

**TOWN OF PARADISE
PUBLIC COUNCIL MEETING
TUESDAY, DECEMBER 4, 2018
TOWN HALL, PARADISE
8:00 P.M.**

PRESENT:	Chairperson	Dan Bobbett, Mayor
	Deputy Mayor	Elizabeth Laurie
	Councillor	Paul Dinn
	Councillor	Allan English
	Councillor	Patrick Martin
	Councillor	Sterling Willis
	Director of Corporate Services	Terrilynn Smith
	Director of Planning & Protective Services	Alton Glenn
	Director of Infrastructure & Public Works	Garry Spencer
	Director of Recreation & Leisure Services	Conrad Freake
	Administrative Assistant	Claudine Hannebury

ABSENT:	Chief Admin. Officer	Lisa Niblock
	Councillor	Deborah Quilty



1. The meeting was called to order by Chairperson Bobbett at 8:00p.m.

2. **PRESENTATION:**

President and CEO Len LeRiche and Wayne Chamberlain, (Chair) with Safety Services Newfoundland Labrador presented the Town with a 2017 Helping Hand Safety Award.



3. **ADOPTION OF THE MINUTES:**

1. M18-408 **Moved by Councillor Martin, seconded by Councillor Dinn to adopt the Minutes of the November 20, 2018 Committee of the Whole Meeting.**

Motion carried

2. **M18-409 Moved by Councillor Willis, seconded by Councillor Martin to adopt the Minutes of the November 20, 2018 Public Meeting.**

Motion carried

4. **BUSINESS ARISING FROM THE MINUTES:**

1. **Committee of the Whole Meeting, November 20, 2018.**

Councillor English asked for an update regarding the senior's event.

Director Freake indicated the event will go ahead. He noted four staff will be available to work.

Councillor Dinn noted that some staff came to him regarding the article in the November 21, 2018 edition of the Shoreline. He indicated that the headline in the Shoreline gave the impression the union staff were the problem in terms of the senior's event going ahead. Staff had indicated that as per the collective agreement New Year's Eve would be a holiday for all staff as in prior years, and for holidays staff were always offered overtime to come in to work. He wanted to have this noted in the minutes to ensure the issue was clarified.

2. **Public Meeting, November 20, 2018**

No business arising from the minutes.

5. **COMMITTEE REPORTS:**

PLANNING AND DEVELOPMENT COMMITTEE:



1. **M18-410 Moved by Deputy Mayor Laurie , seconded by Councillor Martin to approve application C2018-742 to operate a home-based hair salon business at 31 Goldfinch Drive subject to no objections being received in response the Notice of Discretionary Use Notice and ten (10) conditions.**

Motion carried

2. M18- 411 Moved by Councillor Willis, second by Councillor Dinn.

“BE IT RESOLVED that the order concerning a dwelling located at 54 Ashlen Crescent that is not in accordance with the building permit issued on November 20, 2018 be confirmed.”

Motion carried

FINANCE AND ADMINISTRATION COMMITTEE:

1. Accounts for Payment

Mayor Bobbett requested Council to vote on a potential conflict regarding invoices payable to Fairview Investments because the company donated to his campaign.

M18-412 Moved by Councillor Martin seconded by Councillor Willis that Mayor Bobbett is not in a conflict of interest with the respect to the invoices payable to Fairview Investments on the Bills for Payment.

Motion carried

For: Councillor Martin, Deputy Mayor Laurie and Councillor Willis.

Against: Councillor Dinn and Councillor English.

Councillor Willis requested Council to vote on a potential conflict regarding invoices payable to Fairview Investments because the company donated to his campaign.

M18-413 Moved by Deputy Mayor Laurie seconded by Councillor Martin that Councillor Willis is not in a conflict of interest with the respect to the invoices payable to Fairview Investments on the Bills for Payment.

Motion carried

For: Councillor Martin, Mayor Bobbett and Deputy Mayor Laurie.

