

September 4, 2020



Re: Your request for access to information under Part II of the Access to Information and Protection of Privacy Act, 2015 [Our File # 2020-06]

On July 16, 2020, the Town of Paradise received your request for access to the following records/information:

-Any and all correspondence (written or electronic), communications, council minutes (public and privileged), committee minutes related to the proposed development of the Tim Hortons at the corner of Sgt. Donald Lucas and Topsail Road in Paradise.

-Any and all correspondence (written or electronic), communications, council minutes (same as above) related to the alternate and/or amended documents at the same location listed above.

-Any and all correspondence (as listed above) as well as legal opinions related to conflict of interest and potential conflict of interest of councilors, where councilors recused themselves and/or council voted on conflict of councilors (dating back to Sept 2017 Municipal Election)

- Any and all correspondence (as listed above) related to conflict of interest or potential conflict of interest regarding development proposals/undertakings by Fairview Investments Ltd., 360 Topsail Road, St. John's NL (dating back to Sept 2017 Municipal Election)

Update / Clarification - August 6, 2020: All correspondence requested above relates to Council members only. Provided records of correspondence are to include a member of council (i.e. to, from, or copied on the record)

I am pleased to inform you that a decision has been made by the ATIPP Coordinator for the Town of Paradise to provide access to some of the requested information.

Access to information contained within the records has been refused in accordance with the following exceptions to disclosure, as specified in the Access to Information and Protection of Privacy Act (the Act):

Policy advice or recommendations

29. (1) the head of a public body may refuse to disclose to applicant information that would Reveal (a) advice, proposals, recommendations, analyses or policy options developed by or for a Public body or minister;

Disclosure harmful to personal privacy

40. (1) the head of a public body shall refuse to disclose personal information to an applicant where the disclosure would be an unreasonable invasion of a third party's personal privacy.

Legal advice

30. (1) The head of a public body may refuse to disclose to an applicant information (a) that is subject to solicitor and client privilege or litigation privilege of a public body

Local public body confidences

28. (1) The head of a local public body may refuse to disclose to an applicant information that would reveal (c) the substance of deliberations of a meeting of its elected officials or governing body or a committee of its elected officials or governing body, where an Act authorizes the holding of a meeting in the absence of the public.

Please be advised that you may ask the Information and Privacy Commissioner to review the processing of your access request, as set out in section 42 of the Access to Information and Protection of Privacy Act, 2015 (the Act). A request to the Commissioner must be made in writing within 15 business days of the date of this letter or within a longer period that may be allowed by the Commissioner.

The address and contact information of the Information and Privacy Commissioner is as follows:

Office of the Information and Privacy Commissioner
2 Canada Drive
P. O. Box 13004, Strn. A
St. John's, NL. A1B 3V8

Telephone: (709) 729-6309
Toll-Free: 1-877-729-6309
Facsimile: (709) 729-6500

You may also appeal directly to the Supreme Court within 15 business days after you receive the decision of the public body, pursuant to section 52 of the Act.

If you have any further questions, please feel free to contact me by telephone at 709-782-3042 or by e-mail at tsmith@paradise.ca.

Sincerely,



Terrilynn Smith
ATIPP Coordinator

Corey Smith

From: Dan Bobbett
Sent: June-28-19 12:35 PM
To: [REDACTED]
Subject: Re: Kids Over Coffee

[REDACTED]

Thank you for reaching out. Safety is always a priority for the Town of Paradise.

I would like say that the discretionary use notice is for us to hear from you. So we can get feedback and council can make an informed fair decision

Thank you for being involved in the process and I'm glad you took the time to contact me.

Thank you ,

Dan Bobbett
Mayor
Town of Paradise

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On Jun 28, 2019, at 9:02 AM, [REDACTED] ^{Section 40(1)} > wrote:

Good morning,

This is the email sent from [REDACTED] My feelings are the exact same as hers.

Please re read below.

Thanks,
[REDACTED]

Good Morning,

I am writing to express concerns about the proposed drive thru restaurant at the corner of Topsail Road and Sgt. Donald Lucas Drive ("SDL") which is currently before the Town for consideration.

First, I would like to say that I support economic development in our town. No one was more excited than me when Starbucks was announced. I would, however, suggest that

a balance between commerce and community is appropriate in this case and all others.

[REDACTED] I know first hand that traffic in this area is significant. This is due to the proximity of Octagon Pond Elementary ("OPE") as well as users of the Octagon Pond trail. And as every [REDACTED] Topsail Road is the major thoroughfare for the community. All of these factors combine to make the traffic associated with the intersection of Topsail and SDL significant.

Tim Hortons locations throughout the greater St. John's area are located on major thoroughfares. While Topsail Road would be the same, the other locations do not have their exit onto a residential street. There is insufficient space on SDL to accommodate drivers turning left out of the Tim Hortons parking lot. There is a traffic light at the intersection of Topsail and SDL. Drivers would have nowhere to go when they turn left because there is already a line up down SDL to get on Topsail. We have all seen the traffic at the Tim Hortons by No Frills. SDL simply cannot accommodate this level of traffic.

The vehicles and pedestrians associated with the octagon pond trail further add to the traffic at this intersection. This trail is a favourite of many residents and accessibility is important. Green space is also important. Adding a parking lot and drive thru exit so close to the trail entrance impacts people's ability to access the trail.

A residential street which is also a school zone is not an appropriate place for a drive thru exit. I can tell you first hand that traffic flow and speeding are problematic on SDL in the morning. I drive this route everyday. The speed limit is 30 km/h. This limit is not respected. SDL is somewhat of a steep hill and sometimes drivers are blind to children trying to cross the street. Given the school board's busing policy, the children that live in this neighbourhood walk to school. They are not eligible for the bus. As such, the number of pedestrians is significant. This is in addition to the children who are bused and the children who are dropped off by adults. Often the adults park on SDL to avoid the traffic of the OPE parking lot. There is already a line up of cars coming out of OPE turning right to get the light at the intersection of Topsail and SDL.

The proposed drive thru exit on SDL would mean the existing traffic and pedestrian issues on SDL plus the traffic that is characteristic of a Tim Hortons Drive thru would be all in one place on a residential street that is also a school zone and entrance to a community recreational trail. There is simply not enough room on SDL for a drive thru exit, a school, residents of the neighbourhood and trail users to compete for space. This is a traffic issue. There are also safety issues. How can children cross the street when cars are turning left and right out of the Tim Hortons? How will the town enforce the speed limit of 30 km/h? How can the town prevent cars turning left out of the Tim Hortons then doing a U turn to get back left and down to Topsail Road? A traffic light, crosswalks and crossing guards have already been added to SDL and OPE as safety measures. Adding the traffic of a Tim Hortons Drive thru will require additional safety measures. What does the town intend to implement? Or is the onus on residents and OPE to protect themselves against the drive thru customers? Does the owner of the Tim Hortons have any responsibility for the impact their customers will have on the area?

I can't think of any examples of a Tim Hortons where the drive thru exits onto a residential street that is also a school zone. This doesn't mean that there aren't any. Is the town aware of any precedent for this configuration? Has the town or the developer conducted any studies to determine the impact on this area? The developers should be

required to demonstrate the impacts. The town should take these impacts into consideration.

I respectfully urge you to deny the application for a drive thru at Topsail and SDL. [REDACTED] our concerns should carry weight as we know this area better than most. The drive thru would pit coffee customers, school children and residents against each other, competing for space on the roads and sidewalks. Imagine having a school at the same parking lot as a Tim Hortons. It just doesn't make common sense. Perhaps there is an alternate exit that would be more appropriate to this area as well as more safe. I am sure that lots of residents in this area would love to have a Tim Hortons close by. I am among those. Is it possible to have the exit further down topsail road? A more balanced approach to the Tim Hortons location should be acceptable to all.

Thank you for the opportunity to comment on the application.

Respectfully,

[REDACTED] 540(1)

Sent from my iPhone

Corey Smith

From: Lisa Niblock
Sent: July-09-20 10:29 AM
To: Dan Bobbett
Subject: Fwd: Tim Horton's Application for Sgt. Donald Lucas Dr.

Lisa Niblock
Chief Administrative Officer
Town of Paradise

Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: July 9, 2020 at 10:15:25 AM NDT
To: [REDACTED] 540(c)
Cc: Lisa Niblock <lniblock@paradise.ca>, [REDACTED] Alton Glenn <AGlenn@paradise.ca>, Paul Dinn <PaulDinn@gov.nl.ca>, Patrick Martin <pmartin@paradise.ca>, Kimberley Street <kstreet@paradise.ca>, Deborah Quilty <dquilty@paradise.ca>, Sterling Willis <swillis@paradise.ca>, Elizabeth Laurie <elaurie@paradise.ca>, Allan English <aenglish@paradise.ca>
Subject: Re: Tim Horton's Application for Sgt. Donald Lucas Dr.

Thank you, [REDACTED] 540(c)

That is very well put. The fact that this area has remained a residential commercial development zone after the construction of a school, which is surrounded by homes, is concerning enough.

If there are council members helping to make a Tim Hortons in this zone a possibility, I would agree with the argument that these members are indeed not acting in the best interest of the local residents, who have largely spoken out against such a development.

A Tim Hortons in any capacity in this area is not acceptable. The added traffic it would bring to a school and residential area is not acceptable. The added risk [REDACTED] children attempting to travel to and from school (in an already dangerous intersection) is not acceptable. 540(c)

We are prepared to continue actively fighting this issue should we need to, but like [REDACTED] I feel we shouldn't have to. There have been other land developers interested in offering land in more suitable locations. If council is interested in helping the Tim Hortons owner make another Paradise location possible, my suggestion would be to explore these other locations. I can certainly put any council member in discussion with the Tim Hortons owner in contact with a land developer interested in being a part of the discussion to find a more suitable location.

Please feel to contact me regarding this matter.

On Jul 9, 2020, at 9:15 AM, [REDACTED] > wrote:

Council

§40(c)

The reason [REDACTED] continues to look for updates on the proposed Tim Horton's development is due to the fact that we have been informed by those close to the process that this developer has indeed constructed a new proposal (with input from council) for the proposed location. While the appeal is underway for the 1st application this developer has informed those through the rumor mill that this Tim Horton's is in fact a "Done Deal" and this new application will make this happen.

I am disheartened to hear these "rumors" and while I know they are just that at this time I'm sure these statements aren't far from the truth.

I am not hearing however that the Town of Paradise Council members are standing up for the best interest of the residents of the area, the students of Octagon Pond Elementary and all those affected which is what I would expect after the outcry of support we garnered in opposition to the Tim Horton's Development.

[REDACTED] §40(c) is doing the right thing by following up with the town and while it may seem precautionary I will note that the Tim Horton's discretionary notice which landed in my mailbox last summer gave us 4 days to respond.

We are asking the question whether or not things have changed with this development because we do not want to be blindsided as residents. It is becoming apparent that we will again have to garner support to address yet another application. This should just not be. The elected officials serve the residents of the town and the residents have demonstrated that Tim Horton's in a residential neighborhood with a school in close proximity is NOT in their best interests. This space was zoned commercial before it was a school area. The argument that this is commercial space is a terrible one.

Please feel free to contact me on this matter. Although I will say I am quite tired of this discussion and the only resolution I can see is action from council to support the residents of this area.

Regards,

[REDACTED]

540(1)

From: Lisa Niblock <lniblock@paradise.ca>

Sent: May 14, 2020 4:27 PM

To: [REDACTED]

Cc: [REDACTED]; Paul

Dinn <PaulDinn@gov.nl.ca>

Subject: RE: Tim Horton's Application for Sgt. Donald Lucas Dr.

Hi Again,

I have heard from the Planning Department that the province is still hearing appeals, we have not heard of a time when this matter has been scheduled.

Feel free to check back at anytime for an update.

Lisa

Lisa Niblock
Chief Administrative Officer (CAO)
Town of Paradise

-----Original Message-----

From: Lisa Niblock <lniblock@paradise.ca>

Sent: May 12, 2020 7:14 PM

To: [REDACTED]

Cc: [REDACTED]; Paul

Dinn <PaulDinn@gov.nl.ca>

Subject: Re: Tim Horton's Application for Sgt. Donald Lucas Dr.

540(1)

Hi [REDACTED]

I am unsure if the province is hearing appeals during the pandemic, but I will follow up and get back to you.

Thanks for your inquiry.

Lisa Niblock
Chief Administrative Officer
Town of Paradise

Sent from my iPhone

540(1)

> On May 12, 2020, at 6:56 PM, [REDACTED] wrote:

>

> Hello Lisa,

> Just wondering if there has been any movement on the Tim Horton's appeal? We are under the assumption that this is still planning to go before the appeal board. Have you heard anything on the matter? Also has there been any further developments regarding the application in general?

>
> Thanks
>
> 
>
> Sent from my iPhone

Corey Smith

From: Lisa Niblock
Sent: August-09-19 11:47 AM
To: Dan Bobbett
Subject: FW: Media Request - VOCM

See details below.

Make everyone a believer that construction is good! ☺



Lisa Niblock
Chief Administrative Officer
P: 709.782.1400
lniblock@paradise.ca
www.paradise.ca



Please consider whether it is necessary to print this email

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From: Grant Loveys <grantl@paradise.ca>
Sent: August-09-19 11:44 AM
To: Lisa Niblock <lniblock@paradise.ca>; Terrilynn Smith <tlsmith@paradise.ca>
Cc: Diane Keough <dkeough@paradise.ca>
Subject: RE: Media Request - VOCM

Sounds good. Jolene at VOCM suggests 2:15 this afternoon. Phone interview. The Mayor can call [REDACTED]

If this is ok with you/the Mayor, I'll confirm with Jolene.

From: Lisa Niblock
Sent: August-09-19 11:39 AM
To: Grant Loveys; Terrilynn Smith
Cc: Diane Keough
Subject: RE: Media Request - VOCM

Mayor Bobbett is available for this time and will not require key messages. Please let me know details and I will coordinate with him.



Lisa Niblock
Chief Administrative Officer

P: 709.782.1400
lniblock@paradise.ca
www.paradise.ca

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From: Grant Loveys <grantl@paradise.ca>
Sent: August-09-19 11:33 AM
To: Lisa Niblock <lniblock@paradise.ca>; Terrilynn Smith <tlsmith@paradise.ca>
Cc: Diane Keough <dkeough@paradise.ca>
Subject: Media Request - VOXM

Hi all,


Just got off the phone with Jolene at VOXM. She's wondering if the mayor would be available for an interview regarding the decision on the Tim Hortons near Octagon Pond Elementary and "construction in the town in general." She's looking for availability in the late afternoon, sometime after 2.

Thoughts?

Thanks,
Grant



Grant Loveys
Communications Assistant
P: 709.782.1291
C: 709.770.9687
grantl@paradise.ca
www.paradise.ca

 Please consider whether it is necessary to print this email

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Corey Smith

From: [REDACTED] 540(1)
Sent: June-29-19 12:44 PM
To: Dan Bobbett
Subject: Re: Concerns re proposed drive through at Sgt. Donald Lucas Dr

Thanks,

I will distribute. Whenever they want to set up a meeting they can contact me and I will get that info out to the group.

[REDACTED]
Sent from my iPhone 540(1)

On Jun 29, 2019, at 11:54 AM, Dan Bobbett <dbobbett@paradise.ca> wrote:

Hi [REDACTED]

I know staff are arranging a face to face meeting with council and your group. That's not a problem
Not sure who in your group was coordinating.

My phone number is 699 -3577

There was a person in the group that said they couldn't reach me but I checked all my missed calls and messages and there was nothing there.

Feel free to give this number to anyone who would like to call me.

Thank you ,

Dan Bobbett

Mayor

Town of Paradise

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On Jun 29, 2019, at 9:08 AM, [REDACTED] wrote:

S 40(1)

No problem,

I think our group is now wondering what the process will be? Could you maybe give us some feedback on this? I know people have requested a meeting/face to face with council etc. and haven't gotten a reply. Is this a possibility or is it needed?

[REDACTED] S 40(1)

Sent from my iPhone

On Jun 29, 2019, at 6:45 AM, Dan Bobbett <dbobbett@paradise.ca> wrote:

Hi [REDACTED]

Thank you for sending along the petition.

Good to see the input and feedback on this discretionary application.

Thank you ,

Dan Bobbett

Mayor

Town of Paradise

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On Jun 28, 2019, at 1:48 PM, [REDACTED] wrote:

S 40(1)

Hello All,

Please see attached document listing petitioners that strongly oppose the drive-thru at the corner of Sgt. Donald Lucas Dr. Please take this into consideration when reviewing concerns regarding this development. Please note these signatures were collected in a short

time frame given most residents received this letter Monday June 24, 2019 however we still consider this a great response. We will deliver a hard copy to the town council office.

Thanks for your time.

[Redacted]

S40(1)

From: [Redacted]
Sent: Wednesday, June 26, 2019 10:41 PM
To: swillis@townofparadise.ca; dquilty@paradise.ca; kstreet@paradise.ca; mayor@townofparadise.ca; elaurie@paradise.ca; pmartin@paradise.ca; planningnotices@paradise.ca; aenglish@paradise.ca
Cc: [Redacted]
Subject: Concerns re proposed drive through at Sgt. Donald Lucas Dr.

June 25, 2019

Members of Council of the Town of Paradise

Department of Planning & Protective Services

RE: Application for approval to add a drive thru restaurant at the corner of Sgt. Donald Lucas Drive and Topsail Road

To whom it may concern,

On Monday, June 24, 2019 [Redacted]

regarding a notice of discretionary application for a proposed drive-through restaurant at the corner of Sgt. Donald Lucas Drive and Topsail Road. The notice did not indicate the specific drive-through restaurant, but my understanding is that it would be a Tim Horton's establishment. [Redacted]

S40(1)

[Redacted] Town of Paradise, I will outline my concerns with the application.

First, the proposed drive-through restaurant exit is onto Sgt. Donald Lucas Drive directly into the Octagon Pond Elementary school zone. There is an immediate safety concern with a proposed restaurant drive-through in direct proximity to a school zone. Traffic exiting the lot of the proposed drive-through restaurant would have to contend with traffic of the parents dropping their

children to school. [REDACTED] I can tell you during peak school times this area is congested and therefore I have a major concern with adding more traffic to the area. In addition, there are students of Octagon Pond Elementary who are in the 1.6 km no bussing zone. Under current bussing rules, these children are required to walk to school. The safety of these children is certainly of concern with the proposed drive-through restaurant in direct proximity to a school zone.

My understanding is there will be added traffic lights at the end of Sgt. Donald Lucas Drive but that would certainly present additional issues. There is no space for both the drive-through exit and the those exiting the school to line up for the light without impeding all the residents at the end of Sgt. Donald Lucas Drive. An increase in traffic waiting at the light will not be appealing for any resident in the vicinity. It is not what I envisioned when [REDACTED]

[REDACTED] want to see growth and development in the Town of Paradise, but safety and quality of life need to be considered. I think allowing a drive-through Tim Hortons in a residential area such as Sgt. Donald Lucas Drive is a mistake for the future of the area. Also, there is a well-known designated commercial zone near the McNamara Drive area. A family oriented, school zone is what people desire when they move to Sgt. Donald Lucas Drive.

Additionally, I would like to highlight that the area is busy and congested at present with the current volume of traffic. Problems with speeding and heavy traffic on both Sgt. Donald Lucas Drive and Topsail Road have created an unsafe environment where many parents and residents of the area are concerned. To compound the issue, the proposed drive-through restaurant is a Tim Horton's establishment. We have seen time again the traffic issues that a Tim Horton's restaurant has caused in nearby municipalities such as CBS, Mount Pearl and St. John's. Examples include traffic backed up, exit and entering issues with the parking lot, and loitering of vehicles. This is not just a commercial business being added to the neighborhood. The proposed commercial business is a drive-through restaurant with well-known heavy traffic volume operating at the very peak time when students are traveling to school.

[REDACTED] cannot understand why a Tim Horton's would ever be proposed in such proximity to a residential area like that at the corner of Sgt. Donald Lucas Drive and especially next to a school zone. I urge the Planning committee and the council of the Town of Paradise to review this application thoroughly to ensure due diligence is completed for the residents and the children attending school in the area of Sgt. Donald Lucas Drive. The application will require serious planning, a traffic study, a review of safety measures, engagement from school board officials and residents of the area. It is important to note, that the commercial designation for the area does not preclude consideration for residents who have populated the entire area since the commercial zoning was first enacted. The designation of this area as commercial therefore requires further review. I am requesting to meet with those involved in the process to discuss all the concerns highlighted.

Regards,

[REDACTED] § 40(1)
[REDACTED]
[REDACTED]

<Petition to Town of Paradise.pdf>

ATIPP: Petition withheld - Disclosure harmful to personal privacy
40. (1)

Corey Smith

From: Dan Bobbett
Sent: June-29-19 6:46 AM
To: [REDACTED] 540(c)
Subject: Re: Concerns re proposed drive through at Sgt. Donald Lucas Dr.

