

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

|          |   |                    |
|----------|---|--------------------|
| PRESENT: | Chairperson                                   | Dan Bobbett, Mayor |
|          | Deputy Mayor                                  | Elizabeth Laurie   |
|          | Councillor                                    | Paul Dinn          |
|          | Councillor                                    | Allan English      |
|          | Councillor                                    | Patrick Martin     |
|          | Councillor                                    | Deborah Quilty     |
|          | Councillor                                    | Sterling Willis    |
|          | Chief Admin. Officer                          | Lisa Niblock       |
|          | Director of Corporate<br>Services             | Terrilynn Smith    |
|          | Director of Planning &<br>Protective Services | Alton Glenn        |
|          | Director of Infrastructure<br>& Public Works  | Garry Spencer      |
|          | Director of Recreation<br>& Leisure Services  | Conrad Freake      |
|          | Acting Assistant Town<br>Clerk                | Melanie Preston    |

ABSENT:

1. The meeting was called to order by Chairperson Bobbett at 8:30 p.m.

2. **PROCLAMATION:**

Mayor Bobbett read and signed a proclamation declaring September 2018 as Childhood Cancer Awareness Month. In attendance for this proclamation was Melanie Murphy, her son David and Daughter Maria.

Mayor Bobbett read and signed a proclamation declaring September 17<sup>th</sup> – 21<sup>st</sup>, 2018 as Sexual Violence Awareness Week. Nicole Kieley, Executive Director for the NL Sexual Assault Crisis and Prevention Centre attended the signing.

Mayor Bobbett read and signed a proclamation declaring September 2018 as Prostate Cancer Awareness Month.

**3. ADOPTION OF THE MINUTES:**

1. **M18-286 Moved by Deputy Mayor Laurie, seconded by Councillor Willis to adopt the Minutes of the August 21, 2018 Committee of the Whole Meeting.**

**Motion carried**

2. **M18-287 Moved by Councillor Dinn, seconded by Councillor Quilty to adopt the Minutes of the August 21, 2018 Public Meeting.**

**Motion carried.**

**4. BUSINESS ARISING FROM THE MINUTES OF THE COMMITTEE WHOLE MEETING FOR AUGUST 21, 2018:**

There was no business arising from the minutes.

**5. BUSINESS ARISING FROM THE MINUTES OF THE PUBLIC MEETING FOR AUGUST 21, 2018:**

There was no business arising from the minutes.

**6. PERMITS:**

1. **M18-288 Moved by Deputy Mayor Laurie, seconded by Councillor Willis to refuse application, D2018-494 for Approval in Principle to construct single family dwelling at 99B Ortega Drive.**

**Motion carried.**

2. **M18-289 Moved by Deputy Mayor Laurie, seconded by Councillor Dinn to approve application, D2018-071 for Approval in Principle for a nine-unit development at 1764-1766 Topsail Road subject to nine (9) conditions.**

**Motion carried.**

Councillor Dinn stated that there was an information session with the developer and concerned residents on August 22. The residents have brought forward a lot of concerns especially with respect to parking and stated that the onus is on the Town to look at the issues brought forward. Councillor Dinn stated that this application is an Approval in Principle and there are still opportunities for changes as the Town moves forward to make the development fit within the area. He agreed that it will be an improvement and will enhance the curb appeal of the area.

7. **COMMITTEE REPORTS:**

**FINANCE COMMITTEE:**

1. Accounts for Payment

**M18-290 Moved by Councillor Dinn, seconded by Councillor Quilty that invoices in the amount of \$852,779.46 be approved for payment as submitted by the Director of Corporate Services.**

**Motion carried.**

**PLANNING COMMITTEE**

1. M18-291 Moved by Councillor Quilty, seconded by Deputy Mayor Laurie.

**“BE IT RESOLVED that the Town of Paradise rescind the Order associated with Motion M18-250, and issued on August 7, 2018 to the owner of # 9 Virden Place.”**

**Motion carried.**

2. M18-292 Moved by Councillor Quilty, seconded by Councillor Willis.

**“BE IT RESOLVED that the Town of Paradise rescind the Order associated with Motion M18-191, and issued on June 19, 2018 to the resident pertaining to Civic #29 Reardon Avenue.”**

**Motion carried.**

3. M18-293 Moved by Councillor Quilty, seconded by Councillor Dinn.

**“BE IT RESOLVED that the order from the Town of Paradise concerning a deck and a wharf constructed at the rear of 69 Angel’s Road without a permit be confirmed.”**

**Motion carried.**

4. M18-294 Moved by Councillor Quilty, seconded by Deputy Mayor Laurie.

**“BE IT RESOLVED that the Town provide a written response to the City of St. John’s by September 24, 2018 in the form of a letter, indicating the Paradise Council does not have any objections to the St. John’s Urban Regional Plan Amendment 2, 2018.”**

**Motion carried.**

### **EMERGENCY & PROTECTIVE SERVICES COMMITTEE:**

1. M18-295 Moved by Councillor English, seconded by Councillor Willis.

**“BE IT RESOLVED that the order from the Town of Paradise concerning dilapidated vehicle (s) and miscellaneous debris located at Civic #1547 Topsail Road be confirmed.”**

**Motion carried.**

### **ECONOMIC DEVELOPMENT COMMITTEE**

No reports from committee.

### **COMMUNICATIONS COMMITTEE**

No reports from committee.