Against: Councillor Dinn and Councillor English.

M18-414 Moved by Deputy Mayor Laurie, seconded by Councillor Martin.

“BE IT RESOLVED that invoices in the amount of \$1,822,854.05 be approved for payment as submitted by the Director of Corporate Services.”

Motion carried

2. **M18-415 Moved by Deputy Mayor Laurie, seconded by Councillor Dinn**

“BE IT RESOLVED that the total payroll and benefits for the month of November 2018 in the amount of \$717,425.97 be approved.”

Motion carried



Deputy Mayor Laurie noted the Town received a legal opinion regarding conflict of interest and campaign contributions. The opinion indicated that the contribution was not a conflict of interest. Deputy Mayor Laurie also noted that all councillors disclosed their campaign donor's lists and contributions within 60 days of last fall's election. She noted that the information is available for the public to view. She also noted there are other municipalities across the province that must be dealing with this and asked if staff would follow up.

Deputy Mayor Laurie also asked if a Council member declared it a potential conflict at one meeting and Council voted, do we need to be doing it at every meeting.

Mayor Bobbet said it is something the Town could look into but again he feels it is a climate that has evolved over time about conflict of interest. He noted that the Town does take it very seriously and Council has to look at it prior to voting on all motions.

Mayor Bobbett asked Director Smith to contact the Department of Municipal Affairs for advice on this issue.

Councillor Dinn noted that he thought in a conflict of interest issue that was dealt with earlier this year that the Town had a legal opinion advising that you would have to vote on it each and every meeting.

Councillor English noted when he came on Council in September 2017 he was told the Town had a verbal opinion from their lawyers that in the event that he voted in a matter related to the lawyers, he would be in a conflict of interest. He noted he was referring to a situation where council was asked to vote on a payment for a bill less than \$100 from the St. John's law firm which represents the Town and which also happened to employ his son. He noted his son did not work on the matter in question. He noted after he participated in the vote he was accused by another councillor of having broken the conflict of interest rules. Under the Municipalities Act that states anyone deemed to have broken those rules is ejected from council and barred from seeking office for two years. He noted the Town's lawyers investigated the matter at a cost of \$10,000 and the conclusion of the lawyers was that there really was no conflict of interest, not only in that particular incidence but at any point in time since

he came on Council. Councillor English noted that he would certainly be cautioned here and that he is super sensitive to it now. Also, Councillor

English also noted he had no problem with the Town following up with Municipal Affairs for advice.

3. Working Alone Policy

M18-416 Moved by Deputy Mayor Laurie, seconded by Councillor Willis.

“BE IT RESOLVED that the Council of the Town of Paradise adopt the Working Alone Policy CS-027 as submitted.”

Motion carried

EMERGENCY AND PROTECTIVE SERVICES COMMITTEE:

No reports for this meeting.

ECONOMIC DEVELOPMENT COMMITTEE

No reports for this meeting.

COMMUNICATIONS COMMITTEE

No reports for this meeting.

INFRASTRUCTURE & PUBLIC WORKS COMMITTEE



1. M18-417 Moved by Councillor English, seconded by Councillor Willis.

“BE IT RESOLVED that the Town of Paradise approve Change Order No. 1 for Tapped Tees for 2018 Water and Sewer in the amount of \$7,600 plus HST.”

Motion carried

2. M18-418 Moved by Councillor English, seconded by Deputy Mayor Laurie.

“BE IT RESOLVED that the Town of Paradise approve Change Order No. 1 for the 2018 Street Rehab project in the amount of \$3,900 plus HST.”

Motion carried

3. M18-419 Moved by, Councillor English, seconded by Councillor Martin.

“BE IT RESOLEVED that the Town of Paradise contract EnviroMed to install and remove flow meters at a cost of \$1,888.00 plus HST per setup.”