Hi [REDACTED] 540(c)

Thank you for sending along the petition.

Good to see the input and feedback on this discretionary application.

Thank you ,

Dan Bobbett
Mayor
Town of Paradise

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On Jun 28, 2019, at 1:48 PM, [REDACTED] 540(c) > wrote:

Hello All,

Please see attached document listing petitioners that strongly oppose the drive-thru at the corner of Sgt. Donald Lucas Dr. Please take this into consideration when reviewing concerns regarding this development. Please note these signatures were collected in a short time frame given most residents received this letter Monday June 24, 2019 however we still consider this a great response. We will deliver a hard copy to the town council office.

Thanks for your time.

[REDACTED] 540(c)

From: [REDACTED]
Sent: Wednesday, June 26, 2019 10:41 PM
To: swillis@townofparadise.ca; dquilty@paradise.ca; kstreet@paradise.ca; mavor@townofparadise.ca;

Corey Smith

From: Dan Bobbett
Sent: June-26-19 10:50 PM
To: [REDACTED]
Subject: 540(1) Re: Concerns re proposed drive through at Sgt. Donald Lucas Dr.

Hi [REDACTED]

Thank you for reaching out.

I would like say that the discretionary use notice is for us to hear from you. So we can get feedback and council can make an informed fair decision

Thank you for being involved in the process and I'm glad you took the time to contact me.

Thank you,

Dan Bobbett

Mayor

Town of Paradise

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Corey Smith

From: Dan Bobbett
Sent: June-28-19 12:32 PM
To: [REDACTED]
Subject: Re: Development at OPE School zone

§ 40(1)

Hi [REDACTED]

Thank you for reaching out.

I would like say that the discretionary use notice is for us to hear from you. So we can get feedback and council can make an informed fair decision

Thank you for being involved in the process and I'm glad you took the time to contact me.

Thank you ,

Dan Bobbett
Mayor
Town of Paradise

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On Jun 28, 2019, at 11:43 AM, [REDACTED] § 40(1) wrote:

Hi,

I wanted to email you with my concerns about a drive thru restaurant in the area of Octagon Pond Elementary. This area is already congested as it is, especially with the three way intersection on to Topsail road with out the proper intersection lights.

Drive thru areas are consistently busy, with people in a hurry and this will lead to dangerous conditions for parents driving kids to school and worse for children walking to school. Trying to

cross the street in front of a Tim Hortons or McDonalds? That is dangerous enough for a grown adult not to mention elementary school children.

The idea that this has even got to this stage is unbelievable. It should have been rejected the moment it came in. There are other areas of Paradise that may benefit from more restaurants but certainly not in a school zone. This is a bad idea.

Regards,

540

A solid black rectangular redaction box covering the signature area.

Corey Smith

From: Terrilynn Smith
Sent: June-27-19 12:20 PM
To: Dan Bobbett
Subject: FW: CBC Radio Media Request - Tim Hortons Issue

From: Grant Loveys
Sent: Thursday, June 27, 2019 12:20 PM
To: Terrilynn Smith; Diane Keough
Subject: RE: CBC Radio Media Request - Tim Hortons Issue

Interview set for 1:05, in-studio. Ted said the Mayor can show up around 1 and go right in if time is of the essence.

From: Terrilynn Smith
Sent: June-27-19 12:16 PM
To: Grant Loveys; Diane Keough
Subject: RE: CBC Radio Media Request - Tim Hortons Issue

Mayor is good with 1:05

From: Grant Loveys
Sent: Thursday, June 27, 2019 12:14 PM
To: Diane Keough
Cc: Terrilynn Smith
Subject: RE: CBC Radio Media Request - Tim Hortons Issue

Just got off the phone with Ted – earliest he can do is 1:05. I have to call him back to confirm...

From: Diane Keough
Sent: June-27-19 12:13 PM
To: Grant Loveys
Cc: Terrilynn Smith
Subject: Re: CBC Radio Media Request - Tim Hortons Issue

That's typically the time for On The Go interview they start doing interviews after lunch.

Sent from my iPhone

On Jun 27, 2019, at 12:06 PM, Grant Loveys <grantl@paradise.ca> wrote:

Just called Ted again – no answer. I left a message inquiring about the availability of an earlier timeslot. When I spoke to him before, he mentioned he was only free "after lunch," then gave those specific times...

I'll let you know when I hear something.

--G

From: Terrilynn Smith
Sent: June-27-19 11:59 AM
To: Grant Loveys
Cc: Diane Keough
Subject: Re: CBC Radio Media Request - Tim Hortons Issue

Can it be earlier? He can go to them if needed

Sent from my iPhone

On Jun 27, 2019, at 11:52 AM, Grant Loveys <grantl@paradise.ca> wrote:

Just spoke to Ted – he’s available to tape an interview at either 1:30, 1:45, 2:15 or 2:30.

From: Terrilynn Smith
Sent: June-27-19 11:51 AM
To: Diane Keough
Cc: Grant Loveys
Subject: Re: CBC Radio Media Request - Tim Hortons Issue

Just on phone with the mayor now just checking good time - lunch time is good for the mayor.

Sent from my iPhone

On Jun 27, 2019, at 11:40 AM, Diane Keough <dkeough@paradise.ca> wrote:

Thanks Grant.

I’m drafting key messages and Terrilynn is checking to see if we can arrange an interview.

Please call Ted Blades and don’t commit to an interview, but ask him what time the interview would be if we can reach the Mayor.

Feel free to call my cell 769-4212 to discuss if you like before you call Ted back.

Thanks,
Diane

From: Grant Loveys
Sent: Thursday, June 27, 2019 11:18 AM
To: Terrilynn Smith
Cc: Diane Keough
Subject: CBC Radio Media Request - Tim Hortons Issue

Hi Terrilynn,

Just received a call from Ted Blades at CBC Radio regarding the proposed discretionary use Tim Hortons drive-through issue. He interviewed a couple of residents about the issue yesterday and would like a response from the Mayor or Council outlining what the Town’s

official position is, what plans are being made to address residents' concerns, etc. He also mentioned potentially interviewing the Mayor/Councillor(s) for a few minutes, if that's possible. His contact info is as follows (email is the best way to get in touch with him) :

ted.blades@cbc.ca
576-5273

Thanks,
Grant

Grant Loveys
Communications Assistant
P: 709.782.1291
C: 709.770.9687
grantl@paradise.ca
www.paradise.ca

 Please consider whether it is necessary to print this email

<image003.jpg>

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Corey Smith

From: Lisa Niblock
Sent: June-26-19 6:45 PM
To: Dan Bobbett
Subject: Fwd: CBC story on proposed drivethru

Lisa Niblock
Chief Administrative Officer
Town of Paradise

Sent from my iPhone

Begin forwarded message:

From: Diane Keough <dkeough@paradise.ca>
Date: June 26, 2019 at 5:45:44 PM NDT
To: Alton Glenn <AGlenn@paradise.ca>, Terrilynn Smith <tlsmith@paradise.ca>, Lisa Niblock <lniblock@paradise.ca>
Cc: Grant Loveys <grantl@paradise.ca>
Subject: CBC story on proposed drivethru

There is a story on CBC radio On The Go about the proposed Tim Hortons drive thru on topsail Road with exit on Sgt Donald Lucas Drives. Two parents interviews who are concerned about it, don't think it should be in the area given there is a school there They have a meeting with their MHA Paul Dinn tomorrow about it and will bring their concerns their. Say they are trying to reach council to voice their concerns.

If they post the story online I'll send it along.

Thanks,
Diane
Sent from my iPhone

Corey Smith

From: Dan Bobbett
Sent: June-26-19 5:35 PM
To: [REDACTED]
Subject: Re: Tim HortonS and OPE

548(i)

Hi [REDACTED]

Thank you for reaching out.

I would like say that the discretionary use notice is for us to hear from you. So we can get feedback and council can make an informed fair decision

Thank you for being involved in the process and I'm glad you took the time to contact me.

Thank you ,

Dan Bobbett
Mayor
Town of Paradise

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548(i)

On Jun 26, 2019, at 8:56 AM [REDACTED] wrote:

To the Town of Paradise;

The proposed location of Tim Hortons near OPE should not be considered by the town of paradise.

These are primary and elementary aged children, many who are ineligible to take the bus because of proximity to the school, who have to walk to and near or around the school. Tim Hortons will make this area unsafe for our children. If you want to see the impact on traffic, look around Tim's in CBS or on Thorburn Road. I cannot think of any other Tim Hortons on the North East Avalon which is so close to a primary/elementary school. Please, do not let the town of Paradise to be the first to make this mistake.

As well, we have condensed business areas near the town hall and also out near the Outer Ring Road. This development is great. But for a balanced town, allow parts of paradise to be residential, green and beautiful.

I have a lot of pride in the town and love the direction we have been moving in, in the last number of years. I personally can not believe that the town is even considering this proposal.

Sincerely,

[REDACTED] 540

Sent from my iPhone

Corey Smith

From: Dan Bobbett
Sent: June-26-19 5:23 PM
To: § 40(1) [REDACTED] t
Subject: Re: Proposed Restaurant - corner of Topsail Rd. and Sgt. Donald Lucas Dr.

Hi

Thank you for reaching out.

I would like say that the discretionary use notice is for us to hear from you. So we can get feedback and council can make an informed fair decision

Thank you for being involved in the process and I'm glad you took the time to contact me.

Thank you ,

Dan Bobbett
Mayor
Town of Paradise

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On Jun 26, 2019, at 10:52 AM, [REDACTED] wrote:

Good day,

§ 40(1)

I am writing to you regarding this development [REDACTED]. At the best of times Topsail Rd. is a heavily trafficked thoroughfare, during the school year this load increases during the morning rush hour and around school dismissal times this becomes even more congested. If the restaurant is indeed a Tim Horton as rumored, this will add another layer of traffic as evident by the constant morning line ups at the existing Tim Hortons that back into the traffic on Topsail Rd. With the current issue with speeding in this stretch of roadway, it's proximity to a k-6 school adding another layer of traffic to this area doesn't seem to be a prudent decision.

One can only wonder about the amount of additional use caused when peacekeepers way is backed up or inaccessible due to roadwork or winter driving conditions adding to the volume of vehicles in this area.

In closing while I do think Paradise could use a second Tim's location (I personally don't drink their coffee), I strongly believe that this location isn't a good fit given the area traffic and proximity to OPE.

Regards,

[REDACTED]

Corey Smith

From: Lisa Niblock
Sent: September-23-19 9:27 AM
To: Concerned Parents Of OPE
Cc: rcotter@gov.nl.ca; Council; Alton Glenn
Subject: RE: Appeal Process: 1761-1793 Topsail Road

§40(1)

Good Morning [REDACTED],

Thank you for your email. I have copied Alton on my response, as the Planning and Protective Services Department coordinates with the province on appeals, and Alton can provide more details on the process. The Town will have representatives at the appeal when it is heard.

Kind Regards,

Lisa

From: Concerned Parents Of OPE [<mailto:kidsovercoffee@gmail.com>]
Sent: September 23, 2019 9:08 AM
To: Patrick Martin <pmartin@paradise.ca>; Deborah Quilty <dquilty@paradise.ca>; mayor@townofparadise.ca <Mayor@paradise.ca>; Allan English <aenglish@paradise.ca>; Elizabeth Laurie <elaurie@paradise.ca>; Kimberly Street <kstreet@paradise.ca>; Sterling Willis <swillis@paradise.ca>; Lisa Niblock <lniblock@paradise.ca>; rcotter@gov.nl.ca
Subject: Appeal Process: 1761-1793 Topsail Road

Attn: Lisa Niblock, Paradise Town Council & Regional Appeal Board Members:

We, the Concerned Parents of Octagon Pond Elementary, and residents of Fairview Estates, are writing to inform you of our concerns about an appeal brought to the board regarding 1761-1793 Topsail Road (corner of Sgt. Donald Lucas Drive & Topsail Road). We would like to begin by referencing section 42 item (11) of the Urban And Rural Planning Act that "where a council, regional authority or authorized administrator may, in its discretion, make a decision, a board shall not make another decision that overrules the discretionary decision." It is our understanding that the town council of Paradise has already made a decision, in a majority vote, turning down the discretionary use of a Drive-Thru for the parcel of land in question.

Based on the section noted above, it is our understanding this appeal cannot, in good faith, be granted a decision other than what has been decided by the council members and should be rejected by the Regional Appeal Board.

Should this be brought forth to the Regional Appeal Board, we are requesting to be notified of the date, time and place when cases can be made by opposing parties regarding the Tim Horton's Drive-Thru proposed for the corner of Sgt. Donald Lucas Drive and Topsail Road. When this case is presented, we would like to appear before the board to represent the residents opposed to this development under appeal, based on section 42 item (7) of the Urban And Rural Planning Act that states "a person or group of persons affected by the subject of an appeal or their representatives may appear before a board and make representations concerning the matter under appeal."

We would also appreciate being informed if there will be representatives from the Town Council present during the hearing. We thank you for your time and consideration, and welcome an open communication throughout this process.

Sincerely,

§ 40 (1)

[Redacted signature]

on behalf of

The Concerned Parents of Octagon Pond Elementary

Corey Smith

From: Lisa Niblock
Sent: July-09-19 10:16 PM
To: Sterling Willis
Cc: mayor@townofparadise.ca
Subject: Re: Tim Horton's

After council makes the decision on this application i think we could offer the suggestion to them to consider this.

Just like this concept plan - the onus would be on the developer to show council how it could work.

Thanks for the suggestion.

Lisa Niblock
Chief Administrative Officer
Town of Paradise

Sent from my iPhone

> On Jul 9, 2019, at 10:13 PM, Sterling Willis <swillis@paradise.ca> wrote:

>

> Hi Lisa, Wondering if I could run something by you, this is a suggestion I raised at our last planning meeting but the suggestion was that there wouldn't be enough room for the same amount of stacking Tim's.

> I ask if we could ask Fairview to just flip the proposed plan and have the same foot print for Tim's on the other side of the drawings with the same amount of stacking as it has now.

> I realize that they are saying that they want the exit on Sg. Donald

> Lucas Drive, I'm suggesting that we not have that, this wouldn't exist the entrances exists would be off Topsail Road.

> This might be an alternative to what the residents are looking for which is not having the exit and entrance from Sg. Donald Lucas.

> What do you think of that idea, I've cc this to the Mayor as well.

> Thanks

> Sterling

>

> Sent from my iPhone

Corey Smith

From: Dan Bobbett
Sent: July-09-19 8:00 PM
To: Lisa Niblock
Cc: Council
Subject: Re: Fairview Investments Commercial Property - CONFIDENTIAL

Hi Lisa

Thank you

Dan Bobbett
Mayor
Town of Paradise

This email message, including attachments, if any, is confidential and may be privileged. Any unauthorized distribution or disclosure is prohibited. Disclosure to anyone other than the intended recipient does not constitute waiver of privilege. If you have received this email in error please notify us and delete it and any attachments from your computer system and records.

On Jul 9, 2019, at 7:52 PM, Lisa Niblock <lniblock@paradise.ca> wrote:

As discussed; for your review. I will provide an update on potential if any liability when I hear back from Steve.

Lisa Niblock
Chief Administrative Officer
Town of Paradise

Sent from my iPhone

Begin forwarded message:

From: Angelina Richards <arichards@paradise.ca>
Date: July 9, 2019 at 3:57:56 PM NDT
To: Lisa Niblock <lniblock@paradise.ca>, Chris Milley <cmilley@paradise.ca>
Subject: Fairview Investments Commercial Property.pdf

Hi Lisa,

Attached is information on the commercial property as requested.

Angelina

<Fairview Investments Commercial Property.pdf>

ATIPP: Attachment included later in document.

Corey Smith

From: Alton Glenn
Sent: November-19-19 8:41 AM
To: Dawn Doody
Cc: Lisa Niblock; Sterling Willis; Dan Bobbett; Kimberley Street; Allan English; Lorelei Dean
Subject: FW: Fairview Drive Thru

Dawn:

Please add to the Committee agenda.

Thanks,
Alton

From: Lisa Niblock
Sent: November-18-19 4:05 PM
To: Alton Glenn
Cc: Dan Bobbett
Subject: Fairview Drive Thru

Alton,

Not sure if requested this already – but could you please add the Fairview drive-thru to the next PPS Committee meeting? Mayor Bobbett and/or Councillor Willis will attend the meeting to speak to the committee on the latest update.

Lisa Niblock
Chief Administrative Officer (CAO)



Corey Smith

From: Patrick Martin
Sent: February-10-20 7:39 PM
To: Lisa Niblock
Cc: Council; Directors; Angelina Richards
Subject: Re: Council Meeting Notes - February 4th 2020

Thanks Lisa

Sent from my iPhone

On Feb 10, 2020, at 10:15 AM, Lisa Niblock <lniblock@paradise.ca> wrote:

Good Morning Mayor Bobbett and Council,

Please see my below notes from the February 4, 2020 Council Meeting:

- Councillor Martin requested the number of residents that received the notice for Jonathan Drive (PPS)
- Councillor Street requested the bags placed in potholes be cleaned up as we move through the winter pot hole season (IPW)
- Councillor Street will provide further detail related to the ducks in Elizabeth Park (CS)
- Councillor Quilty noted the potholes at STL and Paradise Road (IPW)
- Councillor Martin noted the sidewalk near Elizabeth Park Elementary had been blocked and needed clearing (IPW)
- CAO to contact Fairview Investments and gauge interest from public on new layout for Tim's on Topsail Road (Admin)

Please let m know if there are any questions or concerns.

Lisa

Lisa Niblock
Chief Administrative Officer (CAO)

<image001.png>

Corey Smith

From: Concerned Parents Of OPE <kidsovercoffee@gmail.com>
Sent: July-01-19 11:26 PM
To: Info from web site
Cc: Allan English; mayor@townofparadise.ca; Deborah Quilty; Elizabeth Laurie; Kimberley Street; Patrick Martin; Paul Dinn; Sterling Willis
Subject: Request for Delegation

July 1st, 2019

Attn: Town Clerk and Councillors - Town of Paradise:

We hope you all had a lovely Canada Day weekend. Once again, we, as a group of concerned residents of Fairview Estates, parents of children attending Octagon Pond Elementary, and residents of neighboring subdivisions, are formally requesting a delegation with the members of the Town Council at either a Committee of Council Meeting, or as an address to Council at the beginning of a public meeting, as per the Town's website procedure for requesting such a meeting. We are requesting that this meeting happen in advance of any decision that will be made regarding the proposed drive-through at the corner of Sgt. Donald Lucas and Topsail Road.

We understand that a package will be put forth to the Council members with concerns from residents, however, we feel it is also necessary to have the opportunity to voice our concerns in person regarding this matter. We are prepared to have one person speak to the Council on our behalf. Please advise a date and time that this meeting will occur.

We thank you for your time and consideration,

 on behalf of
Concerned Parents of OPE

Corey Smith

From: Patrick Martin
Sent: June-29-19 7:55 PM
To: Dan Bobbett
Subject: Fwd: Development on Sgt Donald Lucas

Hi Dan
His number is at the bottom of the email . Thanks Patrick
Sent from my iPhone

Begin forwarded message:

From: [REDACTED]
Date: June 27, 2019 at 12:26:26 PM NDT
To: "swillis@townofparadise.ca" <swillis@townofparadise.ca>, "dquilty@paradise.ca" <dquilty@paradise.ca>, "mayor@townofparadise.ca" <mayor@townofparadise.ca>, "elaurie@paradise.ca" <elaurie@paradise.ca>, "pmartin@paradise.ca" <pmartin@paradise.ca>, "planningnotices@paradise.ca" <planningnotices@paradise.ca>, "aenglish@paradise.ca" <aenglish@paradise.ca>
Subject: Development on Sgt Donald Lucas

To whom it may concern

I'm am writing this letter as a resident of paradise. I live on [REDACTED]
[REDACTED] I am extremely opposed to this development.
The development will increase traffic on the street exponentially and add to the already morning rush hour associated with the school. [REDACTED]
[REDACTED] I cannot imagine how this establishment can be placed this close to an elementary school.

540(1)

Furthermore when buying a new home in the town of paradise I assumed the welfare of the residents would be placed over commercial development. When Fairview heights was advertised as a family oriented subdivision I did not imagine this development in my backyard. [REDACTED]
[REDACTED]

[REDACTED]
[REDACTED] The fact this proposal has even made it this far is ridiculous.

If this vote goes through for the development I am prepared to take this to every level of government and media outlet.

Please feel free to contact me for a conversation at any time.