### **INFRASTRUCTURE & PUBLIC WORKS COMMITTEE**

1. M18-296 Moved by Councillor Willis, seconded by Councillor Dinn.

**“BE IT RESOLVED that the Town of Paradise proceed with the quoted price of \$6,980.00 + HST provided by SolidCAD to provide Civil 3D training to the Engineering Staff.”**

**Motion carried.**

2. M18-297 Moved by Councillor Willis, seconded by Councillor Martin.

**“Be it so resolved that the Town of Paradise proceed with updating school zones and school areas to align with TAC Guidelines.”**

Vote: For – Deputy Mayor Laurie, Councillor Martin, Councillor English, Councillor Quilty and Councillor Willis.

Against – Councillor Dinn

**Motion carried.**

Councillor Dinn stated that he had read the school zone review and noted that the Town receives a lot of concerns from parents looking for more speed reduction mechanisms. He stated the he would like for the Town to be a leader not a follower when it comes to safety in the school zones. He also indicated that there are events that take place in the schools during the evenings and changing the hours would be a step back for the Town.

3. M18-298 Moved by Councillor Willis, seconded by Councillor Dinn.

**“Be it Resolved that the Town of Paradise obtain Source Atlantic Limited, Mount Pearl to Supply & Deliver Safety Work Boots and Protective Clothing (Jackets) for the bid price of \$20,729 Plus HST.”**

**Motion carried.**

4. M18-299 Moved by Councillor Willis, seconded by Councillor Martin.

**“Be it Resolved that the Town of Paradise obtain Rock Safety Industrial, St. John’s to Supply & Deliver Protective Equipment (eye & hearing protection) for the bid price of \$5,565 Plus HST.”**

**Motion carried.**

5. M18-300 Moved by Councillor Willis, seconded by Deputy Mayor Laurie.

**“Be it Resolved that the Town of Paradise obtain Vallen Canada, Mount Pearl to Supply & Deliver Protective Clothing (coveralls & rainsuits) for the bid price of \$19,795 Plus HST.”**

**Motion carried.**

6. M18-301 Moved by Councillor Willis, seconded by Councillor Martin.

**“BE IT RESOLVED that the Council of the Town of Paradise ratify the decision to award 2018 Infrastructure Improvements to Fairview Investments Ltd. in the amount of \$4,717,751.90 as approved in an email poll of Council.”**

**Motion carried.**

Note: Councillor Willis and Mayor Bobbett asked Council to consider whether or not they were both in a conflict of interest as they both received campaign contributions from the successful bidder.

Mayor Bobbett requested Council to vote on the potential conflict for Councillor Willis.

Vote: In conflict: Councillor Dinn

Not in conflict: Councillor Martin, Councillor English, Councillor Quilty and Deputy Mayor Laurie.

Mayor Bobbett passed the chair to Deputy Mayor Laurie and she asked council to vote on whether or not Mayor Bobbett was in a conflict of interest.

Vote: In conflict: Councillor Dinn

Not in conflict: Councillor Martin, Councillor English, Councillor Quilty and Councillor Willis

## **RECREATION COMMITTEE**

No reports from Committee.

### **8. NEW/UNFINISHED BUSINESS:**

1. Councillor Martin stated that he had a request from a resident about the possibility of placing a recycling bin for cardboard somewhere in the Town. Mayor Bobbett advised to pass the request on to the Recreation and Leisure Services Committee.
2. Councillor Martin stated that he had received a request from a resident on Carlingford Street asking if the Town would consider making it a one way street for safety reasons. Mayor Bobbett advised to pass the request on to the Infrastructure and Public Works Committee..
3. Deputy Mayor Laurie reminded Council that tomorrow September 5, 2018 all students head back to school. She encouraged all residents and visitors to use caution in school zones and school areas.
4. Councillor Dinn asked for an update on Summit Drive. Director Spencer responded that the tender is closing tomorrow, September 5, 2018. CAO Niblock stated that staff have sent a group email to the residents of Summit Drive with an update that this area is possibly being resurfaced assuming that the tender comes in under budget.
5. Councillor Dinn asked if the Town has received any more information regarding the Go Bus services coming to the Town. Mayor Bobbett stated that this is being reviewed at Committee. The Town is waiting to see the results from the review of the public transit and accessible transit system being completed by the City of St. John's. He also stated one of the main objectives of the cab company that is going to be operating out of the Town is accessible transportation and there may be initiatives that the Town can take to assist.

6. Councillor Dinn asked for an update on the condition of Castlevue Subdivision as residents were concerned about cleaning up the site. Director Glenn will follow up.
7. Councillor Dinn asked for an update regarding the car wrecks on Lawlors Road. Mayor Bobbett responded that the Town must follow the process and issue warnings and if they are not adhered to then an order will be issued.
8. Councillor Dinn asked for an update regarding the storage for the dragon boats. Director Freake stated that Committee has looked at the request in the past and was unable to accommodate. However, it will be added to the next Recreation and Leisure Services Committee meeting for further discussion.
9. Councillor Dinn stated that he had a call from the resident of 1 Clearview Heights with concerns that the construction of the Roundabout was beginning on Wednesday, September 5, 2018. Mayor Bobbett responded that the construction of the Roundabout is scheduled to start Monday September 10, 2018.
10. Councillor Dinn noted that Councillors are moving to new Committees and that it's a good time going forward to try to be more open and transparent and to limit the exposure of one person in terms of making these appointments. He stated that Committees involve a lot of work with council members and staff working together. He stated that it would be nice to have some clear guidelines of what was considered when these appointments were made and the duration of the appointments. Mayor Bobbett responded that everyone elected is capable of serving on any of the Committees and that all Council members have the best interest of the residents in mind. He also noted that exposure to the different committees would be an asset to all members of Council. Councillor Dinn requested that the process be reviewed at the Finance Committee.
11. Councillor Martin asked for an update on 48 Pleasantview Avenue regarding the sewer lines. Infrastructure and Public Works staff to provide an update.
12. Councillor English agreed with Councillor Dinn with respect to the committees.
13. Councillor English asked if there was an appraisal completed for 1 Clearview Heights. Mayor Bobbett stated that this has not yet been completed.
14. Councillor Willis commended the Infrastructure and Public Works department for the amount of work that they have done in the past year.