Motion carried

4. M18-420 Moved by, Councillor English, seconded by Councillor Dinn.

“BE IT RESOLVED” that the Town of Paradise offer the property owner at 19 Gosse's Road, \$2,500 HST Included to complete the necessary landscaping and driveway repairs themselves.”

Motion carried

5. M18-421 Moved by, Councillor English, seconded by Councillor Willis.

“BE IT RESOLVED that the Town of Paradise compensate property owners on Pretty Place, St. Thomas Line and Brandywind Place a total of \$150,705 to facilitate 2018 Water and Sewer.”

Motion carried

RECREATION COMMITTEE

No reports for this meeting.

6. NEW/UNFINISHED BUSINESS:



1. Councillor Dinn thanked the staff and Council for a great job on the Brunch and Pictures with Santa on December 1, 2018. He noted there were almost 1300 people in attendance.

Councillor Dinn also noted there was a great turn out for the Annual Tree Lighting event that was held on December 2, 2018.

Councillor Dinn thanked Brendan Squire for the great job in his new role as the Special Events Technician.

Mayor Bobbett noted the Ta Da Choir and members from the Paradise Arts Committee both did a performance at the Annual Tree Lighting event.

Mayor Bobbett noted the Skinner family did the tree lighting again this year. He indicated the person who wins the last raffle game is chosen to do the tree lighting.

2. Councillor Dinn discussed the public presentation regarding the Recreation and Open Space Master Plan. He noted it was well received

and there were some suggestions in areas that may need some improvements. He also noted that this was not the final draft and that some residents thought that this plan was an Implementation Plan. Councillor Dinn advised that this Plan is only a Strategy Plan to set the course for recreation, sports and healthy living within the Town.

3. Deputy Mayor Laurie stated that the 2019 Budget will be presented at the December 18, 2018 Council meeting.

7. **M18-422 Moved by Councillor Martin, seconded by Councillor Willis to adjourn the meeting at 8:36 p.m.**

Dan Bobbett, Mayor

Terrilynn Smith, Town Clerk

**TOWN OF PARADISE
COMMITTEE OF THE WHOLE
TUESDAY, DECEMBER 4, 2018
TOWN HALL, PARADISE
6:00 P.M.**

PRESENT:	Chairperson	Dan Bobbett, Mayor
	Deputy Mayor	Elizabeth Laurie
	Councillor	Paul Dinn
	Councillor	Allan English
	Councillor	Patrick Martin
	Councillor	Sterling Willis
	Director of Corporate Services	Terrilynn Smith
	Director of Planning & Protective Services	Alton Glenn
	Director of Infrastructure & Public Works	Garry Spencer
	Director of Recreation & Leisure Services	Conrad Freake
	Administrative Assistant	Claudine Hannebury

ABSENT:	Chief Admin. Officer	Lisa Niblock
	Councillor	Deborah Quilty



1. The meeting was called to order by Chairperson Bobbett at 6:00 p.m.

2. **FINANCE AND ADMINISTRATION COMMITTEE:**

1. Accounts for payment

Council recommended that accounts in the amount of \$1,822,854.05 be approved at the December 4, 2018 Public Meeting.

Mayor Bobbett requested Council to vote on a potential conflict regarding invoices payable to Fairview Investments because the company donated to his campaign.

Vote: Not in conflict: Councillor Martin, Councillor Willis, and Deputy Mayor Laurie

In Conflict: Councillor Dinn and Councillor English

Councillor Willis requested Council to vote on a potential conflict regarding invoices payable to Fairview Investments because the company donated to his campaign.

Vote: Not in conflict: Councillor Martin, Deputy Mayor Laurie and Mayor Bobbett

In Conflict: Councillor Dinn and Councillor English



Councillor English inquired about the invoice for Northbridge General Insurance Company.

Director Smith noted this was for the Town's deductible for a previous insurance claim.

Councillor English enquired about the sequence of the progress payments for Fairview Investments.

