

TOWN OF PETTY HARBOUR/MADDOX COVE
REGULAR MEETING
MONDAY OCTOBER 22, 2018

1. Minutes of October 9, 2018
2. Business Arising
3. Tourist Accommodations Taxation
4. Request from CBCL Limited to increase the budget for general engineering services
5. Snow Clearing Contract – Site Specific Safety Plan for snow clearing contractor issued by the Department of Transportation and Works.
6. Cannabis Legalization
7. Expense claim for Stephanie Stack
8. Additional quote for ditching on Cribbies Road
9. 2019 Capital Works Projects
10. Silhouettes for the War Memorial – “There but not there”
11. Request for tank sponsorship from the Petty Harbour Mini Aquarium
12. Application for excavation – 51-53 Main Road, Maddox Cove
13. Report from the Commissioner with regard to Town Plan Amendment
14. New General Development Application
15. Quote for guard rail on Skinner’s Hill
16. Parking – Power House Road
17. Follow up on Small Business Week - Request to have the Community Centre free of charge on October 14, 2018 for businesses for Small Business Week
18. Request to have taxes wrote off for Civic # 1-21 Hannaford’s Lane.
19. Bills
20. New Business
21. Adjourn

BILLS

Stanley N. Clinton (Professional Fee Expense)	\$804.00
The Telegram (Advertising Expense)	\$541.65
North Atlantic Supplies (Employee Clothing Expense)	\$557.63
Printer Tech Solutions (Office Expense)	\$134.55
Reprographics (Office Expense)	\$446.31
Rogers (Office Expense)	\$97.67
Atlantic Construction Elite (Road Maintenance Expense)	\$330.91
Bidgood's (Office Expense)	\$19.92
Crown Five Advertising (Advertising Expense/Lapel Pins)	\$1,023.50
Modern Paving (Road Maintenance Expense)	\$365.62
Bell Aliant (Telephone Expense)	\$507.68
McDonald's Home Hardware (Truck/Cleaning/Road Expense)	<u>\$180.79</u>
TOTAL	\$5,010.23

TOWN OF PETTY HARBOUR/MADDOX COVE

REGULAR MEETING

TUESDAY OCTOBER 22, 2018

PRESENT: Sam Lee, Linda Hearn, Rick Raymond, David Green, Sam Stack and Stephanie Stack
ABSENT: Kimberly Orren and Harry Chafe

#	ITEM
1	Mayor Lee brought the meeting to order at 6:31 pm
2	Minutes of October 9, 2018 were read. Motion # 368 Rick Raymond/Lynn Hearn Proposed minutes of October 9, 2018 be approved with changes. All in favor, motion carried.
	BUSINESS ARISING
3	#3 Mayor Lee met with the engineer and Mr. Justin Whitten with regard to damages to Mr. Whitten's fence. The engineer will have the contractor complete the repairs that are required.
4	#5 The Town is still waiting on quote to have the water line on Motion Bay Road Ext. moved. Staff will follow up with the engineer with regard to this.
5	#7 Traffic Mirrors – The mirror on Long Run Road needs to be repositioned. The mirror at the intersection of Skinner's Hill and Main Road has been erected. The mirror for the intersection of Main Road, Maddox Cove and Motion Bay Road has not been erected as a pole has to be placed in the area.
6	#10 Stone has been placed in the lane by Justin Whitten's and Gerard Hamilton's. Mayor Lee noted that the curb on Skinner's Hill seems to be working and there is not a lot of water draining in the lane.
7	#13 Deputy Mayor Stack inquired about the side yard for the application for North Atlantic Ziplines. He wanted to ensure that the application meet the 1.5m regulation. Mayor Lee noted that the property line for North Atlantic Ziplines extends a small distance from his fence.
8	#17 The Snow Clearing Tender has been signed. A Site Specific Safety Plan will be completed in the coming days.
9	#19 Staff will follow up with Don Nolan on the survey for the Town Depot. Staff will also follow up with the property owner that is encroaching on the town's property and set up a meeting.
10	#22 Small Business Week – The CAO noted that there was not a lot of interest from the business community in having a business fair in October as the time frame was too short. Staff have sent out an email to the business community to gauge the interest in having this fair in the new year.
11	#23 Staff will send a letter to the Minister of Transportation and Works with regard to the grant to have work done on the Main Road once it is signed by the Mayor.
12	#24 Retaining Wall (Big Hill/Southside Road) Mayor Lee and the town's engineer met on site to discuss the retaining wall. The engineer will look into this and send a report back to council. Mayor Lee will obtain a quote to have this work completed.
13	#25 The drain and pipe on Hannaford's Lane is in the process of being completed.
14	#27 The speed bumps have been taken up for the winter. The town will purchase lag bolts in the spring in order to secure the speed bumps. The additional end caps have arrived.
15	#29 Council meet with a representative of the Municipal Assessment Agency on October 18. It was noted that it was a very informative meeting.
16	#30 Staff will send an email to residents with regard to the change in office hours.