[Redacted]

Regards

Suo (1)

[Redacted]

Sent from my iPhone

Corey Smith

From: Alton Glenn
Sent: November-19-19 8:41 AM
To: Dawn Doody
Cc: Lisa Niblock; Sterling Willis; Dan Bobbett; Kimberley Street; Allan English; Lorelei Dean
Subject: FW: Fairview Drive Thru

Dawn:

Please add to the Committee agenda.

Thanks,
Alton

From: Lisa Niblock
Sent: November-18-19 4:05 PM
To: Alton Glenn
Cc: Dan Bobbett
Subject: Fairview Drive Thru

Alton,

Not sure if requested this already – but could you please add the Fairview drive-thru to the next PPS Committee meeting? Mayor Bobbett and/or Councillor Willis will attend the meeting to speak to the committee on the latest update.

Lisa Niblock
Chief Administrative Officer (CAO)



Corey Smith

From: Lisa Niblock
Sent: September-23-19 9:27 AM
To: Concerned Parents Of OPE
Cc: rcotter@gov.nl.ca; Council; Alton Glenn
Subject: RE: Appeal Process: 1761-1793 Topsail Road

Good Morning [REDACTED]

Thank you for your email. I have copied Alton on my response, as the Planning and Protective Services Department coordinates with the province on appeals, and Alton can provide more details on the process. The Town will have representatives at the appeal when it is heard.

Kind Regards,

Lisa

From: Concerned Parents Of OPE [<mailto:kidsovercoffee@gmail.com>]
Sent: September 23, 2019 9:08 AM
To: Patrick Martin <pmartin@paradise.ca>; Deborah Quilty <dquilty@paradise.ca>; mayor@townofparadise.ca <Mayor@paradise.ca>; Allan English <aenglish@paradise.ca>; Elizabeth Laurie <elaurie@paradise.ca>; Kimberly Street <kstreet@paradise.ca>; Sterling Willis <swillis@paradise.ca>; Lisa Niblock <lniblock@paradise.ca>; rcotter@gov.nl.ca
Subject: Appeal Process: 1761-1793 Topsail Road

Attn: Lisa Niblock, Paradise Town Council & Regional Appeal Board Members:

We, the Concerned Parents of Octagon Pond Elementary, and residents of Fairview Estates, are writing to inform you of our concerns about an appeal brought to the board regarding 1761-1793 Topsail Road (corner of Sgt. Donald Lucas Drive & Topsail Road). We would like to begin by referencing section 42 item (11) of the Urban And Rural Planning Act that "where a council, regional authority or authorized administrator may, in its discretion, make a decision, a board shall not make another decision that overrules the discretionary decision." It is our understanding that the town council of Paradise has already made a decision, in a majority vote, turning down the discretionary use of a Drive-Thru for the parcel of land in question.

Based on the section noted above, it is our understanding this appeal cannot, in good faith, be granted a decision other than what has been decided by the council members and should be rejected by the Regional Appeal Board.

Should this be brought forth to the Regional Appeal Board, we are requesting to be notified of the date, time and place when cases can be made by opposing parties regarding the Tim Horton's Drive-Thru proposed for the corner of Sgt. Donald Lucas Drive and Topsail Road. When this case is presented, we would like to appear before the board to represent the residents opposed to this development under appeal, based on section 42 item (7) of the Urban And Rural Planning Act that states "a person or group of persons affected by the subject of an appeal or their representatives may appear before a board and make representations concerning the matter under appeal."

We would also appreciate being informed if there will be representatives from the Town Council present during the hearing. We thank you for your time and consideration, and welcome an open communication throughout this process.

Sincerely,

54067

[Redacted signature]

on behalf of

The Concerned Parents of Octagon Pond Elementary

Corey Smith

From: Lisa Niblock
Sent: August-26-20 1:31 PM
To: Council
Subject: FW: Fairview Investments vs Town of Paradise

FYI – this is the appeal for the Tim Horton’s property. The appeal has been delayed.

Lisa Niblock
Chief Administrative Officer (CAO)
[Town of Paradise](#)

From: Alton Glenn <AGlenn@paradise.ca>
Sent: August 25, 2020 3:15 PM
To: Lisa Niblock <lniblock@paradise.ca>; Stephen F. Penney <spenney@stewartmckelvey.com>
Cc: Lindsay Church <lchurch@paradise.ca>
Subject: FW: Fairview Investments vs Town of Paradise

FYI

Alton Glenn, MCIP
Director, Planning and Protective Services



P: 709.782.3558 F: 709.782.3601
aglenn@townofparadise.ca
www.townofparadise.ca

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From: Cotter, Robert [<mailto:rcotter@gov.nl.ca>]
Sent: Tuesday, August 25, 2020 2:48 PM
To: Alton Glenn; Lindsay Church; 'Crosbie, Michael J.'; Darren Randell
Subject: Fairview Investments vs Town of Paradise

Hi,

Please be advised that the Eastern Newfoundland Regional Appeal Board has granted the appellant a postponement of the hearing scheduled for September 8, 2020 at 10:30 am. between Geoffrey Clarke/Fairview Investments vs Town of Paradise. While the attempts were made to change the time of the hearing on the same day, unfortunately this could not be accommodated. A notice of hearing via email will be sent to all parties when the Appeal Board has confirmed a new date.

Regards,

Robert Cotter
Secretary
Eastern Newfoundland Regional Appeal Board

Corey Smith

From: Alton Glenn
Sent: March-13-20 4:11 PM
To: Council
Cc: bclarke@fairviewinvestments.com; Lisa Niblock
Subject: Public Information Sessiion Postponed

The public information session associated with the proposed developed by Fairview Investments for the property at 1761-1793 Topsail Road, which was originally scheduled for March 18 and 19, has been postponed.

Alton Glenn, MCIP
Director, Planning and Protective Services



P: 709.782.3558 F: 709.782.3601
aglenn@townofparadise.ca
www.townofparadise.ca

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Corey Smith

From: Lisa Niblock
Sent: August-14-18 2:17 PM
To: Dan Bobbett; Elizabeth Laurie
Subject: FW: Conflict of Interest Request - Councillor English's request Mrach 7 206
Attachments: Re: Mayor - conflict of interest; Conflict of Interest Opinion; RE: Correspondance

Lisa Niblock
Chief Administrative Officer
P: 709.782.1400
lniblock@paradise.ca
www.paradise.ca

Please consider whether it is necessary to print this email

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-----Original Message-----

From: Lisa Niblock
Sent: March-07-18 10:57 AM
To: Allan English <aenglish@paradise.ca>
Cc: Council <Council@paradise.ca>
Subject: Conflict of Interest Request - Councillor English's request Mrach 7 206

Good Morning Councillor English -

Attached are the emails from Stewart McKelvey as it relates to the Conflict of Interest allegations from [REDACTED] against Mayor Bobbett and Councillor Quilty. I have also included the email I sent to Council when the complaint was received. I will be completing a response letter to [REDACTED] this week. As well, as you and I discussed last week on our telephone conversation, I have had discussions with Municipal Affairs and they are satisfied with the Town's approach and see no need for further follow up at this time. Please let me know if you require anything further or would like me to seek further clarification on either of these matters.

Regards,

Lisa Niblock
Chief Administrative Officer
P: 709.782.6219

lniblock@paradise.ca
www.paradise.ca

☑ Please consider whether it is necessary to print this email

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-----Original Message-----

From: Allan English
Sent: March 7, 2018 9:00 AM
To: Lisa Niblock
Subject:

Hi Lisa,

I was anticipating an update last night on the Conflict of Interest allegations but I assume that the solicitors have not finalized their report.

I would like a copy of all correspondence to and from the solicitors by the Town with respect to this matter including any future correspondence and specifically the final report from the solicitors, when it becomes available.

Regards,
Allan
Sent from my iPhone

ATIPP: Legal opinion excluded - Legal advice
30. (1) The head of a public body may refuse to disclose to an applicant information (a) that is subject to solicitor and client privilege or litigation privilege of a public body

Corey Smith

From: Alton Glenn
Sent: September-23-19 10:14 AM
To: Concerned Parents Of OPE
Cc: rcotter@gov.nl.ca; Council; Lisa Niblock
Subject: RE: Appeal Process: 1761-1793 Topsail Road

Once an appeal is made, the Board requests that the appellant and the authority (Town) make written submissions concerning the matter being appealed. The Board asks the Authority if they are aware of other parties who are interested in the proceedings. If you are agreeable, I can pass on your names and email address to the Board as part of the Town submission. I note that you have copied the Secretary to the Board on this email. The Board distributes hearing information to the appellant and authority and often does so to parties who have made their interest known. The Board produces an appeal package made up of the submission from appellant and authority as well as a technical report produced by Provincial Government staff.

Board considerations of questions related to Section 42 of the Act would take place as part of the hearing process. The hearing would be held with evidence heard from both appellant and authority (and potentially from interested parties). A decision (including any application of Section 42) would be rendered by the Board at a date following the hearing.

Please let me know if you have additional questions. I believe you will also find Appeal Board staff extremely helpful in providing assistance and information on these matters.

Regards,
Alton Glenn

From: Lisa Niblock
Sent: September-23-19 9:27 AM
To: Concerned Parents Of OPE
Cc: rcotter@gov.nl.ca; Council; Alton Glenn
Subject: RE: Appeal Process: 1761-1793 Topsail Road

Good Morning [REDACTED] ⁵⁴⁰⁵¹⁷, and Susan,

Thank you for your email. I have copied Alton on my response, as the Planning and Protective Services Department coordinates with the province on appeals, and Alton can provide more details on the process. The Town will have representatives at the appeal when it is heard.

Kind Regards,

Lisa

From: Concerned Parents Of OPE [<mailto:kidsovercoffee@gmail.com>]
Sent: September 23, 2019 9:08 AM
To: Patrick Martin <pmartin@paradise.ca>; Deborah Quilty <dquilty@paradise.ca>; mayor@townofparadise.ca <Mayor@paradise.ca>; Allan English <aenglish@paradise.ca>; Elizabeth Laurie <elaurie@paradise.ca>; Kimberly Street

through. I always understood that any time a commercial development was proposed in a residential area that residents of that area would be notified of such?

This is a very odd place to put a restaurant in my opinion - with the amount of new developments in other areas of Paradise surely there is a better location than this. I expect that the voices and concerns of the residents will be heard by the councilors who were elected to represent us and the right decision will be made here. I respectfully ask for your assistance in rejecting this proposal.

I would appreciate acknowledgment of this email and would appreciate a response as soon as possible. Please advise if any other further actions can be taken by the residents to show our disapproval of this proposed development.

Regards,

[REDACTED]

540(1)

Sent from [Outlook](#)

From: [REDACTED]
Sent: June 24, 2019 6:13 PM
To: planningnotices@paradise.ca
Subject: Re: Drive through 1761-1793 Topsail Road

Good Evening,

I'm writing with concerns of the proposed restaurant and drive through at the above noted address. I'm looking to obtain some further information such as a site plan of this development. There are already traffic concerns in the area with the new school and the speed of most drivers who travel east/west on Topsail Road. With the lights being pedestrian activated only as of now, it is nearly impossible to turn left from Sgt. Donald Lucas Drive safely onto Topsail Road. Adding further traffic and congestion to this area (dependent on the entrance/exit) may add to these hazards.

I look forward to a response at your earliest convenience.

Regards,

[REDACTED]

Sent from my iPhone

the heavy volume of traffic that currently occupies this area on a daily basis. Since the development of Octagon Pond Elementary, there have been concerns from parents and residents alike with regard to the crosswalks (and sometimes the issue of them not functioning properly) and the speed of which drivers travel on Topsail Road and Sgt. Donald Lucas Drive, even though the posted speed limit is 30 km/hr on SDL. On more than one occasion, I have witnessed drivers trying to rush through a yellow light at the pedestrian activated lights in this intersection to avoid stopping for children who have to cross a 4 lane stretch of road to get to/from school. Add the rush hour commuters in combination with excessive speeds and it is a dangerous intersection already - it is near impossible to turn left off Topsail Road onto SDL, or to turn left from SDL to Topsail Road. Adding a drive through which has an entry/exit point at this very intersection will further add to those hazards. I don't believe that putting this so close to a school zone is of any benefit to anyone in the area. It is stressful enough as a motorist to drive on this street being so close to the school watching for small children, we don't need to add to this by having vehicles pulling out of this restaurant and taking a left turn on SDL to get back on Topsail Road. There is likely no room for more than two vehicles to be stopped at the end of SDL, with a left & right turning lane to get back onto Topsail Road I can see traffic on SDL being at a stand still as vehicles will congest the area and block off the street just trying to exit the drive through. Not to mention, if there is another entry point further down Topsail Road, regardless of the size of the drive through there will always be the possibility of vehicles stopping on the main road with signal lights flashing trying to get into this drive through - not a smart idea to add more chaos to one of the very few throughways of the town.

I also expressed concerns earlier this year with regard to the lines which wear off the roads easily during the winter months. Although a left turning lane has been in this area for a couple of years now for turning off Topsail Road onto SDL, some drivers seem to forget this and take up too much of that turning lane as they drive up Topsail Road. We've had a couple of near misses at that intersection and people seem to get irritated as if we are doing something wrong by being over in what should be the turning lane. I honestly cannot imagine the possibilities when lines aren't clearly visible to motorists who are not familiar with the area trying to gain access to this restaurant.

Furthermore, as a resident [REDACTED] § 40(1) I don't know of anyone who was informed by letter regarding the approval to add a restaurant to this vacant lot in the first place. We are only now being notified that they are requesting a proposal for a drive

Corey Smith

From: Elizabeth Laurie
Sent: June-26-19 4:20 PM
To: [REDACTED]
Subject: Re: Drive through 1761-1793 Topsail Road

940(1)

Hi [REDACTED]

As per our conversation you would contact Angelina Richards arichards@paradise.ca or 782-6219 to request a delegation.

If you have any questions please give me a call 699-0334

Elizabeth Laurie

On Jun 26, 2019, at 2:05 PM, [REDACTED] > wrote:

Hi [REDACTED]

940(1)

You may reach me on my cell phone, [REDACTED]. Please note I may be unavailable to talk during work hours, but would love the opportunity to discuss this further. I look forward to hearing from you soon.

[REDACTED]

Sent from my iPhone

On Jun 26, 2019, at 12:18 PM, Elizabeth Laurie <elaurie@paradise.ca> wrote:

Hi [REDACTED]

Thank you for your email. Is there a phone number I can reach you at?

Elizabeth Laurie

On Jun 26, 2019, at 10:25 AM, [REDACTED]

Good Day,

Since my previous email has gone unanswered as of yet, I felt the need to write again to reiterate my earlier comments to the proposed drive through/restaurant at the corner of Sgt. Donald Lucas Drive and Topsail Road.

Thanks to a social media post, I was able to see part of the site plan and that was all I needed to justify my concerns. I'm unsure who thinks that this is a suitable area for a busy restaurant, given

Regards,

[REDACTED] and resident;

[REDACTED]

540(1)

ii[1] *The British Columbia Automobile Association (BCAA;s) Director of Community Engagement raised concerns for school zone safety. <https://bcaa.com/media-centre/2017/2017-09-05-school-zone-survey>*

There is a well-known designated commercial zone near the McNamara Drive area where this establishment could be located, away from a family-oriented area and school zone. This is what people desire when they move to a residential area such as Sgt. Donald Lucas Drive. I am aware that Topsail Road from St. John's to Topsail is zoned commercial and residential, however, there are areas that should be considered for re-zoning. Simply because it is commercial further east on Topsail Road doesn't mean that Paradise must follow. Paradise can do better, especially in this case now that a K-6 school has been constructed in the area and is now designated as a school zone.

Additionally, I would like to highlight that the area is presently busy and congested with the current volume of traffic. Problems with speeding and heavy traffic on both Sgt. Donald Lucas Drive and Topsail Road have created an unsafe environment where many parents and residents of the area are already concerned. This issue will only be compounded should the current proposal be approved. We are all aware of the traffic issues that Tim Horton's restaurants has created in nearby municipalities such as CBS, Mount Pearl and St. John's. Examples include backed-up traffic spilling into roadways, exit and entering issues with the parking lot, and loitering of vehicles. This happens consistently in Paradise at the Tim Horton's location near No Frills. Also these establishments cause an increase in litter, rodents, noise and light pollution for the adjacent residents. This is not just a commercial business being added to the neighborhood. The proposed commercial business is a drive-through restaurant that attracts a well-known heavy traffic volume operating at the very peak time when students are traveling to school.

I would also like to highlight a summary of some points that *Shawn Pettipas*, noted in his post regarding driving and hostile/aggressive attitudes. These points are as follows:

- People get stressed with running late - This can be already be an issue for some parents and adding additional stress of a line-up of vehicles trying to enter and exit the proposed establishment will only worsen conditions;
- Attention while driving - Children will be walking, darting from cars, along with kids who are cycling. If a driver becomes stressed due to a line up issue mistakes can happen. Only a mistake in this case could cause serious injury or worse; and
- Distracted driving - Being distracted or stressed in a school zone is a recipe for disaster.

As [REDACTED], I am perplexed why a Tim Horton's would ever be proposed in such proximity to a residential area like that at the corner of Sgt. Donald Lucas Drive and Topsail Road, and especially in a school zone. The Planning committee and the council of the Town of Paradise that was elected to represent us, the residents, are encouraged to review this application thoroughly to ensure due diligence is completed for the residents and the children attending school in the area of Sgt. Donald Lucas Drive. The application will require serious planning, a traffic study, a review of safety measures, engagement from school board officials and residents of the area. Many residents have since expressed their concerns on social media, open line, and local news outlets. The feedback has been overwhelmingly consistent on **NOT** having an establishment of this nature in this area.

I am requesting to meet with those involved in the process to discuss all the concerns highlighted. Furthermore, I would like to remind the Town Council by agreeing to this development, you are unnecessarily creating an environment putting the children of Paradise and OPE in harm's way, potentially allowing them to get hurt, severely injured or worse. If such a highly probable unfortunate incident such as this were to occur, could you face that parent and acknowledge you supported and agreed to this development and assume full responsibility for the consequence of your decision.

I would like to add that the developer (Fairview Investments) is very active in the development of Paradise and have completed many sub-divisions including Sgt. Donald Lucas Dr. If this developer is community oriented, then they should see that this is not the ideal location for such an establishment. Tim Horton's support a camp day every year for children offering a safe environment for children to play. How can an establishment such as this even consider placing their business in a school zone potentially endangering the lives of children? Is it really all about stake holders and profit margins? **Paradise. the decision is yours to make. please make the right one!**

Let's put "Kids over Coffee"!!

Corey Smith

From: [REDACTED] 540(1)
Sent: June-28-19 11:01 AM
To: Elizabeth Laurie; pauldinn@gov.nl.ca
Subject: REGARDING - Application for approval to add a drive thru restaurant at the corner of Sgt. Donald Lucas Drive June 28-2019
Attachments: REGARDING - Application for approval to add a drive thru restaurant at the corner of Sgt. Donald Lucas Drive June 28-2019.pdf

June 28, 2019

**Members of Council of the Town of Paradise
Department of Planning & Protective Services**

RE: Application for approval to add a drive thru restaurant at the corner of Sgt. Donald Lucas Drive and Topsail Road

To whom it may concern,

On Monday, June 24, 2019, with only four (4) days to respond, [REDACTED] 540(1) regarding a notice of discretionary application for a proposed drive-through restaurant at the corner of Sgt. Donald Lucas Drive and Topsail Road. The notice did not indicate the specific drive-through restaurant, but it has since been determined that it will be a Tim Horton's establishment. I would like to express my concerns regarding: (a) the time allotted for response to such a notice, and (b) the limited radius of potential respondents. This application will affect far more than the residents within a 200m radius; it effects the entire Octagon Pond Elementary (OPE) population and the residents of Paradise using this intersection.

[REDACTED] 540(1)

The proposed drive-through/restaurant exit is onto Sgt. Donald Lucas Drive directly into the OPE, K-6, school zone in close proximity to the intersection with Topsail Road creating an immediate safety concern. Traffic exiting the lot of the proposed drive-through restaurant would have to contend with traffic of the parents dropping their children to school and school buses. Parents located within the 1.6 km zone, not only use vehicles to drop off their children, many walk and ride bikes to school as bussing is not available. As a resident of the area, I can attest that during peak school times this area is very congested, and this proposal will only exacerbate this major concern by adding more traffic to the area. This proposal presents a serious safety risk for these children and is the priority concern for residents.

Shawn Pettipas, the British Columbia Automobile Association (BCAA;s) Director of Community Engagement raised concerns for school zone safety in a post from September 2017 regarding a survey in Burnaby, BC stating that driving in school zones has gone from bad to worse and that reducing congestion in school zone is a major priority[1].