Director Smith advised that she would review.

3. **PLANNING AND DEVELOPMENT COMMITTEE:**



PERMITS:

1. 31 Goldfinch C2018-742
Application to operate a home-based hair salon business.

Council recommended to approve the application subject to no objections being received in response to the Notice of Discretionary Use and the following conditions:

1. The development to meet the Development Standards/Regulations of the Residential Medium Density (RMD) Use zone in the Paradise Municipal Plan/Regulations, 2016.
2. All work shall be carried out in accordance with the requirements of the Regulations, the terms of this permit and all other rules and regulations of the Town of Paradise.
3. The issue of this permit does not exempt the applicant from obtaining any other permits or approvals required by law.
4. The work authorized by this permit shall not be used or occupied without an Occupancy Permit from the Town of Paradise.
5. Any placard issued by the Town of Paradise relating to the work authorized by this or any other permit must be displayed in full public view on the site.
6. This permit does not authorize the use or occupancy of Crown Land or other lands without a lease or grant from the Crown or permission of the owner.

7. Any renovations required to prepare the space for business will require a renovations permit to be obtained from the Town.
8. Prior to the issuance of a home based business occupancy permit, the applicant must submit approval (or a letter of exemption) from Service NL in relation to Fire Life Safety and Building Accessibility.
9. The following regulations apply to a home based business operating in a dwelling in an RMD Use zone:
 - The dwelling unit is occupied as a residence by the applicant;
 - The use is clearly subsidiary to the residential use, and does not detract from the residential character of the surrounding area. The external appearance of the dwelling shall not be changed by the home based business;
 - No more than 25% of the total floor area of the dwelling, up to a maximum of 45 square metres, is devoted to the business use;
 - No wholesale sales is carried out and retail sales are incidental and subsidiary to the approved use;
 - There will not be more than two non-resident employees working regularly in the dwelling;
 - No regular parking of more than three non-resident owned vehicles will be permitted on the lot;
 - The lot shall have sufficient area to accommodate the parking requirements of the dwelling unit and the home based business;
 - The parking of commercial vehicles is subject to a permit being issued by Council, and subject to the Town of Paradise Commercial Vehicle Regulations;
 - Activities associated with the use are not hazardous, and do not cause noticeable noise, odour, dust, fumes, night lights, or other inconvenience or nuisance to the neighbouring residents;
 - Activities, such as the delivery or movement of goods, are limited to the hours of 8 a.m. to 8 p.m.;
 - There will be no repair, major maintenance, dismantling, or scrapping of vehicles or heavy equipment;
 - There will be no storage of unsightly materials or waste outdoors;
 - No change will be made in the type, class, intensity or extent of the business or service without a permit.
10. The home based business will be monitored for a period of one (1) year, if any issues may withdraw the home based business permit.

ORDERS



2. Order to be confirmed – 54 Ashlen Crescent

Council recommended that the order concerning the construction of a dwelling located at 54 Ashlen Crescent that is not in accordance with the building permit issued on November 20, 2018 be confirmed.



3. Eastern Newfoundland Regional Appeal Board Decisions: 160 St. Thomas Line and 192 St. Thomas Line

The appeal between residents at 160 St. Thomas Line and the Town of Paradise was respecting the Town's decision to refuse an application to subdivision property at 160 St. Thomas Line into two (2) residential building lots. The reason for refusal was two-fold: a portion of the property was zoned Conservation under the 2004 Paradise Development Regulations and residential uses are not permitted in the Conservation zone; and, the Town's Transportation Plan recommended no new residential accesses onto St. Thomas Line in the vicinity of the subject property. On November 5, 2018, the Town's decision to refuse the application was confirmed by the Board.

The appeal between the residents at 192 St. Thomas Line and the Town of Paradise was respecting the Town's decision to refuse a discretionary use application to operate a woodworking business as a Home-Based Business on property situated at 192 St. Thomas Line. This decision was made under the 2004 Paradise Municipal Plan and Development Regulations. On October 30, 2018, the Board confirmed the Town's decision to refuse the aforementioned application.