15. Councillor English thanked the members of the Planning Committee for the great experience that he had with working with them and the great job they have done.
  16. Councillor English informed Council that the Tender for water and sewer has been called and will be awarded on September 14, 2018. Council is hoping that all four streets that have been designated will be completed in this current year.
  17. Councillor Quilty stated that it has been a pleasure working with Director Glenn and the rest of the Planning staff. She wishes the new Chair the best of luck. She is looking forward to being a part of the Infrastructure and Public Works Committee and continuing to work with the Finance Committee.
  18. Deputy Mayor Laurie noted that it has been an honor to be on the Recreation Committee since 2009. She thanked Director Freake and indicated that she looks forward to working with staff on the Finance Committee. She stated that everyone around the table is certainly capable of being a member of any of the Committees of council.
  19. Mayor Bobbett said that he is looking forward to working with all Committees. This is a large Town and currently all work of the Town has to go to Municipal Affairs for final approval before going to Tender. The Town has been given the ability to self-administer one project and this is very important. The Town's engineering staff and engineering consultants are able to move forward and approve the tender on their own and this will make a significant difference in getting tenders out and getting the work done in a timelier manner.
  20. Councillor Dinn commended Director Smith and the Finance Committee and Communications Committee on a job well done. He stated that it was a pleasure working with them.
9. **M18-302 Moved by Deputy Mayor Laurie, seconded by Councillor Quilty to adjourn the meeting at 9:20 p.m.**

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Dan Bobbett, Mayor

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Terrilynn Smith, Town Clerk

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

|          |   |                    |
|----------|---|--------------------|
| PRESENT: | Chairperson                                   | Dan Bobbett, Mayor |
|          | Deputy Mayor                                  | Elizabeth Laurie   |
|          | Councillor                                    | Paul Dinn          |
|          | Councillor                                    | Allan English      |
|          | Councillor                                    | Patrick Martin     |
|          | Councillor                                    | Deborah Quilty     |
|          | Councillor                                    | Sterling Willis    |
|          | Chief Admin. Officer                          | Lisa Niblock       |
|          | Director of Corporate<br>Services             | Terrilynn Smith    |
|          | Director of Planning &<br>Protective Services | Alton Glenn        |
|          | Director of Infrastructure<br>& Public Works  | Garry Spencer      |
|          | Director of Recreation<br>& Leisure Services  | Conrad Freake      |
|          | Acting Assistant Town<br>Clerk                | Melanie Preston    |

1. The meeting was called to order by Chairperson Bobbett at 6:25 p.m.

2. **FINANCE COMMITTEE:**

1. Accounts for payment

Council recommended that accounts in the amount of \$852,779.46 be approved at the September 4, 2018 Public Meeting.

3. **PERMITS:**

1. 99B Ortega Drive D2018-494  
Application for approval to construct single family dwelling.

Council recommended refusing the application for the following reason(s):

The proposed lot lacks adequate access and does not front on a publicly maintained street and therefore does not comply with the residential standards of the Town of Paradise Development Regulations, 2016.

Therefore, the application is contrary to Section 3.5 and 4.9 of the Town of Paradise Development Regulations, 2016.

Councillor Dinn asked if there is potential for the home owner to purchase surrounding property such as 28 Shelburne, which could enable them to develop. Director Glenn responded that Town staff would have to review any requests and then Council would have to make a decision on if it would be a public road that would access their property. Councillor Dinn stated he was thinking more of a driveway as opposed to a public road. Mayor Bobbett responded that if the home owner did purchase the property that was fronting on the street then the property would have to become one and it would have to be resurveyed. Director Glenn responded that there would be a greater possibility obtaining a permit for one house if the lot ran all the way to Shelburne Street.

Councillor Martin asked if the road is the only issue as he thought there were other issues surrounding this property. Mayor Bobbett stated that one of the major issues is that a property must front onto an existing street. Director Glenn stated that the main point for the refusal is the lack of frontage on a public street. Councillor Martin asked why the letter that was sent to the residents didn't state why the application was refused. Mayor Bobbett responded that the letter stated that in order to get official response the owner would have to put in a formal application and now that there is a formal application the Town is prepared to respond outlining the regulations.

Councillor Willis asked if the home owner is able to purchase the public access and if that is something that the Town would entertain. CAO Niblock responded that it is up to the resident on how much money he is willing to invest in this one building lot. Director Glenn stated that the right of way that leads to that property is actually off Ortega not Shelburne.

Councillor recommended refusing the application.

Councillor English asked if 28 Shelburne is an actual building lot. Director Glenn confirmed that it is.

2. 754 St. Thomas Line DU2018-204  
Application for approval to keep animals currently existing on property.