There is insufficient space for both the drive-through exit and those exiting the school to line up for the traffic light at Sgt. Donald Lucas Drive and Topsail Road without impacting all the residents at the end of Sgt. Donald Lucas Drive. An increase in traffic for individuals trying to exit onto Topsail Road will not be acceptable for any resident in the vicinity [REDACTED]. I have seen the good and bad from all of the development within the town. I support growth and development in the Town of Paradise, but not at the expense of public safety, especially for children, and quality of life for residents. In my opinion, allowing a drive-through Tim Horton's in a residential area adjacent to an already busy intersection such as Sgt. Donald Lucas Drive is a mistake for the future of the area. I urge the Town to consider a more suitable location for such a development elsewhere.

Corey Smith

From: Elizabeth Laurie
Sent: July-02-19 8:00 AM
To: Lisa Niblock
Subject: Fwd: Request for Delegation

Hi Lisa

I'm not sure who's coming tonight. Angelina mentioned the group never got back to her.

Elizabeth Laurie

Begin forwarded message:

From: Concerned Parents Of OPE <kidsovercoffee@gmail.com>
Date: July 1, 2019 at 11:25:52 PM NDT
To: <info@townofparadise.ca>
Cc: Allan English <aenglish@paradise.ca>, Dan Bobbett <mayor@townofparadise.ca>, Deborah Quilty <dquilty@paradise.ca>, "Elizabeth Laurie" <elaurie@paradise.ca>, Kimberley Street <kstreet@paradise.ca>, "Patrick Martin" <pmartin@townofparadise.ca>, Paul Dinn <pauldinn@gov.nl.ca>, "Sterling Willis" <swillis@townofparadise.ca>
Subject: Request for Delegation

July 1st, 2019

Attn: Town Clerk and Councillors - Town of Paradise:

We hope you all had a lovely Canada Day weekend. Once again, we, as a group of concerned residents of Fairview Estates, parents of children attending Octagon Pond Elementary, and residents of neighboring subdivisions, are formally requesting a delegation with the members of the Town Council at either a Committee of Council Meeting, or as an address to Council at the beginning of a public meeting, as per the Town's website procedure for requesting such a meeting. We are requesting that this meeting happen in advance of any decision that will be made regarding the proposed drive-through at the corner of Sgt. Donald Lucas and Topsail Road.

We understand that a package will be put forth to the Council members with concerns from residents, however, we feel it is also necessary to have the opportunity to voice our concerns in person regarding this matter. We are prepared to have one person speak to the Council on our behalf. Please advise a date and time that this meeting will occur.

We thank you for your time and consideration,

 on behalf of
Concerned Parents of OPE

Corey Smith

From: [REDACTED] S.40(1)
Sent: June-28-19 10:40 AM
To: mayortownofparadise@paradise.ca; Sterling Willis; Deborah Quilty; Kimberley Street; Elizabeth Laurie; Allan English; penglish@paradise.ca
Subject: OPE Proposed Development

To Whom it may concern,

I wanted to voice my concerns about a proposed drive thru (Tim Hortons) in the Octagon Pond Elementary School zone [REDACTED] S.40(1)
[REDACTED] The traffic in that area during peak times is bad enough without the addition of a Tim Hortons. The areas around these drive thrus are usually heavily congested and full of impatient and rushed drivers; the idea of putting this in a school zone is not rational.

The people exiting the tim hortons will have to make a left turn out of the drive thru to attempt to get back on topsail road. This will add to the already congested line of traffic from the subdivision and school traffic. In addition to the traffic of cars and buses, there are dozens of children in the area that walk and/or bike to school. They may need to cross at that intersection while traffic is turning right on to topsail road which we all know is the cause of most accidents.

I welcome growth and development in our Town, however I strongly believe putting a drive thru in this area is a dangerous and risky decision.

If this is seriously being considered I strongly urge you to hold an open house to hear the concerns of concerned residents and parents of OPE prior to make any decision.

Regards,

[REDACTED]

Corey Smith

From: Glenda Hindy
Sent: March-23-17 9:45 AM
To: Elizabeth Laurie
Subject: RE:

No problem,

Have a great day :)

-----Original Message-----

From: Elizabeth Laurie
Sent: March-23-17 9:24 AM
To: Glenda Hindy
Subject:

Hi Glenda

Can you add Tim Hortons to the agenda in case i forget

Sent from my iPad

Corey Smith

From: Elizabeth Laurie
Sent: June-26-19 10:55 PM
To: [REDACTED]
Subject: Re: Concerns re proposed drive through at Sgt. Donald Lucas Dr.
Attachments: image1.jpeg

540617

Hello [REDACTED]

Thank you for your email. I certainly appreciate the time and consideration you put into your letter. You have raised valid concerns that I will carefully consider when making my decision.

Have you sent your submission to the Planning Department? If you have not, would you like me to forward your email as your submission?

Incase you have not seen it, I have included an image of page 95 of the Town's regulations that speaks to the Commercial Neighbourhood zone. Many of your neighbours have been asking me what is permitted, so I've started attaching it to recent emails.

If you wish, you are more than welcome to give me a call to discuss it further [REDACTED]

Elizabeth



Elizabeth Laurie

On Jun 26, 2019, at 10:41 PM, [REDACTED] wrote:

June 25, 2019

Members of Council of the Town of Paradise

Department of Planning & Protective Services

RE: Application for approval to add a drive thru restaurant at the corner of Sgt. Donald Lucas Drive and Topsail Road

Corey Smith

From: Elizabeth Laurie
Sent: June-26-19 10:55 PM
To: [REDACTED]
Subject: Re: Concerns re proposed drive through at Sgt. Donald Lucas Dr.
Attachments: image1.jpeg

540(1)

Hello [REDACTED]

Thank you for your email. I certainly appreciate the time and consideration you put into your letter. You have raised valid concerns that I will carefully consider when making my decision.

Have you sent your submission to the Planning Department? If you have not, would you like me to forward your email as your submission?

Incase you have not seen it, I have included an image of page 95 of the Town's regulations that speaks to the Commercial Neighbourhood zone. Many of your neighbours have been asking me what is permitted, so I've started attaching it to recent emails.

546(1)

If you wish, you are more than welcome to give me a call to discuss it further [REDACTED]

Elizabeth



Elizabeth Laurie

-----Original Message-----

From: Lisa Niblock <lniblock@paradise.ca>

Sent: May 12, 2020 7:14 PM

To:

[REDACTED]

546(1)

<PaulDinn@gov.nl.ca>

Paul Dinn

Subject: Re: Tim Horton's Application for Sgt. Donald Lucas Dr.

Hi

[REDACTED]

I am unsure if the province is hearing appeals during the pandemic, but I will follow up and get back to you.

Thanks for your inquiry.

Lisa Niblock
Chief Administrative Officer
Town of Paradise

Sent from my iPhone

> On May 12, 2020, at 6:56 PM [REDACTED] wrote:

>

> Hello Lisa,

> Just wondering if there has been any movement on the Tim Horton's appeal? We are under the assumption that this is still planning to go before the appeal board. Have you heard anything on the matter? Also has there been any further developments regarding the application in general?

>

> Thanks

>

> [REDACTED]

>

> Sent from my iPhone

There have been no updates from province related to the appeal on this development. Thanks for following up and please feel free to check in again at anytime.

Lisa

Lisa Niblock
Chief Administrative Officer (CAO)
[Town of Paradise](#)

From: [REDACTED] 540(1)
Sent: July 7, 2020 2:22 PM
To: Lisa Niblock <lniblock@paradise.ca>
Cc: Alton Glenn <AGlenn@paradise.ca>; [REDACTED]; Paul Dinn <PaulDinn@gov.nl.ca>; Patrick Martin <pmartin@paradise.ca>; Kimberley Street <kstreet@paradise.ca>; Deborah Quilty <dquilty@paradise.ca>; Sterling Willis <swillis@paradise.ca>; Elizabeth Laurie <elaurie@paradise.ca>; Allan English <aenglish@paradise.ca>
Subject: Re: Tim Horton's Application for Sgt. Donald Lucas Dr.

Hi Lisa I hope all is well!

Just wondering if there's been any new developments regarding the Tim Horton's Application for Sgt. Donald Lucas Dr. or if there has been any changes to the application to the Town or status regarding the development of the land in question.

Regards,
[REDACTED]

From: Lisa Niblock <lniblock@paradise.ca>
Sent: May 14, 2020 4:27 PM
To: [REDACTED]
Cc: [REDACTED] Paul Dinn <PaulDinn@gov.nl.ca> 540(1)
Subject: RE: Tim Horton's Application for Sgt. Donald Lucas Dr.

Hi Again,

I have heard from the Planning Department that the province is still hearing appeals, we have not heard of a time when this matter has been scheduled.

Feel free to check back at anytime for an update.

Lisa

Lisa Niblock
Chief Administrative Officer (CAO)
Town of Paradise

has indeed constructed a new proposal (with input from council) for the proposed location. While the appeal is underway for the 1st application this developer has informed those through the rumor mill that this Tim Horton's is in fact a "Done Deal" and this new application will make this happen.

I am disheartened to hear these "rumors" and while I know they are just that at this time I'm sure these statements aren't far from the truth.

I am not hearing however that the Town of Paradise Council members are standing up for the best interest of the residents of the area, the students of Octagon Pond Elementary and all those affected which is what I would expect after the outcry of support we garnered in opposition to the Tim Horton's Development.

██████████ is doing the right thing by following up with the town and while it may seem precautionary I will note that the Tim Horton's discretionary notice which ██████████ last summer gave us 4 days to respond.

548(1)

We are asking the question whether or not things have changed with this development because we do not want to be blindsided as residents. It is becoming apparent that we will again have to garner support to address yet another application. This should just not be. The elected officials serve the residents of the town and the residents have demonstrated that Tim Horton's in a residential neighborhood with a school in close proximity is NOT in their best interests. This space was zoned commercial before it was a school area. The argument that this is commercial space is a terrible one.

Please feel free to contact me on this matter. Although I will say I am quite tired of this discussion and the only resolution I can see is action from council to support the residents of this area.

██████████

Sent from [Outlook](#)

From: Lisa Niblock <lniblock@paradise.ca>
Sent: July 8, 2020 8:45 PM
To: ██████████
Cc: Alton Glenn <AGlenn@paradise.ca>; ██████████
██████████ Paul Dinn <PaulDinn@gov.nl.ca>; Patrick Martin <pmartin@paradise.ca>; Kimberley Street <kstreet@paradise.ca>; Deborah Quilty <dquilty@paradise.ca>; Sterling Willis <swillis@paradise.ca>; Elizabeth Laurie <elaurie@paradise.ca>; Allan English <aenglish@paradise.ca>
Subject: RE: Tim Horton's Application for Sgt. Donald Lucas Dr.

548(1)

Hi ██████████

All is well here – and I hope the same for you.

Corey Smith

From: [REDACTED]

Sent: July 09, 2020, 10:10 AM

To: [REDACTED]

Cc: Lisa Niblock; [REDACTED]; Alton Glenn; Paul Dinn; Patrick Martin; Kimberley Street;

Deborah Quinn; [REDACTED]; [REDACTED]; Elizabeth Laurie; Allan English

Subject: Re: Tim Hortons development for Sgt. Donald Lucas Dr.

540(i)

Thank you, [REDACTED]!

That is very well put. The fact that this area has remained a residential commercial development zone after the construction of a school, which is surrounded by homes, is concerning enough.

If there are council members helping to make a Tim Hortons in this zone a possibility, I would agree with the argument that these members are indeed not acting in the best interest of the local residents, who have largely spoken out against such a development.

A Tim Hortons in any capacity in this area is not acceptable. The added traffic it would bring to a school and residential area is not acceptable. The added risk to our children attempting to travel to and from school (in an already dangerous intersection) is not acceptable.

540(i)

We are prepared to continue actively fighting this issue should we need to, but like [REDACTED] I feel we shouldn't have to. There have been other land developers interested in offering land in more suitable locations. If council is interested in helping the Tim Hortons owner make another Paradise location possible, my suggestion would be to explore these other locations. I can certainly put any council member in discussion with the Tim Hortons owner in contact with a land developer interested in being a part of the discussion to find a more suitable location.

Please feel to contact me regarding this matter.

[REDACTED]

[REDACTED]

540(i)

On Jul 9, 2020, at 9:15 AM, [REDACTED] > wrote:

Council

The reason [REDACTED] continues to look for updates on the proposed Tim Horton's development is due to the fact that we have been informed by those close to the process that this developer

3

Corey Smith

From: [REDACTED]
Sent: June-28-19 1:04 PM
To: Elizabeth Laurie
Subject: Tim Hortons on sgt Donald drive

Good afternoon,

As many of you are aware the development of a Tim hortons on sgt Donald Lucas drive has become an overwhelming issue to the residents of your town of paradise. [REDACTED]

[REDACTED] safely walk to school I have extreme concerns about the welfare of my children.

Traffic control is already a major issue on this street. If a Tim hortons become our neighbours this is one of the many issues that will continue to arise. Let alone the amount of noise pollution. How do you control the 2300hr quiet time?? Pollution and rodents are another issue to add. How can this be controlled?

Our family has been to many areas of paradise over the past couple of days and this has been the center of everyone's conversation. All residents we have spoken to are extremely upset that this could be an option in a school Zone that is already busy.

[REDACTED] we looked forward to a children based community. Where the safety of our children came first. I took pride in my home and our neighbour. Having a tim hortons placed in our backyard and that this was even an option has dampened my pride and trust in our town. I'm extremely opposed to this happening and hope that we can find a way to work together to shut this down.

We are hoping as a community that we can sit together and figure out a better option to provide the optimal safety for our community

Thank you [REDACTED] s 40(1)

[REDACTED]
Sent from my iPhone

Sent from my iPhone

Corey Smith

From: Lisa Niblock
Sent: March-17-20 4:55 PM
To: Kimberley Street
Cc: Dan Bobbett; Terrilynn Smith
Subject: RE: RE:

Yes, always ask the question to Council as their decision is final. I believe I provided clarification to Councillor Quilty because the minutes show she asked Council to decide on both the improvements to the intersection and the CCTV inspection if she was in conflict.

Lisa Niblock
Chief Administrative Officer (CAO)
Town of Paradise

-----Original Message-----

From: Kimberly Street <kstreet@paradise.ca>
Sent: March 17, 2020 4:44 PM
To: Lisa Niblock <lniblock@paradise.ca>
Cc: Dan Bobbett <dbobbett@paradise.ca>; Terrilynn Smith <tlsmith@paradise.ca>
Subject: Re: RE:

Thanks Lisa.

This came up twice before regarding the paradise road upgrade and I had asked those times if I was in conflict and it was confirmed and voted then that I had no monetary gain. Actually exactly what you mentioned here in your reply was what had been reiterated at a past public meeting. I didn't ask on March 3 because I knew the answer. However, I guess I should continue to ask whenever we discuss the paradise road upgrade?

Thanks

Kimberley Street
Councillor
Town of Paradise

> On Mar 17, 2020, at 4:34 PM, Lisa Niblock <lniblock@paradise.ca> wrote:

>

> Hi Councillor Street,

>

> Anytime you feel you may be in a potential conflict of interest you should declare it and have council vote - as per section 209 of the Act. This should be completed each and every time an issue arises. Council's decision is final and there have been no legal cases to date where Council's decision has been overturned.

>

> In this case, I reviewed the minutes and you did not request Council's approval. That being said, I did call our lawyers and they feel there would not be any monetary gain in the improvements to Paradise Road for you, however, the next time you should have council vote for your own security. Furthermore, this vote was for CCTV Inspection to the infrastructure of the road - which has no monetary gain for you whatsoever.

Lisa Niblock
Chief Administrative Officer
P: 709.782.6219
lniblock@paradise.ca
www.paradise.ca

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Corey Smith

From: Paul Dinn
Sent: March-12-18 6:43 PM
To: Lisa Niblock; Council
Subject: RE: [REDACTED] response conflict of interest Mayor Bobbett Councillor Quilty 2018.docx
Attachments: [REDACTED] response conflict of interest Mayor Bobbett Councillor Quilty 2018.docx

Lisa thanks for this. I agree with the findings of our legal counsel and offer a couple of minor edits to the letter (see attached).

I am not sure of the necessity for the second sentence. As well, I think a more direct response in the last paragraph is warranted as it is more than just the "Town does not concur".

Paul

From: Lisa Niblock
Sent: March 12, 2018 4:44 PM
To: Council
Cc: Angelina Richards
Subject: [REDACTED] conflict of interest Mayor Bobbett Councillor Quilty 2018.docx

54067

Good Afternoon Council,

Please see attached letter that will be mailed to [REDACTED] in response to his correspondence last month. Please let me know if you have any questions or concerns.

Regards,



1. Councillor Street noted invoice for Clearaway contracting didn't seem to add. It was noted that page 1 was missing from the package. Page 1 to be emailed to council for reference. – Corporate Services
2. Councillor Martin asked if the invoice for Clearaway Contracting included the safety markings at the schools – IPW
3. Councillor Street requested that overtime be shown separately from the total payroll and benefits – Corporate Services
4. Councillor Street suggested that the replacement of safety relief valve be incorporated in to the maintenance contract. – Recreation and Community Services
5. Councillor Street asked about the update on the lift station being placed on the website – Director Smith has advised that this has been completed and sent the link to council for their reference
6. Councillor English asked for an update on the 2nd quarter financial report – Corporate Services
7. Councillor Martin inquired about a policy for speed bumps and whether we should consider having an inventory of speed bumps – IPW
8. Councillor Martin inquired about repairs to sidewalk at 2 Sedgewick Street – IPW

Privilege

S 28(1)

1. [REDACTED]

I think that is everything, please let me know if I have missed anything.

thanks,

Terrilynn Smith, C.A
 Director, Corporate Services



P. 709.782-3559 F. 709.782-3603
tjsmith@townofparadise.ca
www.townofparadise.ca

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Corey Smith

From: Chris Milley
Sent: October-02-19 11:55 AM
To: Terrilynn Smith; Council
Cc: Directors; Angelina Richards
Subject: RE: Council Notes - Oct 1 meeting

5 29 (1)

Privilege [Redacted]

[Redacted]

Privileg [Redacted]

Chris

Chris Milley, P.Eng.
Director, Infrastructure & Public Works



28 McNamara Drive
Paradise, NL A1L 0A6
P: 709.782-1400 Ext.246
F: 709.782.3603
cmilley@paradise.ca
www.paradise.ca

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From: Terrilynn Smith
Sent: Wednesday, October 02, 2019 10:27 AM
To: Council
Cc: Directors; Angelina Richards
Subject: Council Notes - Oct 1 meeting

Good morning,

Please see below items to be followed up on from last night's council meeting.

Public

I think that is everything, please let me know if I have missed anything.

thanks,

Terrilynn Smith, C.A
Director, Corporate Services

<image001.jpg>
P. 709.782-3559 F. 709.782-3603
tsmith@townofparadise.ca
www.townofparadise.ca

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Corey Smith

From: Allan English
Sent: October-02-19 11:34 AM
To: Terrilynn Smith
Cc: Council; Directors; Angelina Richards
Subject: Re: Council Notes - Oct 1 meeting

Thank you, Terrilynn. I also inquired about the status of the audit for 2018.

Sent from my iPad

On Oct 2, 2019, at 10:26 AM, Terrilynn Smith <tlsmith@paradise.ca> wrote:

Good morning,

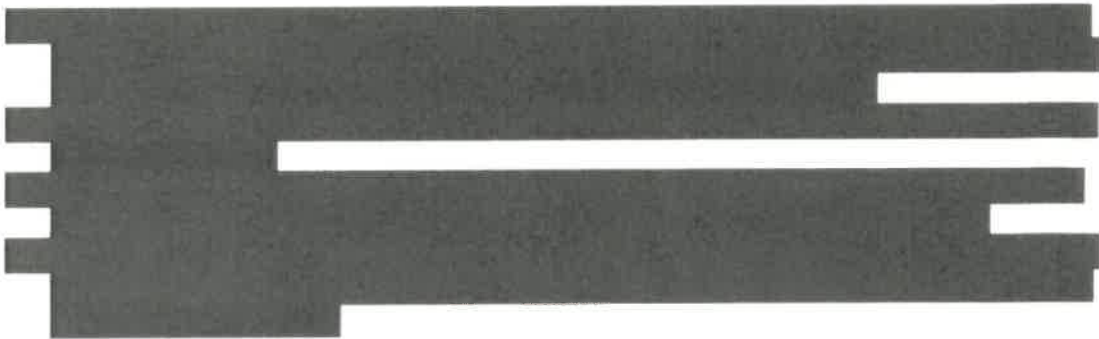
Please see below items to be followed up on from last night's council meeting.