Board decisions are subject to appeal to the Supreme Court of Newfoundland and Labrador within 10 days of the date the appellant receives the Board's decision. That appeal time has passed and the Town was not notified of any appeal to the Supreme Court.

4. **EMERGENCY AND PROTECTIVE SERVICES COMMITTEE:**

No reports for this meeting.

5. **ECONOMIC DEVELOPMENT COMMITTEE:**

No reports for this meeting.

6. **COMMUNICATIONS COMMITTEE:**

No reports for this meeting.

7. **INFRASTRUCTURE & PUBLIC WORKS COMMITTEE:**



1. 2018 Street Rehab Change Order No. 1

The shoulder on Glenderek Drive between Civic no. 31 and no. 49 has experienced several washouts within the last year due to the distance between the edge of the asphalt and the ditch. The Town has received several complaints about this and has had to repair the shoulder several times. To alleviate the issue of washouts the Engineering Department recommends installing an asphalt swale to better direct surface run-off into the ditch.

Council recommended to approve Change Order No. 1 for the 2018 Street Rehab project in the amount of \$3,900 plus HST.

2. 2018 Water and Sewer Change Order No. 1 – Tapped Tees

The 2018 Water and Sewer project is currently under construction. During the course of this project it was discovered that there were no quantities for tapped tees for water services which are a pay item under the Municipal Water and Sewer Master Specification. A total of 24 tees are required to complete the work.

Council recommended to approve change order No. 1 for Tapped Tees for 2018 Water and Sewer in the amount of \$7,600 plus HST.



3. Install of Flow Meters

The Town of Paradise currently owns eight (8) flow meters which were purchased during the course of a study. Town staff would like to have these flow meters installed at various locations throughout the Town to update our sanitary sewer model. Additional flow data would help in determining where future upgrades may be needed to allow for further development and will help identify areas which may currently be undersized. It would also provide more accurate flow data for the amount of sanitary sewer flows entering the new Sewage Treatment Plant.

Council recommended to contract EnviroMed to install and remove flow meters at a cost of \$1,888.00 plus HST per setup.

Councillor English noted this would also provide more accurate flow data for the amount of sanitary sewer flows entering the new Sewage Treatment Plant.

8. **RECREATION COMMITTEE:**

No Reports for this meeting.

9. **CORRESPONDENCE:**

10. **OTHER BUSINESS:**



1. Councillor Willis asked if the Town is waiting on any decisions from Eastern Newfoundland Regional Appeal Board regarding another wood working company.

Director Glenn advised that there are no outstanding appeals with respect to another wood working company.

2. Councillor Dinn noted residents from Clearview Heights contacted him requesting an update regarding an order that was placed on 32 Clearview Heights.

Director Glenn noted there will be a discussion regarding this matter at the Planning Committee meeting on December 6, 2018.

3. Councillor Dinn requested an update regarding residents on Harcourt Road receiving water and sewer service.

Director Spencer indicated that it will cost an additional \$200,000 to install water and sewer on Harcourt Road. He noted that committee recommended not to proceed with the additional cost because there was not enough money remaining under the 2018 Water and Sewer Upgrade funding to complete the work. Also, he noted the committee indicated the Town should follow the water and sewer priority list.

Councillor Dinn inquired what the cost would be if the Town were to do it at a future date as compared to now.

Director Spencer indicated he would review.

Deputy Mayor Laurie noted that while she appreciates the committee decision she feels it was a decision that should be brought to Council.

Councillor Willis noted a decision needs to be made.

Director Spencer also noted that the Public Tender Act will also have to be considered.

Director Spencer noted he would discuss this matter at the December 5, 2018 Committee meeting and bring it back to Council.