Council recommended refusing the application for the following reasons:

1. The keeping of 12 chickens and 2 standard goats are contrary to Section 5.4 (e) (i) and (g) (i) of the Town of Paradise Development Regulations, 2016.

2. Development not in accordance with Section 5.4 is therefore not in accordance with Section 3.1.

Mayor Bobbett asked if the square footage is considered medium density. Director Glenn stated that the regulations are meant to provide this type of opportunity for any residential property regardless of size. This came about as Town Staff investigated a complaint that came from one of the neighbours and it was determined that the numbers would be in line with the new regulations.

Councillor Dinn stated that it's unfortunate what the allowance is in terms of the size of lot. He suggested that going forward Council might see amending the policy and regulations.

Deputy Mayor Laurie asked if Planning could go back and look at a possible amendment and defer the decision at this time. Director Glenn stated that it could be brought back to planning and asked if its Council's intention to look at something based on the lot size. Mayor Bobbett stated that the history of the area and the farming in the area could also be considered.

Councillor Dinn asked how long it would take to defer the application and what would be the process for amending or adjusting the regulations. Director Glenn stated that the protocol of the Province is that applicants can assume that the application is turned down after 60 days and it can be appealed. Director Glenn believes that any action by Council that will allow the home owner to keep the animals will be welcomed by the home owner and the neighbours who have rescinded the complaint.

Councillor Willis stated that this will be added to the next Planning Committee meeting for further discussion, as well as looking into changes to the regulations to accommodate farming on larger lots within the Town.

Council recommended deferring the application for further discussion.

3. 1764-1766 Topsail Road D2018-071  
Application for Approval in Principle for nine-unit development.

Council recommended approving application subject to the following conditions:

1. The development must comply with the standards of the Residential Mixed (RM) Zone, Paradise Development Regulations, 2016, as amended.
2. Development Approval and building permit to be obtained prior to commencement of development.
3. Construction must conform to the current National Building Code of Canada, and any ancillary code.
4. All work shall be carried in accordance with the requirements of the Paradise Development Regulations, the terms of this permit, and all other rules and regulations of the Town of Paradise.

5. Prior the issuance of a Development Approval, the applicant must submit the following:
  - A. A legal survey and property description of the land shown on the application.
  - B. Proof of ownership of the land shown on the application.
  - C. Two (2) complete sets of engineered site plan and building plans designed by a professional engineer licensed to practice in Newfoundland and Labrador. Plans must include, but are not limited to, detail for existing site conditions, proposed site work, provisions for storm and water/sewer servicing, landscaping, lighting, parking and signage.
  - D. Two complete sets of architectural plans prepared by a professional architect licensed to practice in Newfoundland and Labrador. Building plans must meet the standards of the current National Building Code.
  - E. Approvals from Service NL in relation to Fire/Life Safety & Building Accessibility, subject to verification of the Building Class.
6. A building permit will not be issued until such time as a Development Approval has been granted and all requirements of the Development Approval have been met. The construction of the proposed building must conform to the National Building Code of Canada at the time a building permit is issued.
7. This approval does not authorize the occupancy or use of Crown Land or other lands without a lease, grant, or other permission of the Crown Division, Department of Government Services and Lands, or the rightful owner.
8. This application is "Approved in Principle" only. A separate application must be submitted for Development Approval. The Town of Paradise reserves the right to add additional conditions to any future Development Approval issued subsequent to this "Approval in Principle"
9. A Trunk Sewer Assessment Fee will apply to the proposed development. The fee is based on a rate of \$7810.00 per gross hectare.

Councillor Dinn stated that this development would enhance the curbside appeal and the neighbourhood. There was a meeting with residents in August and the majority of the issues that were raised were related to parking, snow clearing, widening of the road and traffic. The Developer has confirmed that these homes will be single family dwellings that will be purchased, not rented. Councillor Dinn stated that the biggest concern he sees is that the residents want something done to address the parking as some of the homes would only have space for one vehicle. There is opportunity to push some of those units back and give a minimum of two parking spaces for these units. He feels that if Council and the developer make some effort in addressing the concerns of the residents then it will be easier to move forward. The Town would have to be more prudent in their enforcement when it comes to parking, snow clearing, no parking zones and tow away zones with this development.

Mayor Bobbett responded that if the Town places signs that specify "no on street parking" on that side of the street and enforce it then the issue could be resolved regarding that concern. He stated that the responsibility will be on the Town to enforce the regulations. Councillor Dinn recommended that staff approach the developer to find out if he is in agreement to move the development back a bit to create a more permanent solution.

CAO Niblock stated that if no parking signs are being brought forward that it should go back to the Infrastructure and Public Works Committee for the Engineers to review. She stated that she has received a report from Harbourside about traffic calming throughout the Town and one of the things that is recommended is that the Town allow for on street parking. They also suggested for the Town to paint lines for cars to park on some of the side roads to calm traffic and slow it down.

Councillor Willis stated that there is a problem with snow clearing in that area every winter due to people parking on the street. CAO Niblock stated that cars are not supposed to be parked on the street in the winter and that needs to be addressed.

Councillor Dinn stated that residents have requested another information session once their concerns have been discussed with Council and changes have been made. CAO Niblock responded that it wouldn't be fair to the developer to ask him to do another information session as there have been other developers that built this same type of development within the Town. Mayor Bobbett stated that if the Town did reject the application and put undue restraints on an applicant when they were within regulations then the Town could open themselves up to liability issues.