17		# 31 The stop sign on the road on Main Road Lane has been painted over. It has already worn off. Staff will ensure when the line painting is done in the spring that this is painted over.
18		#31 It was noted that the position for Lead Hand has not been finalized due to the fact that the Union Representative was unavailable to meet.
19		#41 Councillor Green noted that the committee was thrilled with the proposal from council to purchase two "There but not there" silhouettes. This is on the agenda for tonight's meeting.
20		#42 Petty Harbour Heritage Museum will have a hole drilled in the bark pot outside the Town Office so that rain water will drain away.
	TONIGHT'S AGENDA	
21		<p>Tourist Accommodations Taxation Councillor Green and Councillor Hearn left the chambers at 6:50pm due to a conflict of interest. The CAO tabled a letter from the Department of Municipal Affairs & Environment giving permission to Mayor Lee, Deputy Mayor Stack and Councillor Raymond to form a quorum and vote on the Tourist Accommodations Tax. The recommendations brought forward from a privileged meeting of council were tabled and are as follows:</p> <ol style="list-style-type: none"> 1. All tourist accommodations businesses must be licensed to operate from Government of Newfoundland and Labrador's Department of Tourism, Culture, Industry and Innovation. A permit must be obtained from the town before a tourist accommodations business can operate. A permit will be issued only when a tourist accommodation business provides a Tourist Establishment Licence from Government of Newfoundland and Labrador's Department of Tourism, Culture, Industry and Innovation. This permit has to be renewed each year. 2. All tourist accommodations businesses will be charged a residential water & sewer tax and residential garbage fee for 12 months of the year. 3. All tourist accommodations businesses will have a new assessment completed by the Municipal Assessment Agency. 4. All tourist accommodations properties that are renting an entire property will be charged a commercial property tax and a business tax at a mil rate of 9.5 or 10 for 12 months of the year. (This mil rate would have to be determined by council) <p>Tourist accommodation properties in which there are rentals in only part of a resident's home will have the portion of the home that is used as a rental assessed. They will be charged a residential property tax on the entire property and a business tax on the assessed value of the rental portion at a mil rate of 9.5 or 10 (This mil rate would have to be determined by council). The minimum business tax will be set at \$400 per year.</p> <p>Motion # 369 Sam Stack/Rick Raymond Proposed to set the mil rate for the business tax for tourist accommodations at 9.5 mils. All in favor, motion carried.</p> <p>Motion # 370 Sam Stack/Rick Raymond Proposed to accept the recommendations for Tourist Accommodations Taxation and to change Policy # 12 (Air Bed & Breakfast Policy) to the Tourist Accommodations Tax. The recommendations are as follows:</p> <ol style="list-style-type: none"> 1. All tourist accommodations businesses must be licensed to operate from Government of Newfoundland and Labrador's Department of Tourism, Culture, Industry and Innovation. A permit must be obtained from the town before a tourist accommodations business can operate. A permit will be issued only when a tourist accommodation business provides a Tourist Establishment Licence from Government of Newfoundland and Labrador's Department of Tourism, Culture, Industry and Innovation. This permit has to be renewed each year. 2. All tourist accommodations businesses will be charged a residential water & sewer tax and residential garbage fee for 12 months of the year.