Deputy Mayor Laurie asked how many houses on Harcourt Road would avail of this service.

Mayor Bobbett responded approximately 2 or 3 houses.

4. Deputy Mayor Laurie requested an update regarding Sullivan's Road.

Director Spencer noted Sullivan's Road was paved on Saturday and hoping to have Brandywind Place, Pretty Place and St. Thomas Line done before Thursday.

5. Councillor Willis inquired about the two road cuts on Topsail Road one in front of the fire hall and the other across from 1655 Topsail Road.

Director Spencer noted he would look into this.



6. Councillor Willis noted that residents from Sullivan's Road asked why the Town installed ditches on Sullivan's Road.

Mayor Bobbett noted that water was seeping into the bed of the road causing the pavement to crack. He noted according to the engineering standards the ditches were required for water runoff.



7. Councillor Willis requested an update regarding the Town's History App.

Director Smith noted that all data has been collected however due to some staffing turnover with the vendor there has been a delay. She noted hoping that it should be up and running in early 2019.

11. Meeting adjourned at 7:03 p.m.

Dan Bobbett, Mayor

Terrilynn Smith, Town Clerk

BILLS FOR PAYMENT			
4-Dec-18			
SUPPLIER	INVOICE	AMOUNT	DESCRIPTION
A. Harvey & Company	S0041895	\$ 204,856.43	Bulk Road Salt
Allied Construction Management Inc.	1562	112,908.16	St. Thomas Line -Wastewater Treatment Plant
City of Mount Pearl	9690	6,582.36	1/3rd Share of Cost of Watershed Study
City of St. John's	RF 2018-10	349,753.47	Fire Dept. Budget Share (December 18)
Cougar Engineering and Construction Ltd.	2017-059-2	661,458.41	2018 Water and Sewer Upgrades
Credit Recovery (2003) Ltd.	OCT312018	13,154.15	Recovery fees
Electro Mechanical Service	INV000102670	8,794.97	Repairs to Zamboni
Fairview Investments Limited	2018-008.2-3	71,693.19	2018 Infrastructure Improvements - McNamara Sanitary Sewer Upgrade
Fairview Investments Limited	2018-008.2-2	97,799.24	2018 Infrastructure Improvements - McNamara Sanitary Sewer Upgrade
Fairview Investments Limited	2018-008.2-3b	77,646.75	2018 Infrastructure Improvements - Clearview Heights Roundabout
Harvey & Company	1049547	7,510.64	EGR Cooler Parts for Unit #62
Metrobus	10653	27,078.48	Transit fees - October 2018
Modern Paving Ltd.	IN066910	17,879.50	Contract Payment #6 - Sunvalley Drive Upgrades
Murray's Landscaping Services Ltd.	m2802	10,120.00	Dismantle Playground
Newfoundland Power	CBSNOV162018	49,469.48	Power Bill - Nov 16, 2018
Newfoundland Power	STREETLIGHTS - November 18	67,867.66	Streetlight Bill - Nov 28, 2018
Northbridge General Insurance Co	5604E4834-G2	10,000.00	Insurance Deductible
Progressive Engineering & Consulting Inc.	2018-008-3-CP3	7,968.87	Clearview Heights Roundabout - Professional Services
Ricoh	TOR18110001	11,112.29	Scanning of Civic files
Ricoh	INV90658666	9,200.00	Laserfiche Configuration
Be it resolved that invoices in the amount of		\$1,822,854.05	
be approved for payment, as submitted by the Director of Corporate Services.			

Elizabeth Laurie

Payroll and Benefits
30-Nov-18

Description	Amount
Payroll and Benefits - November 1-30, 2018	\$ 694,627.89
Council Stipends and Benefits November 1-30, 2018	22,798.08
Total	\$ 717,425.97

Be it resolved that the total payroll and benefits for the month of November 2018 in the amount of \$717,425.97 be approved

Elizabeth Laurie