Deputy Mayor Laurie asked if the residents that are requesting the extra information could come to the Town to meet with the Planning department. CAO Niblock stated that the residents are able to reach out to the developer as well through his website.

Councillor Dinn did not think it necessary to bring back the developer as the developer has done what he can. He would like the residents to be notified of what changes are made before a final decision is made. Mayor Bobbett stated that it's a market improvement for the area, when you look at what the developer has presented to the Town compared to what is currently there.

#### 4. **PLANNING COMMITTEE:**

##### 1. Order to be rescinded – 9 Virden Place

Council recommended that the Town of Paradise rescinds the Order associated with Motion M18-250, issued on August 7, 2018 to the owner of #9 Virden Place.

##### 2. Order to be rescinded – 29 Reardon Avenue

Council recommended that the Town of Paradise rescinds the Order associated with Motion M18-191, issued on June 19, 2018 to the owner pertaining to Civic #29 Reardon Avenue.

3. Order to be confirmed – 69 Angel's Road

Council recommended that the order from the Town of Paradise concerning a deck and wharf constructed at the rear of 69 Angel's Road without a permit be confirmed.

4. New School Construction – Waving Permit Fees

Council has been asked to discuss the potential waiving of permit fees associated with the construction of the new junior high school. Schools that have been constructed in recent years in Paradise (Elizabeth Park, Paradise Elementary and Octagon Pond) have not been charged such fees.

The Planning Committee discussed the matter and agreed that it was unnecessary to make a change from the direction taken with the other schools.

Councillor Dinn asked how much the permit fees are that are being waived. Director Glenn stated that there haven't been any calculations on the numbers but that it could be a sizeable amount. Mayor Bobbett stated that other schools in the area never received permits from the Town. CAO Niblock stated that Town staff came to an agreement with the Department of Transportation and Works that they would go through the application process so the Town could review everything and give approvals. CAO Niblock also stated that the request was brought to Council to waive these fees because it would be against the Towns fees schedule, therefore requiring Council's approval.

Mayor Bobbett asked if Town staff will be able to inspect the construction. Director Glenn stated that normally in these cases they will need an occupancy permit and if the developer wasn't having Town inspections then the Town would get sign off from the requisite engineers who were involved.

CAO Niblock stated that staff will calculate the amount of the fees and permits and Director Glenn will provide the information, as well as the value of the land to bring to Council for approval.

Councillor Dinn raised his concerns that Council is going to waive the fees without any actual amounts. Director Glenn stated that he can get the amounts fairly quickly and he will provide the information to Council once it becomes available. CAO Niblock stated that the information can be provided at the next Council meeting for further discussion.

Council deferred the decision until more information is received.

5. St. John's Urban Region Regional Plan Amendment 2, 2018

The City of St. John's referred the St. John's Urban Region Regional Plan Amendment 2, 2018 (the "Regional Plan Amendment") to the Town of Paradise for consultation purposes in accordance with section 14 of the *Urban and Rural Planning Act, 2000* and as directed by the Minister of Municipal Affairs and Environment.

The Regional Plan Amendment will enable the City of St. John's Municipal Plan Amendment 146, 2018 and Development Regulations Amendment 677, 2018 which will re-designate 364 Blackhead Road from "Rural" to "Residential Low Density Land Use District" and rezone the same land from the "Industrial General" and "Open Space Reserve" zones to "Residential Medium Density" zone. The purpose of the City's amendments is to accommodate the subdivision of 364 Blackhead Road and develop two single detached dwellings. This amendment requires an amendment to the St. John's Urban Region Regional Plan as the subject site is currently designated under the Regional Plan as "Rural" and would need to be re-designated to "Urban Development" to allow residential development.

Policies to the Regional Plan will not be altered. The proposed Regional Plan amendment is purely a change to the map that will not affect any land within the Town of Paradise.

The Planning Committee discussed the matter and is recommending that Council respond in writing to the City of St. John's indicating the Town of Paradise has no objections to the proposed Regional Plan amendment.

Council recommended that the Town provide a written response to the City of St. John's by September 14, 2018 in the form of a letter, indicating the Paradise Town Council does not have any objections to the St. John's Urban Region Regional Plan Amendment 2, 2018.

6. Cannabis Retail at 1318 Topsail Road

1318 Topsail Road in Paradise has been identified by the Provincial Government as one of the sites chosen from which cannabis may be dispensed following its legalization, which is slated for October 17, 2018.

The proponent has approached the Town for written confirmation that the Town will have no objection to the operation. The content of a standard compliance letter issued by the Town is sufficient for the purposes of most commercial proponents. A compliance letter would state the zoning of the property and the permitted and discretionary uses which could be considered by the Town. Following the compliance letter, the applicant would apply for Development

Approval. As this is a proposed retail use within an existing retail operation, the need for the proponent to actually make an application is not necessarily triggered. Development Approvals within existing operations are required for a change in use or an intensification of a use.

The Director of Licensing and Regulatory Administration with the NL Liquor Corporation has confirmed that they need Town permission prior to finalizing the license for the operation.

Councillor Dinn asked why the Liquor Corporation requires the letter from the Town. Mayor Bobbett responded that the Newfoundland & Labrador Liquor Corporation will have full jurisdiction over the supply and disbursement of the cannabis. Director Glenn stated that they need Town Permission prior to the legalization date because they want to maximize their opportunity to start selling the day that cannabis becomes legalized.