Public

1. Councillor Street noted invoice for Clearaway contracting didn't seem to add. It was noted that page 1 was missing from the package. Page 1 to be emailed to council for reference. – Corporate Services
2. Councillor Martin asked if the invoice for Clearaway Contracting included the safety markings at the schools – IPW
3. Councillor Street requested that overtime be shown separately from the total payroll and benefits – Corporate Services
4. Councillor Street suggested that the replacement of safety relief valve be incorporated in to the maintenance contract. – Recreation and Community Services
5. Councillor Street asked about the update on the lift station being placed on the website – Director Smith has advised that this has been completed and sent the link to council for their reference
6. Councillor English asked for an update on the 2nd quarter financial report – Corporate Services
7. Councillor Martin inquired about a policy for speed bumps and whether we should consider having an inventory of speed bumps – IPW
8. Councillor Martin inquired about repairs to sidewalk at 2 Sedgewick Street – IPW

Privilege

528(1)



- Councillor Dinn requested the minutes be corrected as it relates to blasting. (Corporate Services)
- Councillor Dinn requested an update to the Ortega Drive section of the minutes (Corporate Services)
- Councillor Dinn requested further review of intersection at Sgt. Donald Lucas & Topsail Road (IPW)
- Councillor English requested total cost of reviewing his possible conflict of interest (CAO)
- August 21, 2018
 - Privileged
 -  § 28(1)
 - Committee of the Whole
 - Councillor English requested a letter be sent to Rotary clarifying that the Town will be waiting for the Recreation Master Plan before making a final decision on the land donation. Recreation will ask for copies of any reports or surveys completed to date, as well Recreation will mention the possibility of this building to the consultant completing the Recreation Master Plan for consideration. (Recreation)
 - Tranquil Place – Councillor Dinn requested IPW/Planning review reinstatement of the bulb when Crescent is developed to provide better snow clearing. (IPW/Planning)
 - Councillor Dinn requested that brush cutting around street signs be completed. (IPW)
 - Councillor Dinn requested MEOs review shed/debris at 411 STL. (Planning)
 - Councillor Dinn asked about possible speed humps on Karwood Drive (IPW)
 - Councillor Dinn requested an update be provided to the residents on Stapletons Rd of actions taken since flooding (IPW)
 - Deputy Mayor Laurie requested staff follow up with resident at 503 STL re: damage to driveway (IPW)
 - Councillor Willis requested an additional garbage can on Octagon Pond trail (Recreation)
 - Councillor Willis notified of a broken picnic table in Paradise Park (Recreation)
 - Councillor Dinn requested a review of distance between resident houses and centre of roundabouts (IPW)
 - Mayor Bobbett requested review of repurposing the traffic lights at McNamara/Topsail Road to Paradise Road/STL as temporary measure (IPW)

Regards,
Lisa

<image003.jpg>

Lisa Niblock
 Chief Administrative Officer
 P: 709.782.1400
lniblock@paradise.ca
www.paradise.ca

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Corey Smith

From: Dan Bobbett
Sent: August-22-18 8:39 PM
To: Lisa Niblock
Cc: Council; Angelina Richards
Subject: Re: Council Notes - August 7th & August 21st

Thank you Lisa

Thank you ,

Dan Bobbett
Mayor
Town of Paradise

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On Aug 22, 2018, at 4:03 PM, Lisa Niblock <lniblock@paradise.ca> wrote:

Good Afternoon,

Time must have gotten away from me and I missed the last meeting's update – my apologies to everyone. Please see my below notes, Angelina will follow up with the action list. Please let me know if you have anything to add or correct:

- August 7, 2018
 - Privileged
 - [REDACTED]
 - [REDACTED]
 - Committee of the Whole
 - Bills for Payment – Councillor English had questions regarding Preceision invoice – Garry to review and provide further detail.
 - 1956 Topsail Road – Councillor Dinn requested developer have information session with neighbors. (Planning)
 - Councillor Dinn requested an update on open space at Castleview subdivision – Planning Committee for review.
 - Councillor Dinn stated the Avalon Dragons are looking for storage space for their boats –Recreation Committee for review.
 - Councillor English requested finance update – Finance Committee for review.
 - Public
 - Deputy Mayor Laurie noted a change in minutes regarding charge fee for kitchen rentals. (Corporate Services)
- 5 28(1)

the Waste Disposal Policy. Councillor Dinn requested some further details on the discussion be added to the Committee of a Whole as it relates to Conflict of Interest.

Again, sorry for the delay and have a great weekend.



Lisa Niblock
Chief Administrative Officer
P: 709.782.6219
lniblock@paradise.ca
www.paradise.ca

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Corey Smith

From: Angelina Richards
Sent: February-26-18 9:32 AM
To: Lisa Niblock; Council
Subject: RE: Council Meeting - Feb 20th
Attachments: Council Briefing Items for Follow Up 2017.docx

Good Morning Mayor and Councillors,

Attached is the updated list as Lisa referenced below.

Thank you,

Angelina Richards
Administrative Assistant, Administration Department



P: 709.782.3921 F: 709.782.3603
arichards@paradise.ca
www.paradise.ca

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From: Lisa Niblock
Sent: Friday, February 23, 2018 4:38 PM
To: Council
Cc: Angelina Richards
Subject: Council Meeting - Feb 20th

Good Afternoon Mayor and Councillors,

My apologies for not sending my notes earlier in the week – if anyone has any questions on the below items please let me know. Angelina will follow up with our running list of items afterwards.

- (Corporate Services) - Council had a lot of discussion around Conflict of Interest. There was discussion as it relates to Deputy Mayor Laurie and the application for a home based business on Tiverton Street, Mayor Bobbett for the development at 1956 Topsail Road, as well as for Deputy Mayor Laurie and Councillor Dinn for

> Subject:

>

> Hi Lisa,

> I was anticipating an update last night on the Conflict of Interest allegations but I assume that the solicitors have not finalized their report.

> I would like a copy of all correspondence to and from the solicitors by the Town with respect to this matter including any future correspondence and specifically the final report from the solicitors,when it becomes available.

>

> Regards,

> Allan

> Sent from my iPhone

> <mime-attachment>

> <mime-attachment>

> <mime-attachment>

Corey Smith

From: Allan English
Sent: March-07-18 11:07 AM
To: Lisa Niblock
Cc: Council
Subject: Re: Conflict of Interest Request - Councillor English's request March 7 2018

Hi Lisa,

Thank you for the information. I was unable to open the attachment in the email from Erin House.

Allan

Sent from my iPhone

> On Mar 7, 2018, at 10:56 AM, Lisa Niblock <lniblock@paradise.ca> wrote:

>

> Good Morning Councillor English -

>

> Attached are the emails from Stewart McKelvey as it relates to the Conflict of Interest allegations from [REDACTED] against Mayor Bobbett and Councillor Quilty. I have also included the email I sent to Council when the complaint was received. I will be completing a response letter to [REDACTED] this week. As well, as you and I discussed last week on our telephone conversation, I have had discussions with Municipal Affairs and they are satisfied with the Town's approach and see no need for further follow up at this time. Please let me know if you require anything further or would like me to seek further clarification on either of these matters.

>

> Regards,

>

>

> Lisa Niblock

> Chief Administrative Officer

> P: 709.782.6219

> lniblock@paradise.ca

> www.paradise.ca

>

>

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>

> *****

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>

>

>

> -----Original Message-----

> From: Allan English

> Sent: March 7, 2018 9:00 AM

> To: Lisa Niblock

S 40(1)

<image001.gif>

Jonathan D. Dale
Partner
stewartmckelvey.com/StJohns
D: 709.570.5795
jdale@stewartmckelvey.com

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<NLDOCS-#383166-v1-Conflict_Opinion_-_Councillor_English_July_18.PDF>

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From: Lisa Niblock
Sent: July-23-18 6:23 PM
To: Dan Bobbett <dbobbett@paradise.ca>; Elizabeth Laurie <elaurie@paradise.ca>; Sterling Willis <swillis@paradise.ca>; Deborah Quilty <dquilty@paradise.ca>; Patrick Martin <pmartin@paradise.ca>; Paul Dinn <pdinn@paradise.ca>
Cc: Terrilynn Smith <tlsmith@paradise.ca>
Subject: FW: Conflict of Interest opinion

Please see attached opinion and recommended course of action as it relates to Councillor English's possible conflict of interest.

<image004.jpg>

Lisa Niblock
Chief Administrative Officer
P: 709.782.1400
lniblock@paradise.ca
www.paradise.ca

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From: Jonathan D. Dale [<mailto:jdale@stewartmckelvey.com>]
Sent: July-19-18 3:02 PM
To: Lisa Niblock <lniblock@paradise.ca>
Subject: Conflict of Interest opinion

Hi Lisa,
see attached opinion regarding conflict of interest.

I am happy to discuss.

Jonathan

ATIPP: Legal opinion excluded - Legal advice 30. (1) The head of a public may refuse to disclose to an applicant information (a) that subject to solicitor and client privilege or litigation privilege of a public body

Corey Smith

From: Dan Bobbett
Sent: July-24-18 11:17 AM
To: Elizabeth Laurie
Cc: Lisa Niblock
Subject: Re: Conflict of Interest opinion

Ok thank you

Thank you ,

Dan Bobbett
Mayor
Town of Paradise

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On Jul 24, 2018, at 10:36 AM, Elizabeth Laurie <elaurie@paradise.ca> wrote:

Hi

That's fine with me

Sent from my iPhone

On Jul 24, 2018, at 9:15 AM, Lisa Niblock <lniblock@paradise.ca> wrote:

Good Morning,

Not sure if you had a chance to review. I agree with the recommendations provided by Stewart McKelvey. [REDACTED]

30(1)

[REDACTED] et me know your thoughts and if you need anything else on my end.

Lisa

<image004.jpg>

Lisa Niblock
Chief Administrative Officer
P: 709.782.1400
lniblock@paradise.ca
www.paradise.ca

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Corey Smith

From: Lisa Niblock
Sent: August-03-18 12:38 PM
To: Elizabeth Laurie
Cc: Dan Bobbett
Subject: RE: Conflict of Interest
Attachments: Council Memo Councillor English Conflict of Interest August 7 2018.docx

Please see attached memo I have prepared for the Privileged Meeting. I feel we should place the item on the agenda; however, the memo should be provided at the meeting in the absence of Councillor English and not included in the package this evening. I recommend discussing with procedure with Councillor English prior to Tuesday evening. I am available to chat if you wish.

Lisa

Lisa Niblock
Chief Administrative Officer
P: 709.782.1400
lniblock@paradise.ca
www.paradise.ca

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-----Original Message-----

From: Elizabeth Laurie
Sent: August-03-18 10:00 AM
To: Lisa Niblock <lniblock@paradise.ca>
Subject: Conflict of Interest

Hi Lisa

Can you please write the procedure we need to follow based on our legal opinion for the Councillor English conflict of interest issue for the next council meeting.

Thank you
Elizabeth

Sent from my iPhone

Corey Smith

From: Lisa Niblock
Sent: March-17-20 4:34 PM
To: Kimberley Street; Dan Bobbett
Cc: Terrilynn Smith
Subject: RE:

Hi Councillor Street,

Anytime you feel you may be in a potential conflict of interest you should declare it and have council vote - as per section 209 of the Act. This should be completed each and every time an issue arises. Council's decision is final and there have been no legal cases to date where Council's decision has been overturned.

530CI)

I hope this clarifies.

Lisa Niblock
Chief Administrative Officer (CAO)
Town of Paradise

-----Original Message-----

From: Kimberly Street <kstreet@paradise.ca>
Sent: March 17, 2020 1:55 PM
To: Lisa Niblock <lniblock@paradise.ca>; Dan Bobbett <dbobbett@paradise.ca>
Subject:

Hi,

A resident of paradise [REDACTED] has called me today and informed me that I was in conflict at the last public meeting. He stated that the upgrades to paradise road is a conflict of interest for me because I live on paradise road and it will benefit me.

Could you please advise thanks so much

Kimberley
Sent from my iPhone

www.townofparadise.ca



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Corey Smith

From: Terrilynn Smith
Sent: October-03-19 9:06 AM
To: Council
Subject: Follow on conflict of interest discussion Deputy Mayor

Good morning,

I followed up with Steve Penney regarding whether or not Deputy Mayor Laurie is in a conflict of interest with respect to the new intermediate school and the road work to be completed.

s. 30(1)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Please let me know if you have any further questions.

Terrilynn Smith, CPA, C.A
Director, Corporate Services



P. 709.782-3559 F. 709.782-3603
tsmith@townofparadise.ca

Corey Smith

From: Lisa Niblock
Sent: January-04-19 3:47 PM
To: Council
Cc: Terrilynn Smith
Subject: FW: Conflict Issue

Good Afternoon Council,

Please see the below information as it relates to campaign contributions. I was asked in a previous meeting confirm the opinion provided by Stewart McKelvey. Steve's opinion has not changed from the advice he provided in writing in October 2017.

Please let me know if you require anything further.



Lisa Niblock
Chief Administrative Officer
P: 709.782.1400
lniblock@paradise.ca
www.paradise.ca

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Stephen F. Penney*
Partner
stewartmckelvey.com/StJohns
D: 709.570.8881
spenney@stewartmckelvey.com
*Law Corporation

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S. 30(1)

[REDACTED]

- [REDACTED]
- [REDACTED]
- [REDACTED]
- [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Corey Smith

From: Lisa Niblock
Sent: October-31-17 1:49 PM
To: Council
Subject: FW: Conflict Issue

Good Afternoon Council,

My apologies if I sent this out previously, I am just getting caught up. Please see the below opinion from Stewart McKelvey regarding an issue that arose at the previous council meeting as it relates to the acceptance of donations for campaign purposes. Steve Penney's opinion is as follows:

30(1)

[Redacted]

Please let me know if you have any further questions or concerns.

Lisa

From: Stephen F. Penney [mailto:spenney@stewartmckelvey.com]
Sent: October 16, 2017 2:50 PM
To: Lisa Niblock
Subject: Conflict Issue

PRIVILEGED AND CONFIDENTIAL

30(1)

[Redacted]

Corey Smith

From: Lisa Niblock
Sent: March-12-18 4:45 PM
To: Council
Cc: Angelina Richards
Subject: [REDACTED] response conflict of interest Mayor Bobbett Councillor Quilty 2018.docx
Attachments: S406(D) [REDACTED] response conflict of interest Mayor Bobbett Councillor Quilty 2018.docx

Good Afternoon Council,

Please see attached letter that will be mailed to [REDACTED] tomorrow in response to his correspondence last month. Please let me know if you have any questions or concerns.

Regards,



Lisa Niblock
Chief Administrative Officer
P: 709.782.6219
lniblock@paradise.ca
www.paradise.ca

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Corey Smith

From: [REDACTED] 540 (1)
Sent: August-09-19 4:43 PM
To: Lisa Niblock
Cc: Council; Alton Glenn
Subject: Re: REGARDING - Application for approval to add a drive thru restaurant at the corner of Sgt. Donald Lucas Drive June 28-2019

Lisa,

Thank-you for the information. I will review the following and share with the "Concerned Parents Of Octagon Pond".

Please have a great and safe weekend.

From: Lisa Niblock <lniblock@paradise.ca>
Sent: August 9, 2019 4:25 PM
To: [REDACTED] 540 (1)
[REDACTED] Council <Council@paradise.ca>; Alton Glenn <AGlenn@paradise.ca>
Subject: RE: REGARDING - Application for approval to add a drive thru restaurant at the corner of Sgt. Donald Lucas Drive June 28-2019

Hi [REDACTED]

Thanks for following up regarding the 'Commercial Neighborhood' on the corner of Sgt. Donald Lucas Drive and Topsail Road.

I wanted to provide some clarification on the zoning of the property in the hopes of answering your inquiry to Councillors Martin and English below.

The property in question was previously zoned residential. In February 2013, council passed a motion to amend the Town plan and development regulation to zone this property Commercial.

The current zone for this piece of property is 'Commercial Neighborhood' – you can find additional information related to this zone within the Town plan. (<https://www.paradise.ca/en/town-hall/Municipal-Plan.aspx>)

The concept plan approved by Council in 2017 is essentially just that, a concept. At the time of the Topsail Road phase 4 widening the developer requested council review this property to allow an adjustment to the minimum setback, which would be allowable under the new municipal plan. The concept plan was not development approval and all other steps for application to develop and permit are still governed by Council. At this time, under the current commercial zone that was approved in 2013 – council could approve a number of businesses at this location without advertising prior to making their decision. However, given the location, close proximity to the school, and intersection a number of studies and reports would be requested by the Town's Planning and Protective Services and Infrastructure and Public Works Departments before a recommendation is made to Council. Once a recommendation is made, Council will then review and discuss in a public Council meeting before making a decision.

In order for this process to deviate from what is noted above, an amendment to the plan to change the zone would have to be completed.

I hope you find this helpful, and I apologize if this is a reiteration of information already provided to you.

Please feel free to reach out to myself or Alton to discuss further at anytime.

Kind Regards,
Lisa



Lisa Niblock
Chief Administrative Officer
P: 709.782.1400
lniblock@paradise.ca
www.paradise.ca

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From: Patrick Martin <pmartin@paradise.ca>
Sent: August-09-19 12:54 PM
To: [REDACTED]
Cc: Lisa Niblock <lniblock@paradise.ca>
Subject: Re: REGARDING - Application for approval to add a drive thru restaurant at the corner of Sgt. Donald Lucas Drive June 28-2019

54067

Thanks [REDACTED]
I am still back and forth on some email between staff and myself but I will forward this along . I'll be in touch with what I find out at this point . Thanks Patrick
Sent from my iPhone

On Aug 9, 2019, at 12:39 PM, [REDACTED] wrote:

FYI.

Please see response from Allan English.

From: [REDACTED]
Sent: August 9, 2019 12:32 PM
To: Allan English <aenglish@paradise.ca>
Subject: Re: REGARDING - Application for approval to add a drive thru restaurant at the corner of Sgt. Donald Lucas Drive June 28-2019

Approved in principle is what was in the minutes. Can that be overturned at this point?

This is not what the residents want. Check it out further as people will be very interested to know the outcome.

Regards,
[REDACTED]

From: Allan English <aenglish@paradise.ca>
Sent: August 9, 2019 12:25 PM
To: [REDACTED] 540 (1)
Subject: Re: REGARDING - Application for approval to add a drive thru restaurant at the corner of Sgt. Donald Lucas Drive June 28-2019

Hi [REDACTED],

The concept plan for this area was approved by the previous Council in July, 2017. It is my understanding that the only part of the proposed development that required Discretionary Approval was the drive through and the other aspects of the development are in accordance with the designated zoning of the area.

Regards,
Allan

Sent from my iPhone

On Aug 9, 2019, at 10:24 AM, [REDACTED] > wrote: 540 (1)

I just want to thank all of councilors for your support on this matter. It was great news for the Concerned Parents of Octagon Pond that the town listened to our concerns and voted in favor for the development **NOT** to proceed.

I just want to get some clarification on what exactly was turned down. Was it the Tim Horton's development rejected or was it only a Tim Horton's with a drive-thru rejected? Meaning that a Tim's could still be erected. Please keep in mind that the zoning of CN for the land in question was determined before the school was constructed. Now that the school is developed, that changed the entire dynamic of the area and any future consideration for development should take this into consideration. The residents want less traffic and noise in the area not more.

The residents still have the same concerns regarding this establishment with or without a drive-thru. I also believe that the councilors of Paradise feel the same and that an alternate location would be better suited for this establishment.

Corey Smith

From: Alton Glenn
Sent: August-27-19 1:04 PM
To: Kimberley Street
Cc: Council; Lisa Niblock
Subject: RE: Zoning question

The Fairview property on Topsail Road was rezoned from Residential to Commercial in 2013 to accommodate future commercial development.

The school property was rezoned from RSA to RMD in 2014 to accommodate the school.

Alton

-----Original Message-----

From: Kimberly Street
Sent: August-27-19 12:55 PM
To: Alton Glenn
Subject: Re: Zoning question

Hi thanks. So that means it was amended in that area from residential to commercial to accommodate the school ?

Sent from my iPhone

> On Aug 27, 2019, at 11:48 AM, Alton Glenn <AGlenn@paradise.ca> wrote:

>

> Kim:

>

> The property was rezoned from Residential to Commercial in 2013. An amendment to accommodate the school proposal was undertaken in 2014.

>

> -----Original Message-----

> **From:** Kimberly Street

> **Sent:** August-27-19 11:02 AM

> **To:** Lisa Niblock; Alton Glenn

> **Subject:** Zoning question

>

> Hi , a resident asked if the zoning of the area where Fairview was putting the tims was changed from residential to commercial before the decision to put a school in the area or was it always commercial zone ?

>

> Thanks

> K

>

> Sent from my iPhone

Corey Smith

From: Lisa Niblock
Sent: August-27-19 12:12 PM
To: Alton Glenn; Kimberley Street
Cc: Council
Subject: RE: Zoning question

Hi Councillor Street -

I have copied an email I sent to [REDACTED] and Council a couple of weeks ago that provides a little history on this property.

Hi [REDACTED] 546 (1)

Thanks for following up regarding the 'Commercial Neighborhood' on the corner of Sgt. Donald Lucas Drive and Topsail Road.