		<p>3. All tourist accommodations businesses will have a new assessment completed by the Municipal Assessment Agency.</p> <p>4. All tourist accommodations properties that are renting an entire property will be charged a commercial property tax and a business tax at a mil rate of 9.5 for 12 months of the year.</p> <p>Tourist accommodation properties in which there are rentals in only part of a resident's home will have the portion of the home that is used as a rental assessed. They will be charged a residential property tax on the entire property and a business tax on the assessed value of the rental portion at a mil rate of 9.5. The minimum business tax will be set at \$400 per year. All in favor, motion carried.</p> <p>Councillor Hearn and Councillor Green returned at 7:10pm.</p> <p>It was noted that staff will bring forward at the next meeting a list of licensed and unlicensed tourist accommodations in the town. It was also noted that current licensed operators would have to obtain a permit.</p>
22		<p>A proposal from CBCL to increase the town's general engineering budget from \$12,000 to \$15,000 and a proposal to set next year's engineer budget to \$20,000. Fee and rates from CBCL were also included in the proposal.</p> <p>Motion # 371 David Green/Rick Raymond Proposed to accept the request from CBCL to increase the town's general engineering budget from \$12,000 to \$15,000. All in favor, motion carried.</p> <p>It was noted that Finance Committee will look into having an engineering budget of \$20,000 for next year.</p>
23		<p>Each year the Department of Transportation and Works requires a Site Specific Safety Plan to be completed by the Town and it's contractors that will be picking up salt and sand for the winter season.</p> <p>Motion # 372 Sam Stack/Lynn Hearn Proposed to approve the Site Specific Safety Plan and for the Mayor to sign off on the plan on behalf of council. All in favor, motion carried.</p> <p>Mayor Lee noted that all contractors with the town should sign off on the Town's Harassment Policy. Staff will look into this.</p>
24		<p>Cannabis Legislation. Mayor Lee noted that the town should have a Drug/Alcohol Policy in place. He noted that the policy should give the town ability for random testing. The CAO noted that there may be a legal issue with this requirement and she will investigate. Councillor Green stated he will get a copy of the government's Drug and Alcohol Policy as a reference.</p>
25		<p>Expense claim for Stephanie Stack in the amount of \$40.00 was presented.</p> <p>Motion # 373 Sam Stack/Rick Raymond Proposed to accept the expense claim for Stephanie Stack in the amount of \$40.00. All in favor, motion carried.</p>
26		<p>An additional quote from Nu-Way Equipment to have drain placed on Cribbies Road was tabled in the amount of \$12,075.00 (tax included). Mayor Lee noted that the quote from Nu-Way Equipment did not include the cost for the culverts. It only included installation. John Layden Trucking's quote in the amount of \$10,350.00 (tax included) included supply and installation of culverts. There was some discussion with regard to the 5 lengths of culvert that were noted on the quote. Mayor Lee thought that 5 lengths of culvert was a lot for that area. It was also noted that the quotes specified drains from Bill Walsh's to Jerry Doyle's when it should only be from Todd Chafe's to Jerry Doyle's. Mayor Lee will have this re-quoted.</p> <p>Motion # 374 David Green/Rick Raymond Proposed to defer this item until Mayor Lee obtains a revised quote. All in favor, motion carried.</p>
27		<p>2019 Capital Works Projects Application deadline is December 21, 2018. A date of November 15 was given for council to have their proposed projects for 2019-2020. Council listed a couple of possibilities for the 2019-2020 Capital Works Projects. They were as follows:</p>

		<p>Sewer Extension Main Road, Maddox Cove. Replacement of all valves throughout the town. Motion Bay Road Extension upgrades. It was noted for council to send any suggestions for the Capital Works to the Mayor or Deputy Mayor so they could have for the Finance Committee Meeting.</p>
28		<p>“There but not There” silhouettes for the War Memorial</p> <p>Motion # 375 Sam Stack/Rick Raymond Proposed to purchase two “There but not There” silhouettes for the War Memorial in the amount of \$1000 each (shipping and tax included). All in favor, motion carried.</p>
29		<p>Request for a tank sponsorship from the Petty Harbour Mini Aquarium. Mayor Lee and Councillor Hearn stated they were in a conflict of interest. Due to the fact that Mayor Lee and Councillor Hearn were in conflict, there was no longer a quorum to vote on this item. This will be placed on the agenda for the next meeting.</p> <p>Motion # 376 Dave Green/Rick Raymond Proposed to defer until next meeting. All in favor, motion carried.</p>
30		<p>Application for excavation – 51-53 Main Road, Maddox Cove. Applicant will have to meet with the Inspections and Development Committee on site. It will be noted to the applicant that council has not approved any buildings on this property as this is just an excavation application. Therefore council cannot guarantee the location requested to be excavated will meet the building regulations for the area. The area to be excavate will have to be marked and the town requests a better survey of the area.</p>
31		<p>The Town Amendment Commissioner’s Report was tabled. Mayor Lee asked if council had questions or comments with regard to the report. Deputy Mayor Stack made the following comments: To start, Council initiated this process. I am totally displeased with the Commissioner's report. The last time there was a public hearing, the Commissioner of the day recommended taking out R-4 and 8.7.6 (and related material) and the Council of the day voted to leave it in place. This time, Council is recommending taking out R-4 and 8.7.6 (and related material) and the Commissioner of the day is recommending leaving it in. I totally disagree with the Commissioner's Report for the following reasons: This is not about one developer. This is about having the whole back road developed. There is potential for another 8 to 10 houses (and taxes from those homes). It is not precedent setting because there was a house built on one of the lanes in this community that is not fronting on a public maintained road (that was approved only days before the new Town Plan was implemented). With regard to precedent setting and requiring the developer to cover the true costs of development, the back road is the Town's road and not a private piece of property that someone wants to develop as a subdivision and then turn it over to the Town (which was done in the past... Hamlyn Heights, Ocean View, etc.). This Commissioner commented on Mr. Abbott stating that the Town should not modify or relax the Town's rules because the developer already devoted a significant amount of resources. What about the rock wall that is 20 to 30 feet out on the back road-way (Motion Bay Road Extension)? The Town's rules have been relaxed for the past 20 years to accommodate that wall. Which, by the way, is potentially over the Town's water supply going to Maddox Cove. This is a hazard. With regard to the impact on the environment, this holds true for all developments. There is a house currently being built on the main road in Maddox Cove (Council approved). The natural environment was totally uprooted and rock blasted in order to construct the house. I see nothing wrong with that development. At the end of the day, the land will be very presentable and the Town will receive more TAX money! The Commissioner made comments about the back road will not open up any great development potential because of the steep grades on either</p>