Councillor Dinn stated that he is concerned with the Town saying that they take no exception to the location. Director Glenn responded that the Director of NLC is telling the proponent what he needs in the letter and that they need something from the Town prior to them being eligible. CAO Niblock stated that the request for a letter has been made part of the process so that Towns can provide feedback to say whether or not they agree with the location. CAO Niblock also stated that this is a store that has an extension of a product line. It's up to the NLC to regulate where the cannabis is going to be sold.

Deputy Mayor Laurie asked if the store will be modified. Director Glenn responded that they have to abide by the rules for storage and display as outlined by the Province. Director Glenn stated that he is unaware of any modifications but normally it's a change of use or intensification of use that triggers a Development Approval. An application wouldn't necessarily be required if a retailer starts selling a new product.

Councillor Martin expressed his concerns with traffic volumes in the area with the sale of cannabis. CAO Niblock stated that if they want to put in a separate door or make modifications to the building then they will require an application for a permit for the renovations. Councillor Martin asked what happens if the Town provides NLC with the letter granting permission and then the retailer submits a permit for modifications that Council decides to refuse.

Councillor English stated that he is very reluctant to provide a letter stating that the Town has no issues or objections.

Mayor Bobbett stated that traffic will be the biggest issue as there is very limited parking around the building other than in the front. CAO Niblock stated that right now it's only an approved convenience store which has met the regulations for parking for that use. She stated that if the Town provides a letter, the letter has to state that there are other requirements that need to be met.

Mayor Bobbett asked Director Glenn what type of wording will be in the letter. Director Glenn stated that the wording that is requested would outline the zoning, permitted use in the zone and that there is an understanding that the government has chosen a number of these types of business for the distribution of cannabis upon its legalization. Town will take no objection to the location being used for the retail sale of cannabis under the conditions that no sales will take place until the date of full legalization through both the Federal and Provincial Government and that the location is approved and operating in compliance with all NLC requirements.

Council Dinn also expressed his concern about what the residents would say about the location of a retail outlet.

Deputy Mayor Laurie asked if the Town's legal counsel could have a look at the wording of the letter. Mayor Bobbett is in agreement for the Town's legal counsel to review the letter before it is submitted.

Director Glenn asked for clarification on if the Lawyers are going to review the proposed wording or if Council wants sections removed or modified. He stated that the objection piece is the necessity as they won't get the license unless they get the proper wording from the Town.

Councillor Dinn suggested for staff to revise the wording. CAO Niblock stated that she can call the CAO in Clarendville and ask them if they had edited their letter in consultation with their legal counsel.

7. 30 Clearview Heights – Order, Wooden Structure; order, pool & Deck

The property owner has appealed the Order to remove the pool and deck. The Eastern Regional Appeal Board advised the Town of the appeal via an email on August 31, 2018. Council is advised that no action may be taken to enforce the Order until an appeal decision has been rendered. The property owner must be advised that no further work on the property is permitted until an appeal decision has been rendered.

This order was stayed by Council; however, there is no legal way to "stay" an order outlined under the Act. The property owner corrected the issue regarding unsafe access to the pool. While it was a temporary measure until the issue with the retaining wall was resolved, the property owner increased the height of the structure to prevent access in the area of concern. If necessary at a later date, Council may issue another Order to drain the pool. If Council directs, the Order will be sent to the next Council meeting to be rescinded.

An Order was served on the property owners of both 30 & 32 Clearview Heights requiring the removal of the retaining structure on or before June 15, 2018.

Council extended the date to July 15, 2018 and further extended the date to August 15, 2018. The property owners at 32 Clearview Heights have carried out the requirements of the Order on their side of the boundary and are waiting on 30 Clearview Heights to remove the remaining wooden structure. The final date to comply with the Order was on August 15, 2018. An appeal was not filed relative to this Order. The wooden structure, however, is attached to the pool deck on 30 Clearview Heights. Council is advised that it may not be legally possible to enforce the remaining Order to remove the wooden structure located between 30 and 32 Clearview Heights until the Appeal Board has rendered a decision on the pool deck and pool. In order for the Town to carry out the terms of the Order to remove the wooden structure, work on the pool deck would be required.

CAO Niblock stated that the home owners of 32 Clearview Heights are concerned that if nothing happens at Council then they will need to get approval for a permit to build a retaining wall. The recommendation from the Town's legal counsel is that the Town would approve the permit for the wall and let them go ahead even there is a stay on the pool and decking.

Mayor Bobbett stated that in order for the owner to start construction they require a Real Property Report and Survey. CAO Niblock stated that based on the survey part of structure is still on their property and if the Town grants a permit then it would go back to being a civil issue among the home owners.

CAO Niblock stated that if Council say that the structure is not part of the deck and pool and order to remove it then the Town could ask for the pool to be drained and it would not change the actual appeal. The Town would have to enforce the original order that was to "remove" the structure not "move" the structure.

Mayor Bobbett asked why the Town had to get involved with this civil matter. CAO Niblock stated that the Town had to get involved because the owner of 30 Clearview Heights was saying that it was safety concern for his family and his home. The safety issues have been alleviated because the fill has been removed and is no longer causing pressure on the structure. The owners of 32 Clearview Heights have a property that is not useable to them anymore because the entire fill is on the property waiting for the construction of the wall, which they are waiting for a permit.