I wanted to provide some clarification on the zoning of the property in the hopes of answering your inquiry to Councillors Martin and English below.

The property in question was previously zoned residential. In February 2013, council passed a motion to amend the Town plan and development regulation to zone this property Commercial.

The current zone for this piece of property is 'Commercial Neighborhood' – you can find additional information related to this zone within the Town plan. (<https://www.paradise.ca/en/town-hall/Municipal-Plan.aspx>)

The concept plan approved by Council in 2017 is essentially just that, a concept. At the time of the Topsail Road phase 4 widening the developer requested council review this property to allow an adjustment to the minimum setback, which would be allowable under the new municipal plan. The concept plan was not development approval and all other steps for application to develop and permit are still governed by Council. At this time, under the current commercial zone that was approved in 2013 – council could approve a number of businesses at this location without advertising prior to making their decision. However, given the location, close proximity to the school, and intersection a number of studies and reports would be requested by the Town's Planning and Protective Services and Infrastructure and Public Works Departments before a recommendation is made to Council. Once a recommendation is made, Council will then review and discuss in a public Council meeting before making a decision.

In order for this process to deviate from what is noted above, an amendment to the plan to change the zone would have to be completed.

I hope you find this helpful, and I apologize if this is a reiteration of information already provided to you.

Please feel free to reach out to myself or Alton to discuss further at anytime.

*Kind Regards,
Lisa*

Lisa Niblock
Chief Administrative Officer
P: 709.782.1400
lniblock@paradise.ca
www.paradise.ca

☑ Please consider whether it is necessary to print this email

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-----Original Message-----

From: Alton Glenn <AGlenn@paradise.ca>
Sent: August-27-19 11:48 AM
To: Kimberly Street <kstreet@paradise.ca>
Cc: Lisa Niblock <lniblock@paradise.ca>; Council <Council@paradise.ca>
Subject: RE: Zoning question

Kim:

The property was rezoned from Residential to Commercial in 2013. An amendment to accommodate the school proposal was undertaken in 2014.

-----Original Message-----

From: Kimberly Street
Sent: August-27-19 11:02 AM
To: Lisa Niblock; Alton Glenn
Subject: Zoning question

Hi , a resident asked if the zoning of the area where Fairview was putting the tims was changed from residential to commercial before the decision to put a school in the area or was it always commercial zone ?

Thanks
K

Sent from my iPhone

Corey Smith

From: Sterling Willis
Sent: August-24-18 4:55 PM
To: Garry Spencer
Cc: Council; Angelina Richards
Subject: Re: Poll of Council - 2018 Infrastructure Improvements Tender Award

Good day Garry, Due to the possible conflict of interest in this matter and my connections with the company as a contributor to my election campaign I will not be voting on this issue at this time. But instead at our next Council meeting when this issue is to be ratified I will be asking for councils decision as to if I would be in a conflict of interest or not. At which time and under the direction of a vote of Council as to if I am in a conflict of interest or not. And under the advice of council will determine if I will be voting or leaving the room due to the possible conflict of interest.
Sterling

Sent from my iPhone

On Aug 24, 2018, at 11:08 AM, Garry Spencer <gspencer@paradise.ca> wrote:

Mayor and Council

Please see attached Memo to Council concerning the award of the 2018 Infrastructure Improvements tender. The tender closed on Wednesday, August 22 2018 and includes: McNamara Drive Sanitary Sewer upgrades (CP1 and CP2), Topsail Road/McNamara Drive/Clearview Heights Roundabout (CP3) and Clearview Heights street upgrade(CP4). Seven bids were received with Fairview Investments Ltd. being the low bidder. Progressive Engineering and Consulting Inc. has reviewed the bids and is recommending awarding the contract to Fairview Investments Ltd. The recommendation from Progressive Engineering and Consultants Inc. is attached.

I recommend following Progressive Engineering and Consultants Inc. recommendation and proceeding with the award of the tender to Fairview Investments Ltd. I am requesting that Council follow the e-mail approval procedure to approve this request.

Garry Spencer, P.Eng.
Director of Infrastructure and Public Works

<2018 infrastructure tender - poll of council.pdf>

Corey Smith

From: Paul Dinn
Sent: August-24-18 3:33 PM
To: Garry Spencer
Cc: Council; Angelina Richards
Subject: Re: Poll of Council - 2018 Infrastructure Improvements Tender Award

I have no issue with the results of the tender and the award to the lowest bidder. I have been hesitant to respond given potential conflict by other members of Council and how this is dealt with via e-mail polls. After discussion with our CAO (thank you for the call) I am still not comfortable with the process. If for example there is a tie vote, or the required amount of votes have not been rec'd and we had yet to determine the conflict issue, what would be the process? The persons claiming conflict may or may not be the deciding votes.

As I stated before dealing with Council matters via e-mail without the benefit of deliberation is not my preferred approach unless there is an "emergency" situation. Right now we are being asked to vote ahead of a determination of whether there is a conflict or not.

We need to get a handle on this sooner rather than later as right now we have councillors not voting without a determination from Council and this will be a bigger problem when the e-polls are dealing with more substantial issues.

Thanks
Paul

Sent from my iPhone

On Aug 24, 2018, at 11:08 AM, Garry Spencer <gspencer@paradise.ca> wrote:

Mayor and Council

Please see attached Memo to Council concerning the award of the 2018 Infrastructure Improvements tender. The tender closed on Wednesday, August 22 2018 and includes:

McNamara Drive Sanitary Sewer upgrades (CP1 and CP2),

Topsail Road/McNamara Drive/Clearview Heights Roundabout (CP3) and

Clearview Heights street upgrade(CP4).

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The recommendation from Progressive Engineering and Consultants Inc. is attached.

I recommend following Progressive Engineering and Consultants Inc. recommendation and proceeding with the award of the tender to Fairview Investments Ltd. I am requesting that Council follow the e-mail approval procedure to approve this request.

Garry Spencer, P.Eng.

61

Corey Smith

From: Stephen F. Penney <spenney@stewartmckelvey.com>
Sent: October-31-17 3:57 PM
To: Lisa Niblock
Subject: Re: Mayor - conflict of interest

Privileged and Confidential

Lisa,

Your email reflects my advice.

s 30(c)

[Redacted]

[Redacted]

[Redacted]

[Redacted]

I trust this is helpful. Please feel free to contact me if there is anything further.

Steve

On: 31 October 2017 14:36, "Lisa Niblock" <lniblock@paradise.ca> wrote:

No problem.

From: Stephen F. Penney [mailto:spenney@stewartmckelvey.com]
Sent: October 31, 2017 2:34 PM
To: Lisa Niblock
Subject: Re: Mayor - conflict of interest

Lisa - in a meeting at Court. I will be in touch in about an hour or so. Steve

On: 31 October 2017 14:14, "Lisa Niblock" <lniblock@paradise.ca> wrote:
Hi Steve,

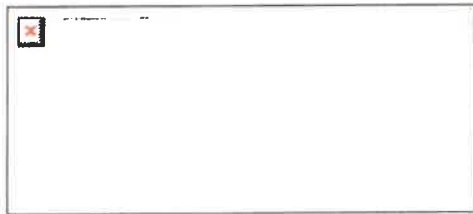
5.30(1)

On Thursday, October 12th you and I spoke about the possible conflict of interest as it relates to

[Redacted]

Could you please verify the above and provide any additional commentary as required?

Thanks,
Lisa



Lisa Niblock
Chief Administrative Officer
P: 709.782.6219
lniblock@paradise.ca
www.paradise.ca

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Corey Smith

From: Erinn House <rehouse@stewartmckelvey.com>
Sent: February-28-18 12:13 PM
To: Lisa Niblock
Subject: Conflict of Interest Opinion
Attachments: NLDOCS-#369978-v1-Conflict_of_Interest_Opinion.PDF

Good afternoon,

On behalf of Steve Penney, attached please find correspondence in connection with the above referenced matter.

We trust you will find the attached in order.

Thank you,

Erinn



Erinn House
Legal Assistant
stewartmckelvey.com/StJohns
D: 709.722.4270 ext. 54266
rehouse@stewartmckelvey.com

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Corey Smith

From: Lisa Niblock
Sent: February-13-18 5:33 PM
To: Council
Cc: Terrilynn Smith
Subject: RE: Correspondance
Attachments: Send data from MFP-Upstairs 02/13/2018 18:24

Angelina has completed a search of the minutes as it relates to Councillor Quilty and I have attached all relevant documents for your review. Councillor Quilty asked for Council's direction on March 21, 2017 as to her potential conflict. Council discussed and agreed that she was not in conflict as it relates to deciding on the design of the roundabout. Councillor Quilty also has declared conflict and excused herself from meetings as it relates to the expropriation of lands at the roundabout. As soon as I have received the written legal opinion I will forward along as well.

Lisa



Lisa Niblock
Chief Administrative Officer
P: 709.782.6219
lniblock@paradise.ca
www.paradise.ca

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From: Lisa Niblock
Sent: February 13, 2018 3:49 PM
To: Council
Cc: Angelina Richards; Terrilynn Smith
Subject: RE: Correspondance

Good Afternoon Mayor Bobbett and Councillors,

Further to Angelina's email below I wanted to advise Council that this letter although dated Friday was hand delivered by [REDACTED] yesterday afternoon. In both situations legal consultation and discussions with Municipal Affairs has taken place. I will responding to [REDACTED] with a formal letter to notify [REDACTED] that the Town has received his letter and the process that was followed once I have reviewed thoroughly.

Please let me know if you have any further questions or concerns.



Lisa Niblock
Chief Administrative Officer
P: 709.782.6219
lniblock@paradise.ca
www.paradise.ca

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From: Angelina Richards
Sent: February 13, 2018 3:44 PM
To: Council
Subject: Correspondance

Good Afternoon,

Please see the attached correspondence that was delivered to Lisa's attention yesterday from . 540(1)

Thank you.

Angelina Richards
Administrative Assistant, Administration Department



P: 709.782.3921 F: 709.782.3603
arichards@paradise.ca
www.paradise.ca

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COUNCIL MEMO PUBLIC COUNCIL MEETING

To: Mayor and Council

From: Lisa Niblock, Chief Administrative Officer

Date: January 22, 2019

Subject: Conflict of Interest – Campaign Contributions

[REDACTED]

528(1)

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

528.1

[REDACTED]

[REDACTED]

[REDACTED]

Motion:

BE IT RESOLVED; that Council accepts the legal opinion provided by Stewart McKelvey as it relates to campaign contributions and conflict of interest.

I SO MOVE.

**TOWN OF PARADISE
PRIVILEGED MEETING
TUESDAY, AUGUST 6, 2018
TOWN HALL, PARADISE**

PRESENT:	Chairperson	Dan Bobbett, Mayor
	Deputy Mayor	Elizabeth Laurie
	Councillor	Allan English
	Councillor	Patrick Martin
	Councillor	Deborah Quilty
	Councillor	Kimberley Street
	Chief Admin. Officer	Lisa Niblock
	Director of Corporate Services	Terrilynn Smith
	Director of Planning & Protective Services	Alton Glenn
	Director of Infrastructure & Public Works	Chris Milley
	Director of Recreation & Leisure Services	Conrad Freake
	Administrative Assistant	Angelina Richards

ABSENT: Councillor Sterling Willis

- 1. 
- 2. 

The meeting was called to order by Chairperson Bobbett at 7:04 p.m.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

5 28 (1)

529(1)

[REDACTED]

[REDACTED]

[REDACTED]



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§ 27(1)

[Redacted]

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[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

Dan Bobbett, Mayor

Terrilynn Smith, Town Clerk



Cabot Place, 1100 – 100 New Gower Street, P.O. Box 5038
St. John's NL A1C 5V3 Canada tel: 709.722.4270 fax: 709.722.4565 stewartmckelvey.com

Via Email

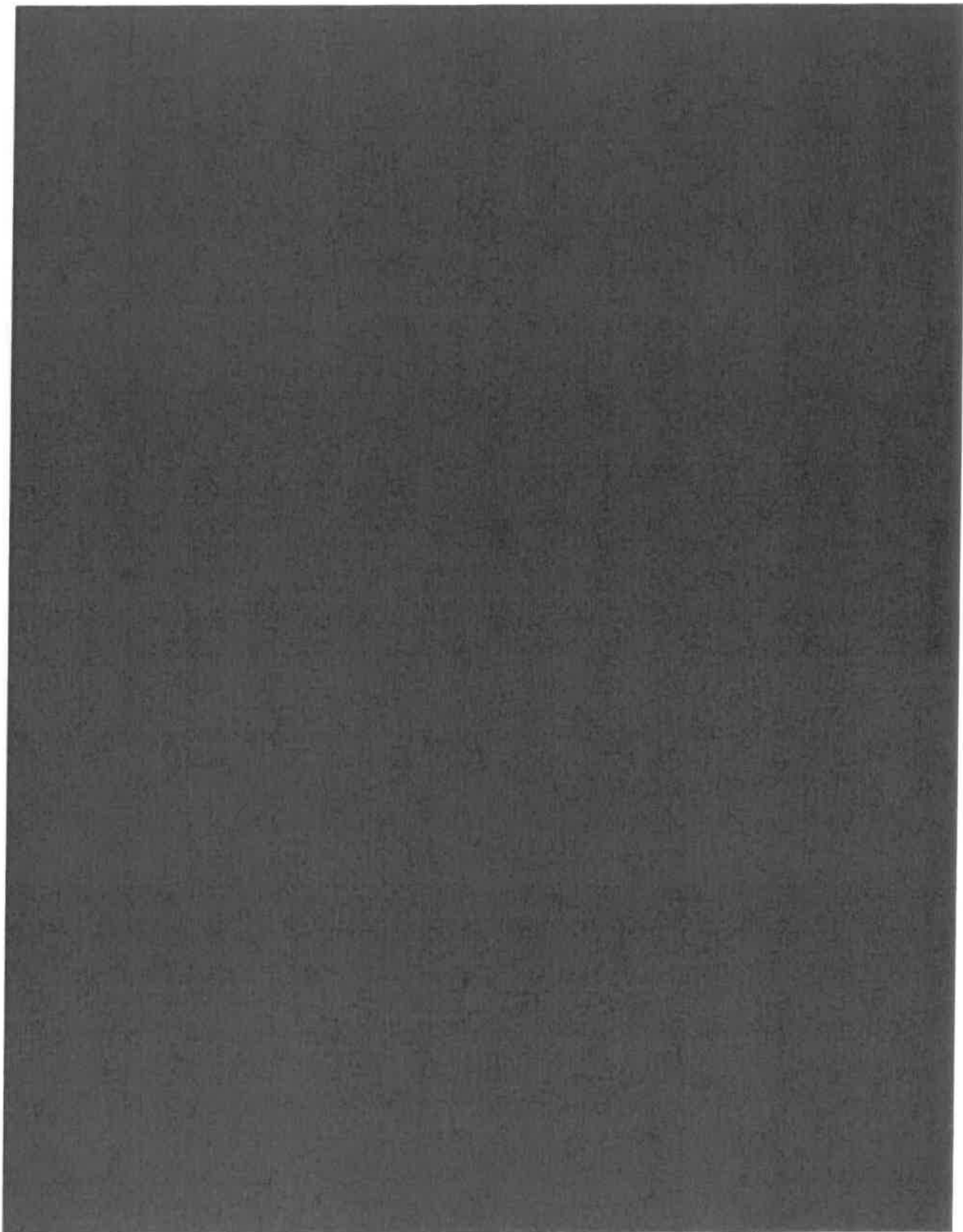
July 19, 2018

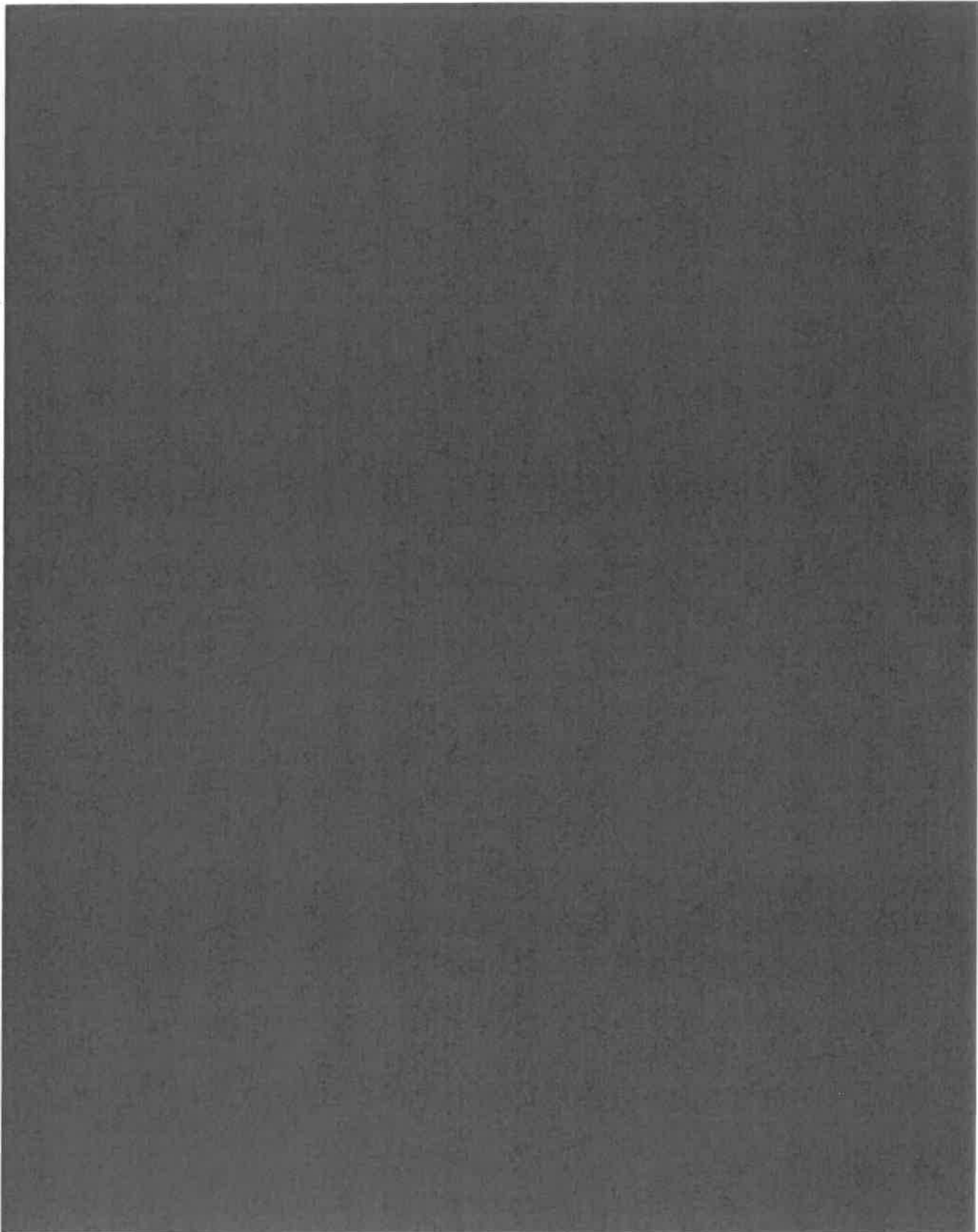
Jonathan D. Dale
Direct Dial: 709.570.5795
Direct Fax: 709.722.4565
jdale@stewartmckelvey.com