		<p>side of the road. In my opinion, that comment is unfounded! This whole community is hills! That did not stop anyone from building in the past. With today's technology a person can put a house anywhere if someone wanted to pay for it!</p> <p>Doing up the back road has the potential to be costed shared with the Federal Gas Tax Initiative and the Capital Works Projects.</p> <p>To end, this development is not just for one development. It is for multiple possible developments and is "not" one developer on one lot! Mayor Lee asked what house Deputy Mayor Stack was speaking of when he commented about a house being built that is not fronted on a public maintained road. Deputy Mayor Stack noted it was a new home on Hannaford's Lane. Mayor Lee also stated that he agrees that this is not just for one resident. He asked why the commissioner walked the lower part of Motion Bay Road Extension and not the upper section. Mayor Lee also noted that the turn-out of residents opposed to this development at the Public Hearing was small and wondered why there were not more people there. Councillor Green noted that this road could potentially be a new route out of the community and could possibly mean that more people would apply for crown land. Mayor Lee asked is council prepared to do some upgrades to the road if this amendment is approved. The consensus of council was they were prepared to do some upgrades to the road.</p> <p>Motion # 377 Sam Stack/Lynn Hearn Proposed not to accept the Commissioner's Report and the process with the Petty Harbour/Maddox Cove Municipal Plan amendment No.1., 2018 Development Regulations Amendment No. 1, 2018. All in favor, motion carried.</p> <p>The CAO stated that no permits can be issued until all the documents for the amendment have been finalized.</p>
32		<p>A new General Development Application was tabled. Councillor Green noted to add a revision number and a revision date.</p> <p>Motion # 378 Rick Raymond/David Green Proposed to approve the new General Development Form with additions. All in favor, motion carried. Council acknowledged the CAO for developing this new form.</p>
33		<p>A quote in the amount of 5,405.00 (tax included) to place a guard rail on Skinner's Hill was tabled.</p> <p>Motion # 379 Rick Raymond/David Green Proposed to approve the quote in the amount of 5,405.00 (tax included) to place a guard rail on Skinner's Hill. All in favor, motion carried.</p>
34		<p>Parking Area on Power House Road A quote in the amount of \$3,680.00(tax included) was tabled to complete the work for the parking area. Council will have NF Power's boundaries identified in order to move forward with the project. Council will also complete the application for the Department of Municipal Affairs and Environment in order to be able to place fill in the flood zone. Mayor Lee and staff will meet with a representative of NF Power to discuss the proposed work in the area.</p> <p>Motion # 380 Sam Stack/Lynn Hearn Proposed to accept the quote in the amount of \$3,680.00(tax included) to have the work completed to the parking area on Power House Road. Also approved was the installation of armour stone if needed. All in favor, motion carried.</p>
35		<p>Small Business Week – This was discussed earlier under New Business.</p>
36		<p>Request to have taxes wrote off for Civic # 1-21 Hannaford's Lane. There was a discussion with regard to the area that was undevelopable. It was noted that this property could potentially be developed with a septic installed further back on the property away from the area that does not allow for a septic field. It was also noted that council could be extending the sewer in this area in the near future. Mayor Lee noted that there are other parcels of land in the town that do not have access to sewer and they are paying taxes. Deputy Mayor Stack stated council could possibly amend the motion to state that council will only be write off taxes for 2018 and moving forward taxes will not be wrote off.</p> <p>Motion # 381 Rick Raymond/Dave Green Proposed to write off the 2018 taxes for Civic # 1-21 Hannaford's Lane.</p>

		No one in favor, motion defeated.
37		Bills in the amount of \$5,010.23 were presented. Motion # 382 Sam Stack/Rick Raymond Proposed to pay bills in the amount of \$5,010.23. All in favor, motion carried.
	NEW BUSINESS	
38		Canada Day Application – Staff will contact recreation to help with filling out the application.
39		A request from ALT Hotels to do a film shoot on Cribbies Road by the Chlorine Station. Council does not have a problem with this.
40		Motion #383 Rick Raymond/David Green Proposed meeting be adjourned. All in favor, motion carried. Meeting adjourned at 9:00pm.

Samuel Lee, Mayor _____

Stephanie Stack, Chief Administrative Officer _____