Councillor Dinn asked if the resident of 30 Clearview Heights is in compliance with a 6 foot fence, and then the other residents builds something higher, would the onus go on 30 Clearview Heights to adjust their fence again because the Town allowed a higher fence at 32 Clearview Heights. CAO Niblock stated that the legal advice received is that the onus is on the person who owns the pool to ensure the safety of people not getting in.

Councillor English asked how Town staff verifies the accuracies of the two surveys. Director Glenn stated that it is up to the Town to take the survey at face value. Mayor Bobbett asked if Town staff has a real property report or surveyor report from the owner of 30 Clearview Heights. CAO stated that they have received a one page report from the residents at 32 Clearview Heights but to her understanding there has been no survey submitted from the residents of 30 Clearview Heights.

Director Glenn stated that Urban Rural Planning Act, 2000 states:

*(1) Immediately upon notice of the registration of an appeal the appropriate authority shall ensure that any development upon the property that is the subject of the appeal ceases.”*

*(3) “Upon receipt of a notification of the registration of an appeal with respect to an order under section 102 of the Act, an authority shall not carry out work related to the matter being appealed.”*

Councillor Martin asked if Council can grant permission for the owner to develop the retaining wall. Mayor Bobbett stated the original order was not complied with as the structure was supposed to be removed.

CAO Niblock stated that if Council says the structure is separate and decides that the structure has to be removed then the Town has to immediately put an order on 30 Clearview Heights to drain the pool or build something else to secure it.

Councillor English suggested getting a second real property report. Mayor Bobbett responded that it's up to the home owner of 30 Clearview Heights to get a real property report to verify the survey.

Councillor Quilty suggested leaving it alone until the appeal is heard and the decision is brought down from the appeals board. She doesn't recommend entertaining any kind of application until the issue has been sorted out.

Council is in agreement to wait until the appeal is heard and a final decision is made.

**5. EMERGENCY & PROTECTIVE SERVICES COMMITTEE:**

1. Order to be confirmed – 1547 Topsail Road

Council recommends that the order from the Town of Paradise concerning dilapidated vehicle (s) and miscellaneous debris located at Civic #1547 Topsail Road be confirmed.

**6. ECONOMIC DEVELOPMENT COMMITTEE:**

No reports from committee.

**7. COMMUNICATIONS COMMITTEE:**

No reports from committee.

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

1. Civil 3D Training

The purchase of the civil 3D software was approved by Council on July 3, 2018 for use by the Infrastructure and Public Works Department. Training of staff will be required to be able to utilize this software to its full potential.

Council recommended that the Town should proceed with engaging SolidCAD to provide training for four (4) members of staff in the Engineering Department for the quoted amount of \$6,980.00 + HST.

2. School Zone Review

Harbourside Transportation Consultants (HTC) has completed a review of the posted speed limit on roadways adjacent to the four (4) schools in Paradise. From this review they made recommendations on the speed reduction in the school zones/areas.

School Zone: a section of roadway adjacent to a school that is designated by School Area signage and a reduced speed limit. Speed would be reduced to 30 km/h in school zones.

School Area: a section of roadway adjacent to a school that is designated by School Area signage only. There would be no reduction in speed in school areas.

Using the recommended school zones and areas would align the Town with the Transportation Association of Canada (TAC) School and Playground Areas and Zones: Guidelines for Application and Implementation. In addition to updating the school zones/areas it was also recommended that the reduced speed only be in effect from 7:30 am to 5:00 pm to better align ourselves with neighboring municipalities and best practices.

Council recommended that the Town of Paradise proceed with updating school zones and school areas to align with TAC Guidelines.

3. Supply & Delivery of Protective Clothing for 2019

The Town recently invited tenders for the supply and delivery of Protective Clothing as per the collective agreement.

A number of companies expressed interest in this tender with four (4) companies submitting qualifying bids by the tender closing time. The bids that were submitted are as follows:

- Work Boots: range from \$14,700 plus HST to \$22,800 plus HST
- Protective Equipment: range from \$5,600 plus HST to \$6,200 plus HST
- Protective Clothing – Coveralls & Rain suits: range from \$19,800 plus HST to \$23,500 plus HST
- Protective Clothing – Jackets: range from \$6,000 plus HST to \$12,700 plus HST.

The total amount combined for this tender is \$46,000 plus HST. There are sufficient funds under the current year's capital budget for tender.

The Infrastructure & Public Works Committee recommends awarding the tender to all four lowest bids for the protective clothing as provided by the terms of the contract tender.

Council recommends that the Town of Paradise obtain Source Atlantic Limited, Mount Pearl to Supply & Deliver Safety Work Boots and Protective Clothing (Jackets) for the bid price of \$20,729 Plus HST.

Council recommends that the Town of Paradise obtain Rock Safety Industrial, St. John's to Supply & Deliver Protective Equipment (eye & hearing protection) for the bid price of \$5,565 Plus HST.

Council recommends that the Town of Paradise obtain Vallen Canada, Mt. Pearl to Supply & Deliver Protective Clothing (coveralls & rain suits) for the bid price of \$19,795 Plus HST.

4. 2018 Infrastructure Improvements – Tender Award – Poll of Council

Councillor Willis and Mayor Bobbett asked Council to consider whether or not they were both in a conflict of interest as they both received campaign contributions from the successful bidder.

Mayor Bobbett requested Council to vote on the potential conflict for Councillor Willis.

Vote: In conflict: Councillor Dinn

Not in conflict: Councillor Martin, Councillor English, Councillor Quilty and Deputy Mayor Laurie.