Lisa Niblock
Town of Paradise
28 McNamara Drive
Paradise NL A1L 0A6

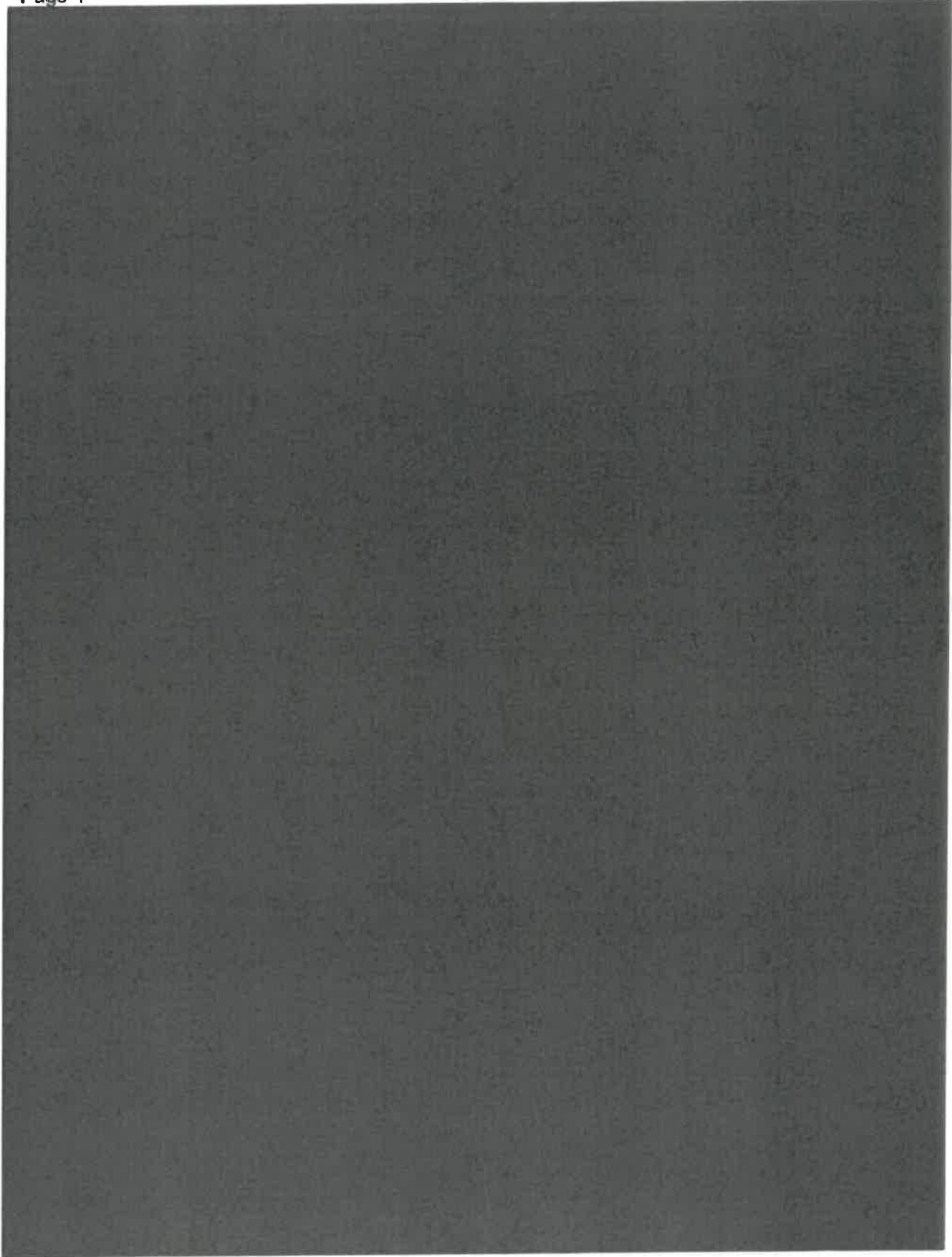
Dear Lisa:

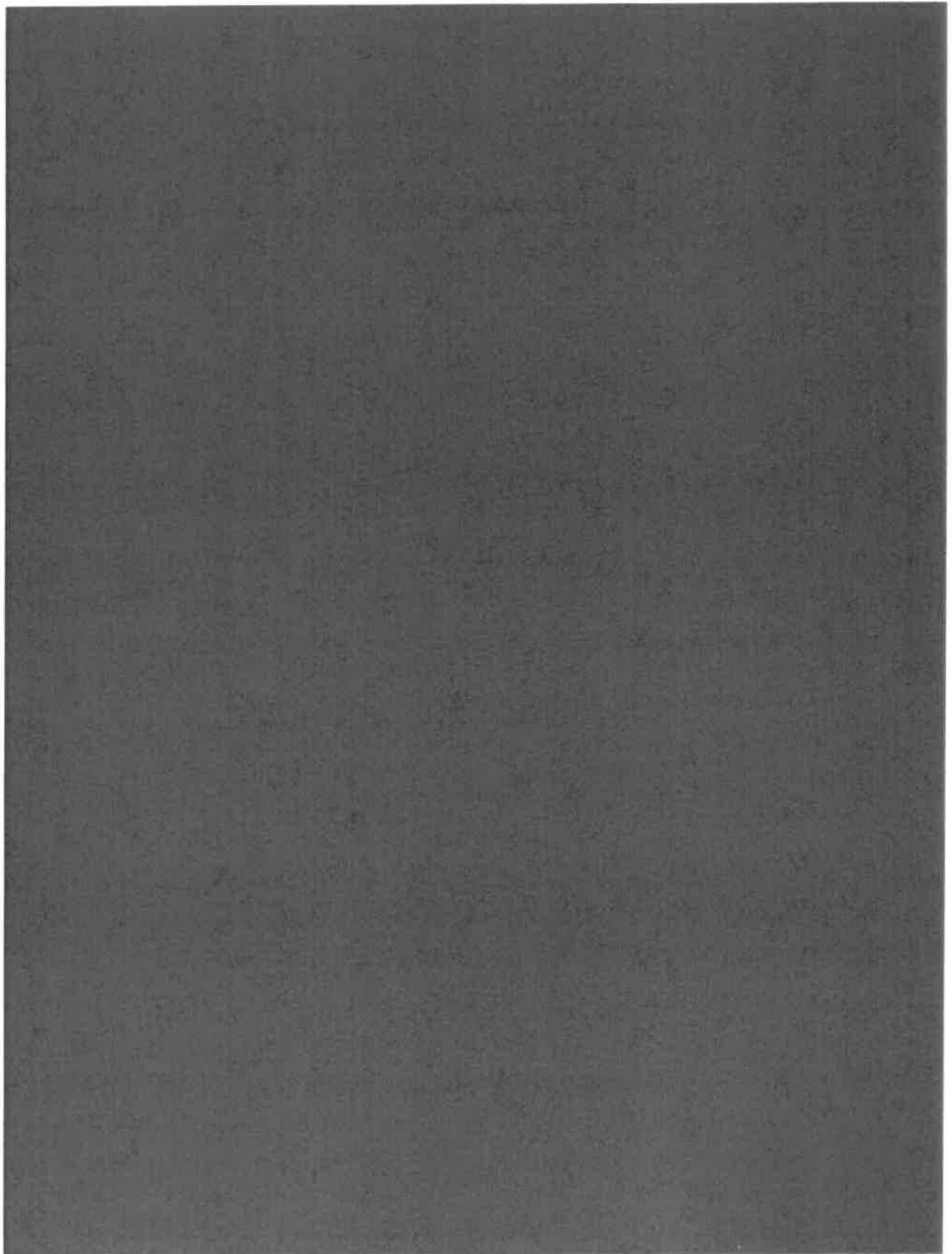
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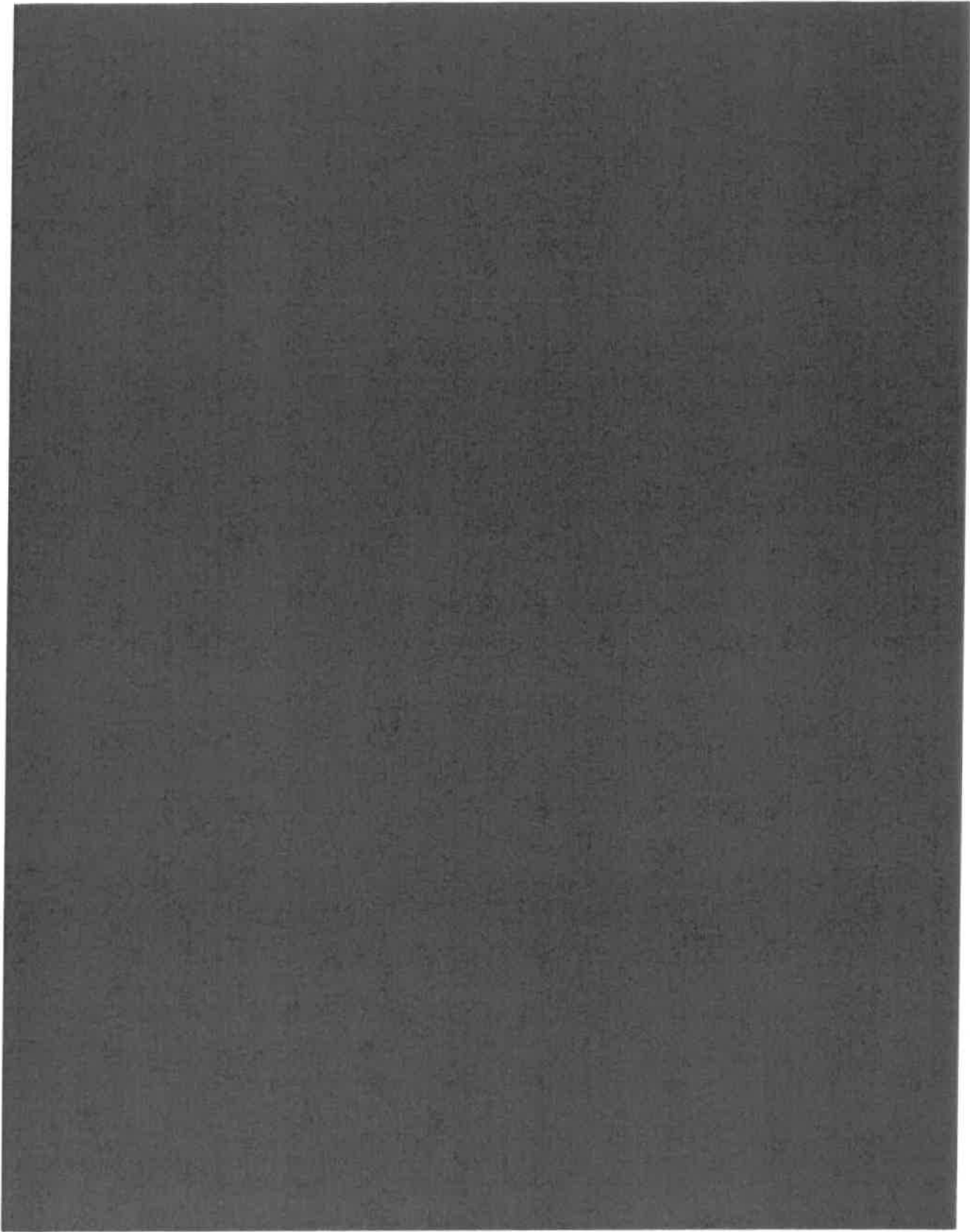




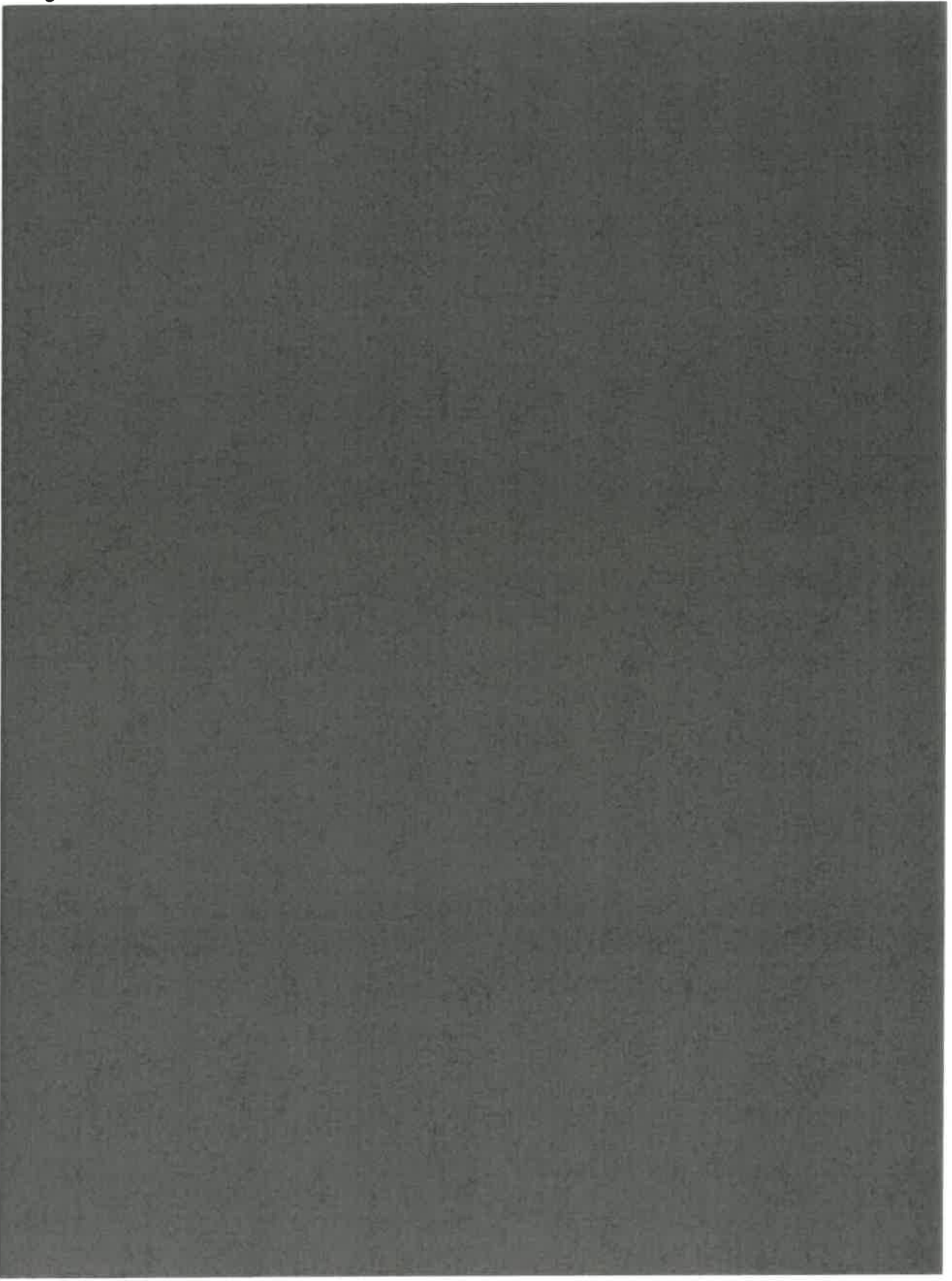
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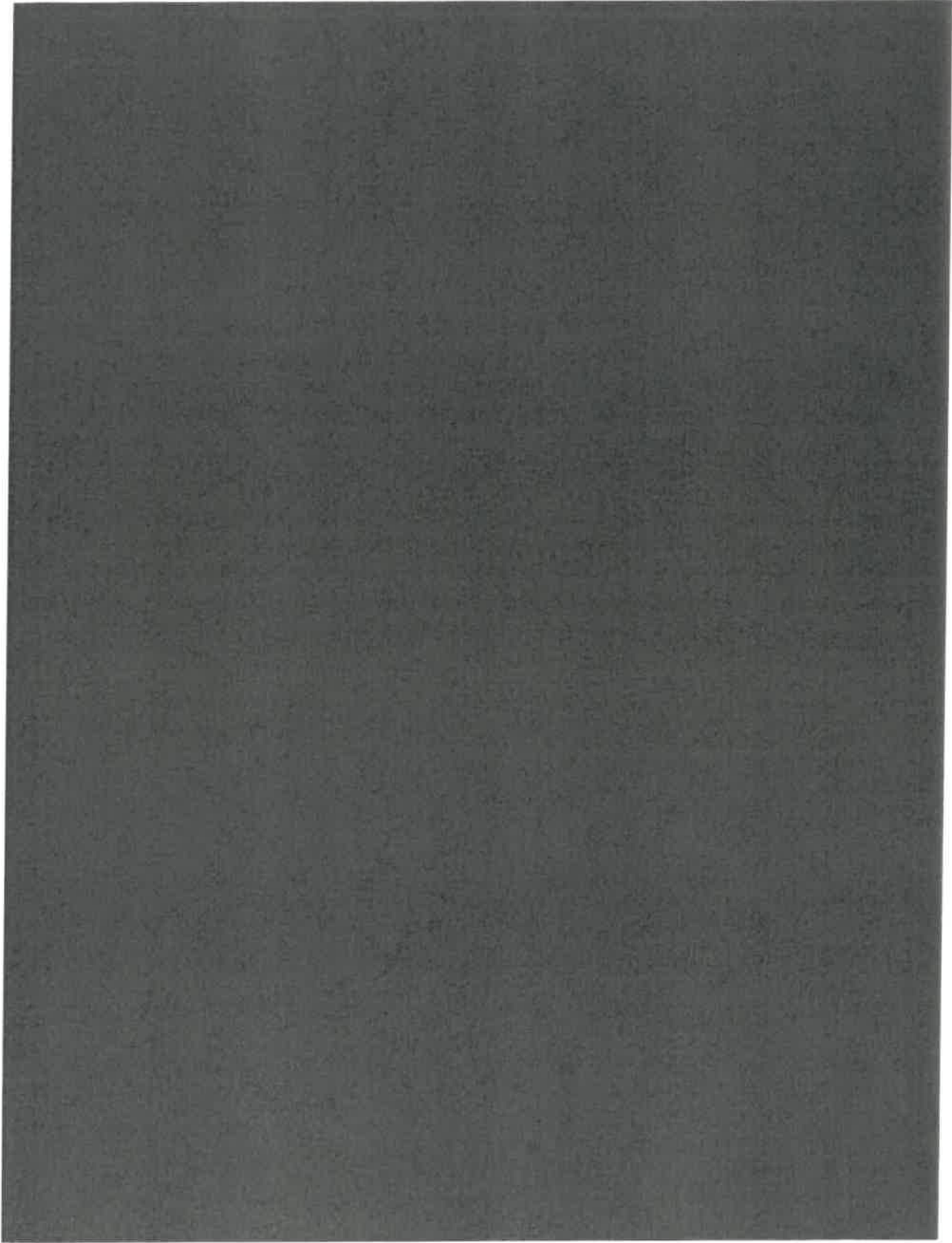




S 30(1)



§ 30(1)



March 12, 2018



540(1)



Thank you for your correspondence to Mayor Bobbett and Council dated February 9, 2018, which was hand delivered to my attention on February 12, 2018. I have forwarded your letter and attachments to Mayor Bobbett and Council for their review; they may respond individually as well.

Council takes all concerns from residents seriously and in turn requests staff review and investigate any perceived wrongdoings thoroughly. Upon receipt of your letter and attachments a review was completed which included Council meeting minutes, the Municipalities Act, discussions with Municipal Affairs, and as well staff discussed your allegations with legal counsel. Upon conclusion of this review the Town does not concur with your allegations and does not deem the actions of Mayor Bobbett nor Councillor Quilty to be in a conflict of interest.

Thank you again for taking the time to bring your concerns to the attention of Mayor Bobbett, Council, and myself. Should you have further concerns or wish to discuss please feel free to contact me at 782-1400 or by email at lniblock@paradise.ca.

