

Public Meeting of Witless Bay Council
Town Hall - 7:30 p.m.
March 10, 2015

Attending: Mayor Sébastien Després, Deputy Mayor Dena Wiseman, Councillors: Ralph Carey, Kevin Smart, Albert Murphy, Ken Brinston

Absent: Councillor René Estrada

Reporting: Geraldine Caul/Barb Harrigan

1. The meeting was called to order at 7:31 p.m. by Mayor Sébastien Després.
[New Councillors Albert Murphy and Ken Brinston were sworn in at 7:15 p.m.]
2. **2015-027** Councillor Dena Wiseman/Councillor Ralph Carey
Be it resolved Council adopt the March 10, 2015 Agenda.
Motion carried unanimously.
3. **2015-028** Councillor Ralph Carey/Councillor Albert Murphy
Be it resolved Council adopt the Agenda as presented.
Discussion: Councillor Murphy asked if the Vision Statement that was adopted at the last public meeting could be put on hold to give the public a chance to review it.
Mayor Després explained that the minutes of the last meeting is a record of what actually happened, and changes could only be made if something was recorded incorrectly. Mayor Després added that Councillor Murphy could bring this request to Council as an agenda item for another meeting.
Motion carried unanimously.
4. New Business:
 - a. Mayor Després welcomed Councillors Albert Murphy and Ken Brinston as the recently elected members from the February 25 by-election. Mayor Després said the two councillors made up a full complement of council members, with the exception of Councillor René Estrada who is unable to attend this evening.
 - b. Amendment to the Appeal Provisions in Urban & Rural Planning - Mayor Després explained that this is a submission from Municipal Affairs, and is an information sheet for Council pertaining to 5 changes to be made to the appeal process:
 1. Screening - many appeals that are filed don't meet the eligible requirements but since there is currently no screening process in place, all appeals go to the hearing unless withdrawn by the appellant. The new act will screen appeals ensuring they meet the requirements, and will reduce the workload from appeals that may lack merit.

2. Appointment of Commissioner – This process would have the three Regional Appeal Boards dissolved and the Minister select an appeal commissioner from an eligibility list compiled by the department.
 3. Appeal payment & process - Municipalities currently pay for appeal advertising but the department is proposing to cover this off in their online registry. Municipal staff will no longer be required to travel to appeal hearings and instead, the Commissioner will be traveling.
 4. Stop-work orders - Currently once the stop-work order is issued, all work related to the appeal must cease. It is proposed that the council or authorized administrator be given the authority to make the determination regarding whether a stop-work order be issued. This approach provides the council or authorized administrator the flexibility to issue an order appropriate to the circumstance of the issue under appeal, rather than issuing stop-work orders for every appeal and unnecessarily incurring lost time, work and money.
 5. Mediation - The department is recommending that a dispute resolution be offered for all appeals as an option as part of the appeals process with the commissioner acting as the mediator. There is currently no mediation process available.
- C. Public Discussion Sessions - Mayor Després announced that he has not been successful in enforcing the rules of order for the public discussion sessions, and councillors have been asking that council reconsider this practice. Mayor Després explained that the public is invited to present their concerns in writing for council to review. He said this process allows council time to prepare informed responses.

2015-029 Councillor Dena Wiseman/Councillor Ralph Carey

Be it resolved Council suspend the public discussion sessions until further notice.

For the motion: Mayor Sébastien Després, Deputy Mayor Dena Wiseman, Councillor Ralph Carey, Councillor Kevin Smart.

Against the motion: Councillors Albert Murphy and Ken Brinston.

Motion carried.

5. Committee Reports:

Finance:

- a. Paid expenses for the month - provided for information purpose.
- b. **2015-030** Councillor Ralph Carey/Councillor Kevin Smart
Be it resolved Council pay the Snow Clearing contractor for the invoices presented.
Motion carried unanimously.

Deputy Mayor Dena Wiseman noted that council occasionally meets with the snow clearing contractors, and a meeting should be set for the next planning meeting.

Community Enhancement:

Mayor Després reported that there has been only one meeting since the Town's last public meeting. He said the Enhancement Committee discussed the schedule of events for the coming year, and that there are 3 events leading up to August. The details of the events will be advertised in upcoming newsletters but the schedule will be in the March newsletter. He explained that the first event related to the Adopt-a-Spot which was officially adopted at the last public meeting, and that the committee is in the process of recruiting people to adopt spots in the community.

Public Works & Compliance:

- a. Residential single family dwelling on Dunn's Lane - Deputy Mayor Dena Wiseman and Councillor Ralph Carey both declared conflict of interest and left the chamber at 7:45 p.m. due to the applicant's property line abutting their property, and because they had made an offer to purchase this property.

Mayor Després explained that the proposed development does not meet the requirement, that it is less than 10%, and Council must issue a Notice of Variance. He said the Town Plan regulation states that the residents in the area must be notified and given an opportunity to respond before Council can give an approval in principal.

2015-031 Councillor Albert Murphy/Councillor Ken Brinston

Be it resolved Council approve in principle residential family dwelling on Dunn's Lane pending results of the public Notice of Variance, and approval from Services NL.

Motion carried unanimously by remaining councillors.

Deputy Mayor Dena Wiseman and Councillor Ralph Carey returned to the chamber at 7:49 p.m.

- b. Residential single family dwelling on 297 Southern Shore Highway -

2015-032 Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved Council approve in principle residential single family dwelling on 297 Southern Shore Highway subject to approval from Services NL.

Motion carried unanimously.

- c. Residential single family dwelling on 202-206 Dean’s Road -

2015-033 Councillor Ralph Carey/Councillor Albert Murphy

Be it resolved Council give a conditional approval in principle for residential single family dwelling on 202-206 Dean’s road pending approval from Services NL and subject to the following additional conditions:

- submission of an adequate plot plan;
- proof of ownership of land;
- height to meet the current criteria of maximum 8m from floor to peak.

Motion carried unanimously.

- d. Shed and hot house on 166 Gull Pond Road -

2015-034 Councillor Ralph Carey/Councillor Albert Murphy

Be it resolved Council approve shed and hot house on 166 Gull Pond Road.

Motion carried unanimously.

- e. Crown Land application on Witless Bay Line for placement of culvert -

2015-035 Councillor Ralph Carey/Deputy Mayor Dena Wiseman

Be it resolved Council approve Crown Land application for the purpose of installing a culvert pending clarification of what the culvert is to be used for.

Motion carried unanimously.

- f. Appeal relating to Rural land on Gallows Cove Road -

Mayor Després explained that Council refused an application in December for a residential dwelling on 241A Gallows Cove Road because it didn’t have the required access per regulations for our back lot policy. He said there are actually two reasons the application cannot be approved but the first should have overridden the reason given at the meeting. The land is zoned Rural and for that reason, the application could not be approved. Secondly is the access issue. Mayor Després explained that the wrong zoning was noted on the application. He said that the Eastern Regional Appeal Board’s Conclusion resulted in the decision of Council being vacated.

2015-036 Councillor Ralph Carey/Councillor Kevin Smart

Be it resolved Council deny application for residential single family dwelling on 241A Gallows Cove Road due to the property being zoned Rural.

Motion carried unanimously.

6. **2015-037** Deputy Mayor Dena Wiseman/Councillor Ralph Carey

Be it resolved Council adjourn the meeting at 8:00 p.m.

Motion carried unanimously.

Mayor: _____

Town Clerk/Manager _____