Mayor Bobbett passed the chair to Deputy Mayor Laurie and she asked council to vote on whether or not Mayor Bobbett was in a conflict of interest.

Vote: In conflict: Councillor Dinn

Not in conflict: Councillor Martin, Councillor English, Councillor Quilty and Councillor Willis

The tender for 2018 Infrastructure Improvements closed on August 22, 2018. There were seven (7) tenders received. The low bid received was by Fairview Investments Ltd. in the amount of \$4,717,751.90. This tender package consisted of four separate packages with a total pre-tender estimate of \$5,065,757.53.

It is recommended that Fairview Investments be awarded the 2018 Infrastructure Improvements on the basis of being low bidder.

Council recommended that the Town of Paradise ratify the decision to award 2018 Infrastructure Improvements to Fairview Investments Ltd. in the amount of \$4,717,751.90 as approved in an email poll of council. (Note: Councillor Willis and Mayor Bobbett did not vote on email poll of Council).

Councillor English asked what the Town expects to accomplish in 2018. Director Spencer stated that the Topsail Road/McNamara Drive Roundabout and parts of Paradise Sanitary Sewer upgrades along McNamara that has to be completed in order to construct the roundabout. He also stated that the Topsail Road/McNamara Drive Roundabout won't be completed this construction season but it will be operational.

Councillor Martin asked if there are any poles that need to be removed. Director Spencer stated there are some that will need to be moved and also more installed as NL Power is doing the lighting for the roundabout.

CAO Niblock informed Council that the Town has received approval to tender for the Water and Sewer and has also received approval to self-administer Paradise Road. The tender for the Town's road work is closing on Wednesday September 5, 2018 with a two week start time.

Councillor English asked when the Water and Sewer work will be tendered. Director Spencer stated that it's already gone to tender, the tender closing date is September 14, 2018 at 2:00pm. CAO Niblock informed Council that nothing has been confirmed yet because the Tender hasn't closed. It is unlikely that the Town will get all the streets completed but one or two may get done this season and the

others will get gone early next year. Director Spencer stated it depends on the contractors.

**9. RECREATION COMMITTEE:**

There were no reports from Committee.

**10. CORRESPONDENCE:**

There was no correspondence submitted.

**11. OTHER BUSINESS:**

1. Mayor Bobbett informed Council that he had met with Chief Boland, RNC and Deputy Chief Singleton to discuss the launching of an initiative that they are hoping to partner with Municipalities on the North East Avalon. They are proposing to the Government to put another nine cruisers on the road especially for traffic enforcement. Their proposal is to have four cruisers directly for traffic enforcement violations only, one for the City of St. John's, one for Mount Pearl, one for Paradise, one for Conception Bay South and two for the Killick Coast. They have asked if the Town would be willing to purchase the \$40,000 cruiser, as per their standards. The RNC would supply the officers for the vehicles.

CAO Niblock stated the officers will be retired officers hired on contract basis, they will not be regular officers and this will not be part of the current staffing. Mayor Bobbett stated that they are asking if the Town would budget for 3 years to provide the cruiser and the RNC would provide the service. The RNC will need to know by the end of September if Council is in agreement. The activation date for this project would be April 2019 but the Cruisers will need to be ordered in advance. CAO Niblock stated that the RNC would like to have Council's support as soon as possible and that there is no additional cost besides the \$40,000 that is being requested. The earliest they will be on the road is September 2019.

Councillor Martin is in support of the partnership. He would like to know if the cruisers will be a marked or unmarked cruiser. Mayor Bobbett stated he believes that they will be marked cruisers.

Councillor Dinn asked who is employing the officers for the partnership. CAO Niblock stated it will be contract work with RNC for retired RNC officers. Councillor Dinn feels that this is something that the Province should be paying for.

Deputy Mayor Laurie stated that she would like to have further discussions. CAO Niblock stated that Chief Boland is willing to come back and speak with Council.

12. Meeting adjourned at 8:24 p.m.

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Dan Bobbett, Mayor

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Terrilynn Smith, Town Clerk

**BILLS FOR PAYMENT**

**04-Sep-18**

| SUPPLIER                                 | INVOICE        | AMOUNT     | DESCRIPTION                          |
|--|----------------|------------|--------------------------------------|
| Bell Aliant                              | INV2129662     | 6,539.45   | Telephone Bill -August 21, 2018      |
| Black & McDonald                         | 80-915224      | 29,626.66  | Signalized Intersection Upgrade      |
| City of Mount Pearl                      | 20508          | 7,974.00   | Swimming - Summer Day Camp Outing    |
| City of St. John's                       | RF 2018-10     | 349,753.47 | Fire Dept Budget Share (September)   |
| City of St. John's                       | RW 201807-3    | 153,199.52 | Water Consumption for July 2018      |
| Farell's Excavating Ltd.                 | Payment 4      | 255,020.71 | Street Rehab 2017 - Progress billing |
| Farell's Excavating Ltd.                 | Payment 5 (HB) | 28,203.82  | Street Rehab 2017 - Progress billing |
| Spectrum Investigation and Security Ltd. | IN29023        | 6,657.24   | Security Services - June 2018        |
| Spectrum Investigation and Security Ltd. | IN29099        | 6,877.72   | Security Services - July 2018        |
| Stewart McKelvey                         | 90679286       | 8,926.87   | Legal Fees                           |

Be it resolved that invoices in the amount of **\$852,779.46**

be approved for payment, as submitted by the Director of Corporate Services.