Kindest Regards,

Lisa Niblock
Chief Administrative Officer



Cabot Place, 1100 - 100 New Gower Street, P.O. Box 5038
St. John's NL A1C 5V3 Canada tel: 709.722.4270 fax: 709.722.4565 stewartmckelvey.com

File Reference: SM4929-

February 28, 2018

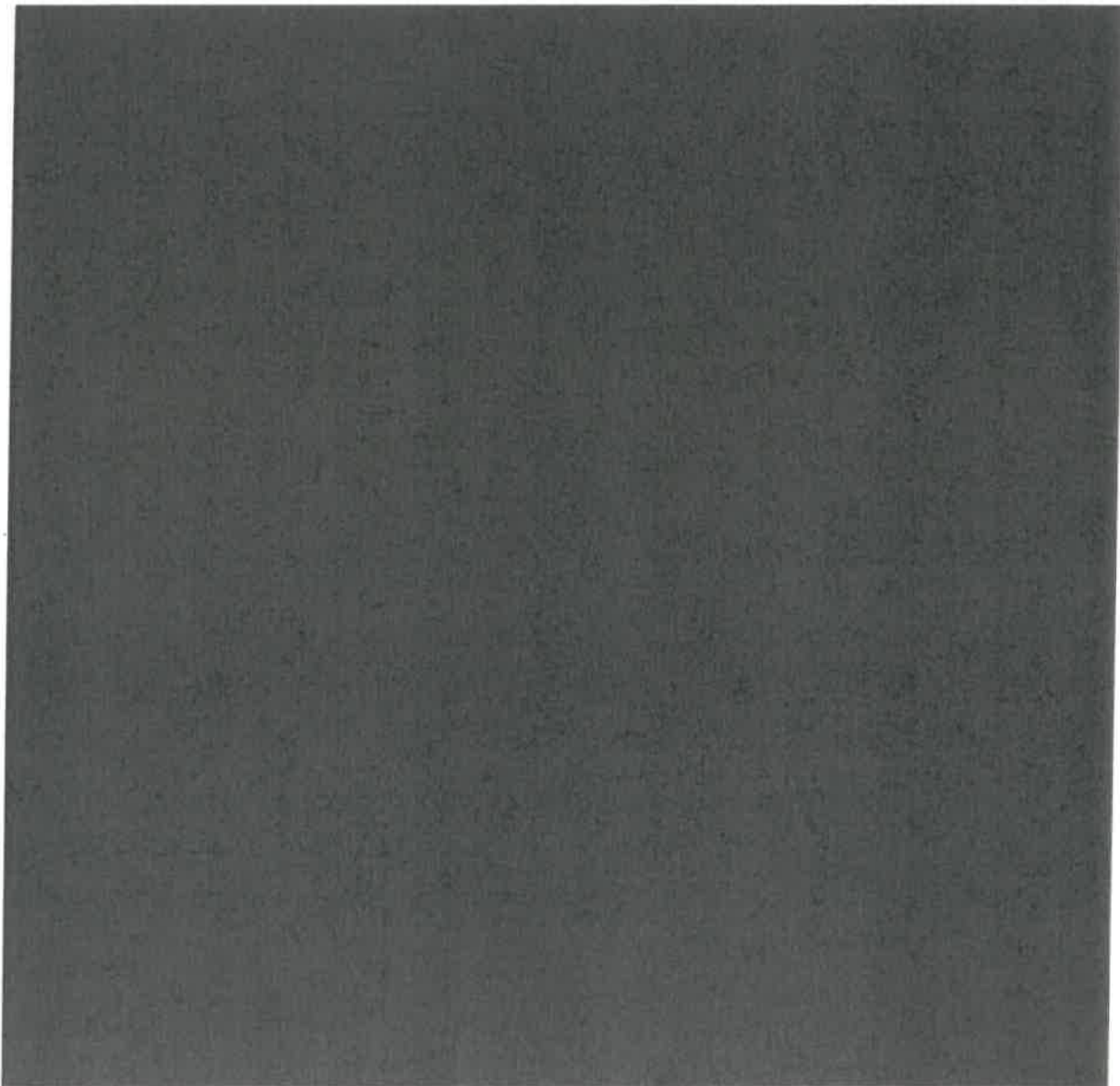
Stephen F. Penney
Direct Dial: 709.570.8881
Direct Fax: 709.722.4565
spenney@stewartmckelvey.com

PRIVILEGED & CONFIDENTIAL

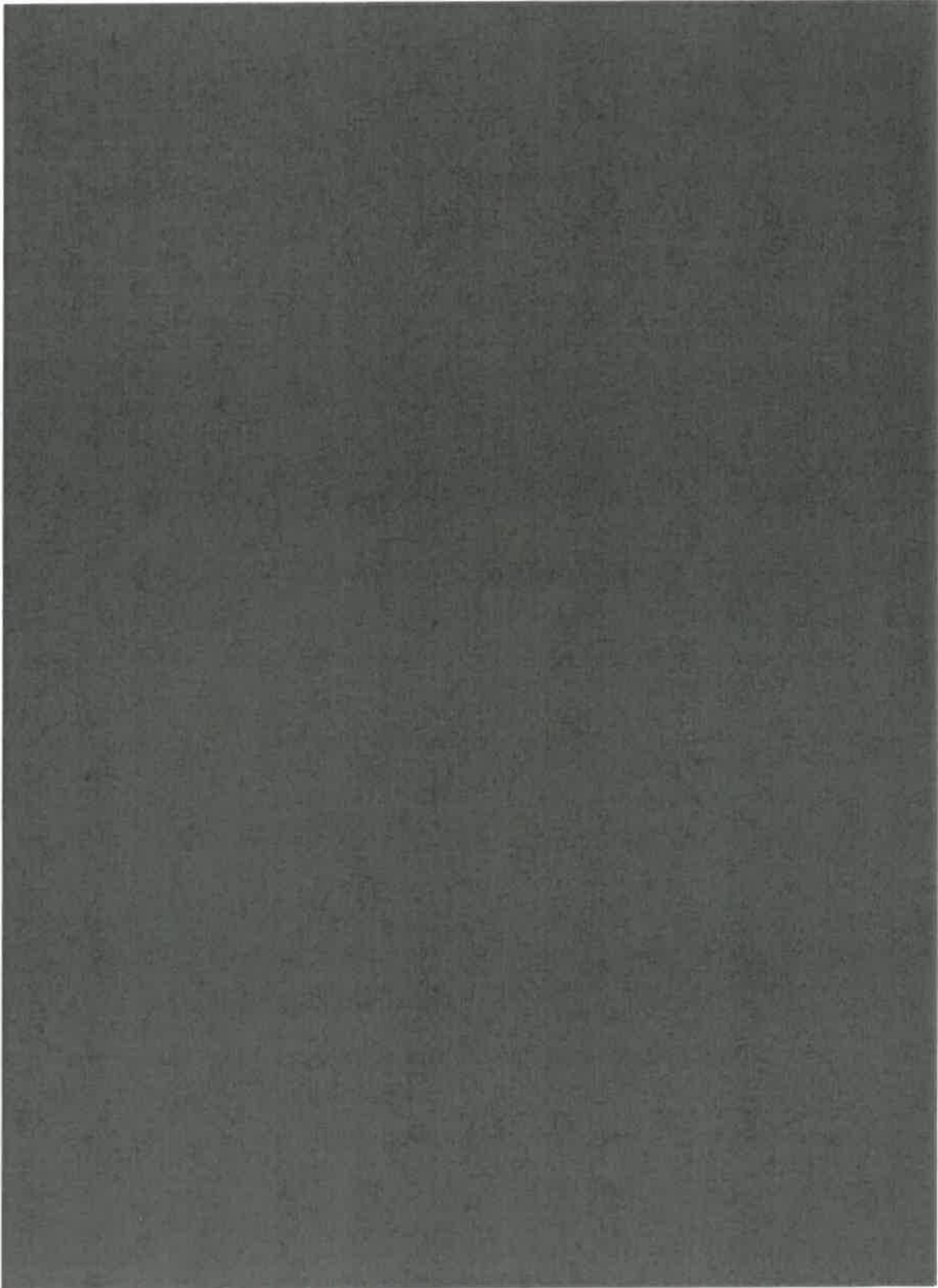
Lisa Niblock
Town of Paradise
28 McNamara Drive
Paradise NL A1L 0A6

Dear Ms. Niblock:

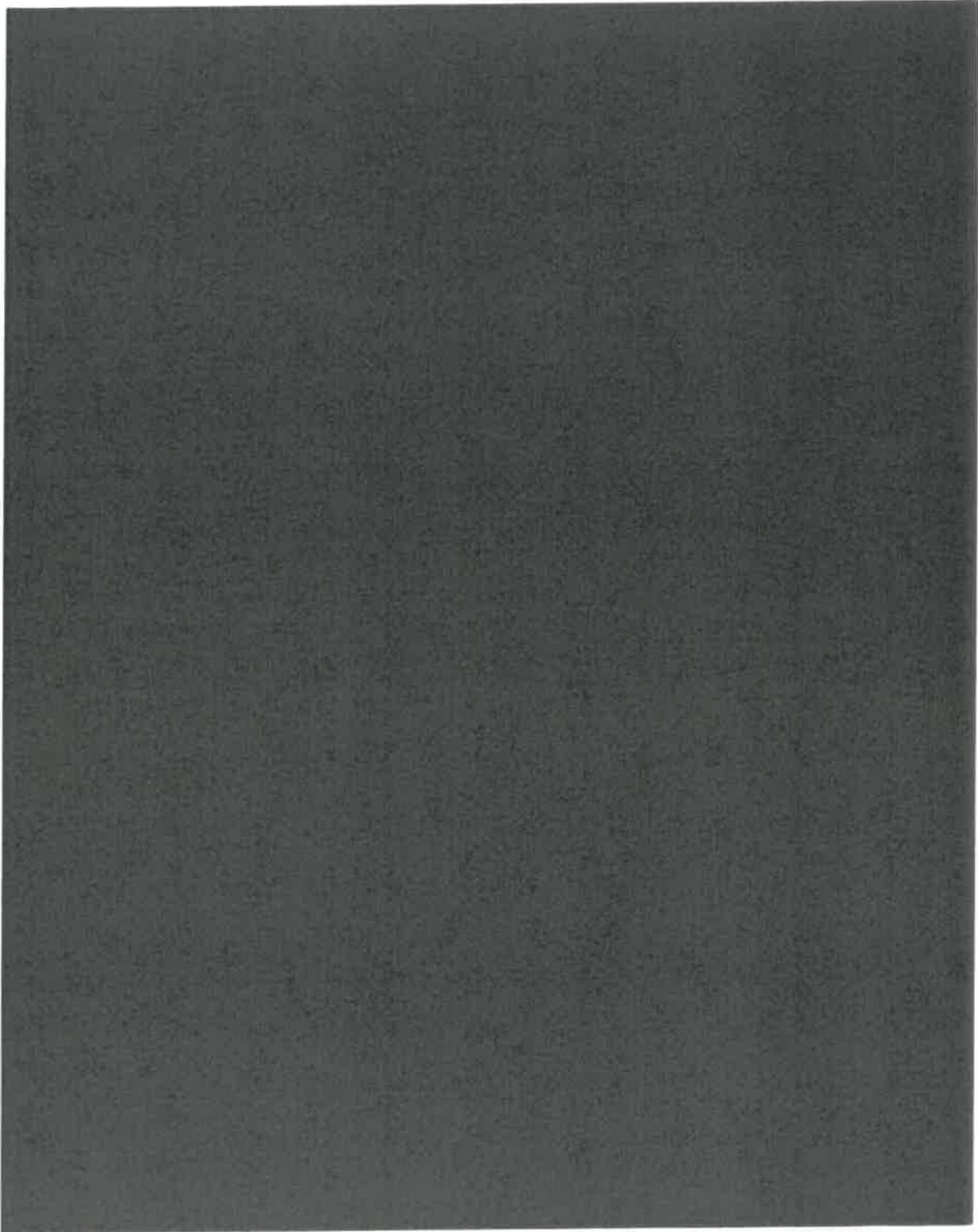
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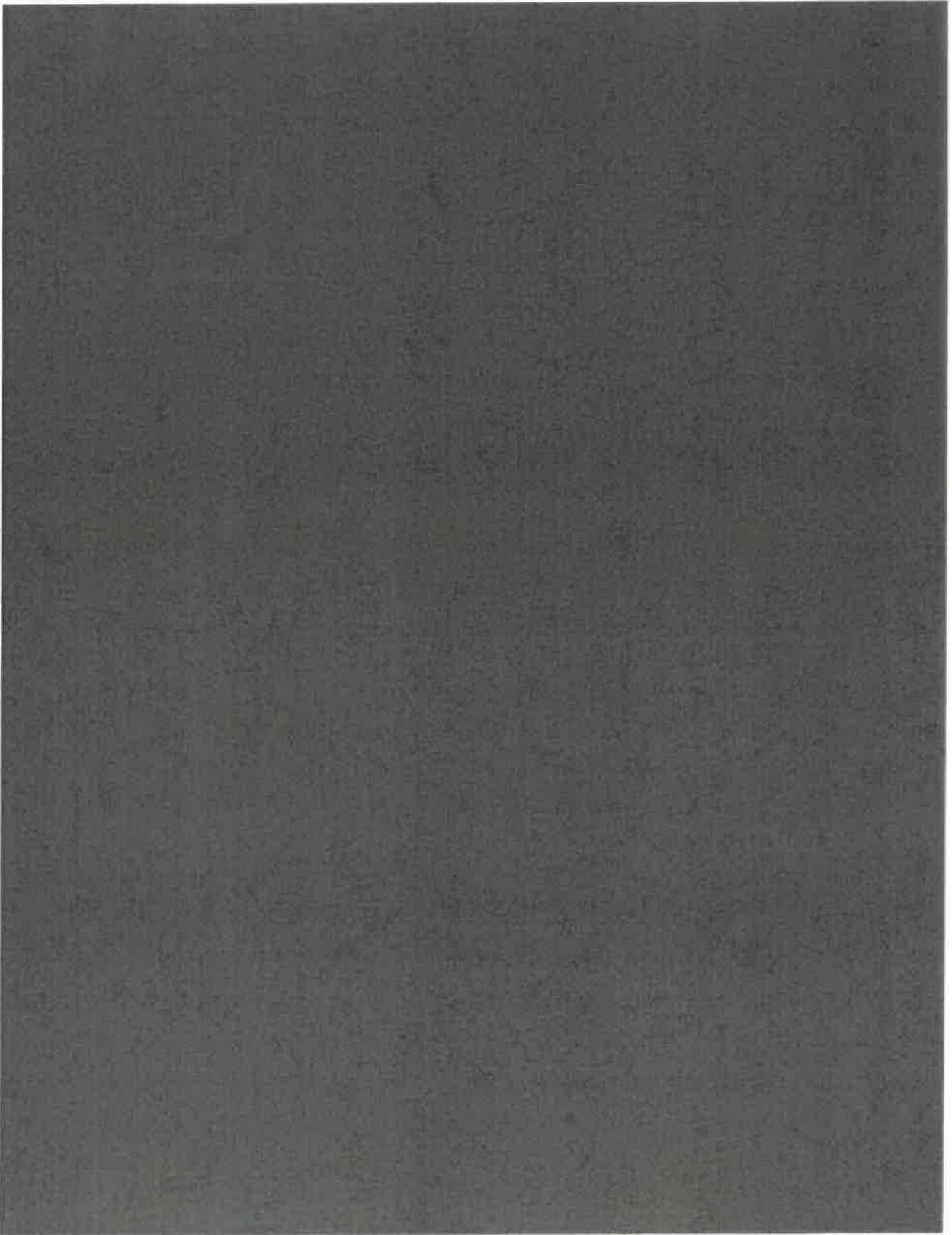
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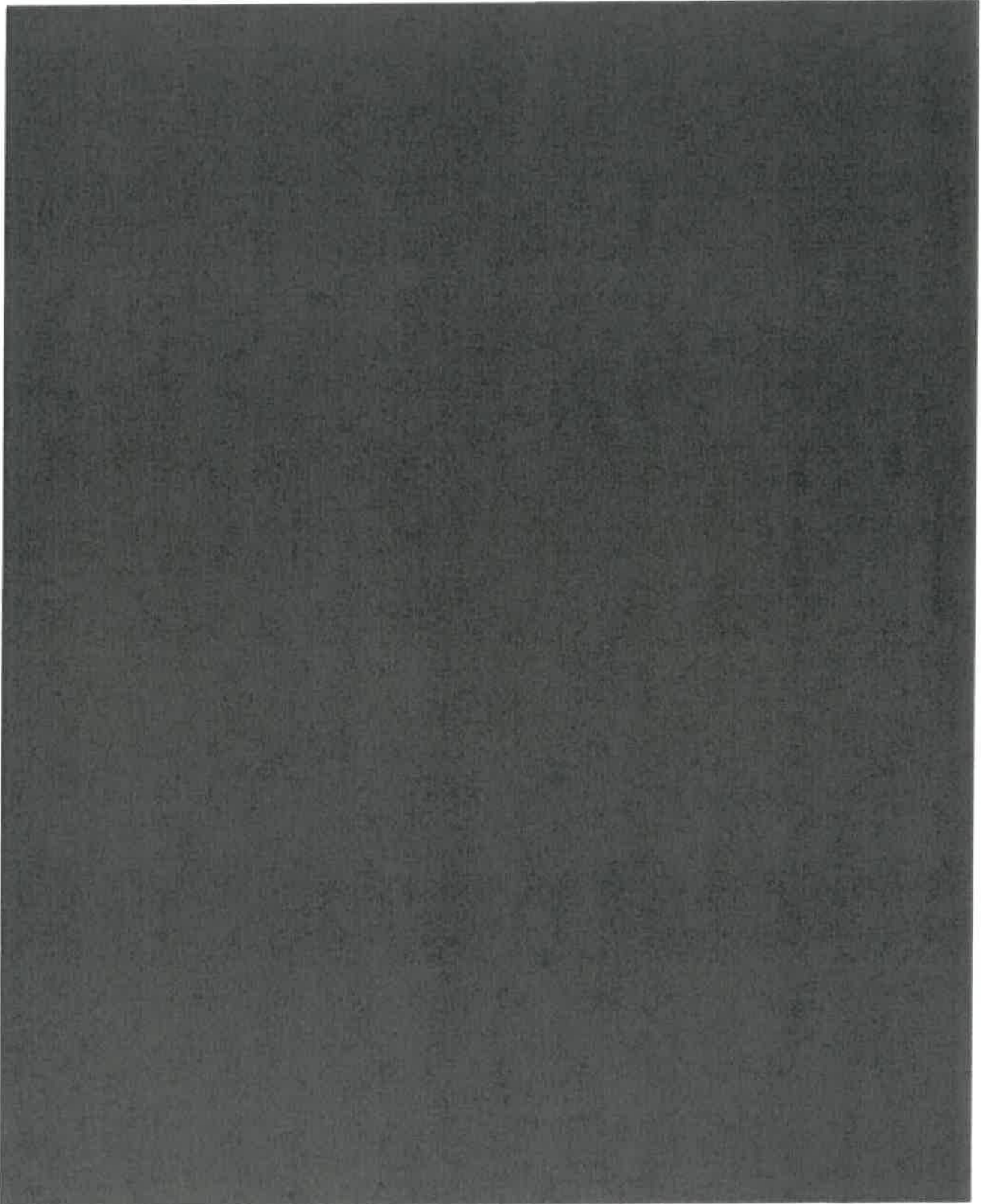
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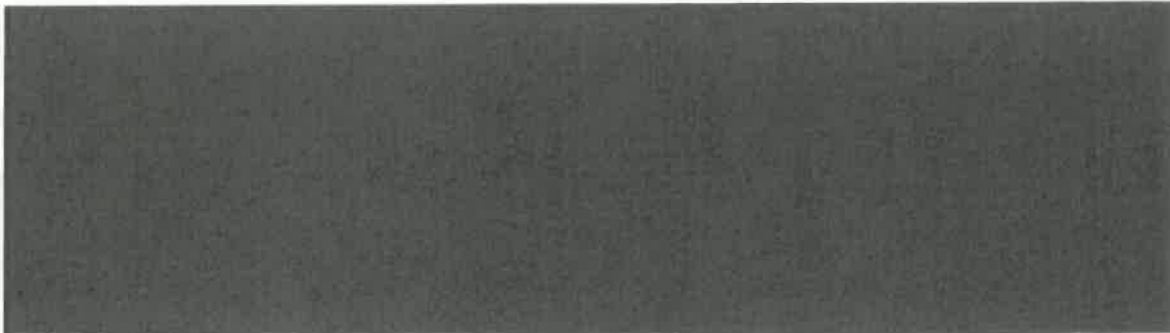
§ 30(1)



S 30(c)



§ 30(1)



Stewart McKelvey

A handwritten signature in black ink, appearing to read 'SFP', is positioned above the typed name of Stephen F. Penney.

Stephen F. Penney*
Partner

SFP/reh

***Law Corporation**



Title: Email Voting/Polling	Internal/External: Internal
Department: Council Governance	Policy Number: CS-025
Approval Date: September 5, 2017	Implementation Date: September 6, 2017
Revised Approval Date:	Revised Implementation Date:

BACKGROUND:

The Council of the Town of Paradise acknowledges that there is often a need to make decisions between regularly scheduled meetings of Council via email.

OBJECTIVE/PURPOSE:

This policy is required to ensure the process is transparent and consistent.

1.0 SCOPE

This Policy applies to all members of Council.

Definitions

Quorum: For the purpose of email voting will be the same as indicated in the Municipalities Act.

Conflict of Interest: For the purpose of email voting will be the same as indicated in the Municipalities Act. Any and all conflicts of interest should be stated.

2.0 Email Polling

1. When a decision of Council is required between scheduled meetings of Council, polling council via email is acceptable;
2. The subject line of the email will include "Poll of Council"
3. Information will be presented to Council members in the form of a memo as would be presented at a regular meeting of Council;
4. The email shall be sent to the appropriate Group email for Council;
5. All members of Council are expected to participate in email polls;
6. All emails will require a Read Receipt"
7. Responses are expected within 24 hours;
8. All decisions made through an email poll will be ratified at the following Public meeting of Council to ensure transparency.



9.23 Commercial Neighbourhood (CN)

1. Purpose

To identify sites for commercial services close to residential neighbourhoods that cater to local needs.

2. Permitted Uses

- Child Care
- Convenience Store
- Medical, Professional and Personal Service
- Office
- Public Buildings
- Restaurant (no Drive-Through)
- Retail Store
- Take-Out Food Service (no Drive-Through)

3. Discretionary Uses

- General Service
- Health and Fitness Facility
- Lounge
- Outdoor Market
- Place of Worship
- Residential (above main floor Commercial)
- Restaurant (Drive-Through)
- Service Station
- Take-Out Food Service (Drive-Through)
- Taxi Stand
- Telecommunications Towers

4. Zone Standards

Standard	All Uses
Minimum Building Line Setback (m)	8.0
Minimum Side Yard (m)	5.0 and 2.4
Minimum Rear Yard (m)	8.0
Maximum Height (m)	9.0