP Councillor.
CARRIED. Unanimously

7. CORRESPONDENCE

7.1 Correspondence for October 1 to 12, 2018

RECEIVED	CONTRIBUTOR	REGARDING	DISTRIBUTION
10/11/2018	Community Sector Council	Invitation	EDMC Cmte
10/10/2018	Easter Searls NL	2018 Boccia Championship sponsorship	Rec&Comm Cmte
10/9/2018	East Coast Trail Association	Project meeting request	EDMC and Rec cmtes
10/3/2018	NL Association of Optometrist	Proclamation for October	Mayor
10/1/2018	Resident	Drovers Height residents request for meeting re Business Permit	P&D Cmte

8. NEW/GENERAL/UNFINISHED BUSINESS

9. AGENDA ITEMS/NOTICE OF MOTIONS ETC.

9.1 Legal Opinion as read by Deputy Mayor Laham

The Committee is putting forward a notice of motion to adopt the revision to the Hiring Non-Unionized Personnel Policy, 2012.

10. ADJOURNMENT

10.1 Adjournment of meeting

Motion 2018-342 Moved by Johnny Hanlon; Seconded by Tina Neary
Resolved that there is no further business and the meeting is adjourned at 7:38 p.m.
CARRIED. Unanimously

Mayor

Deputy Town Clerk