

**TOWN OF PARADISE  
PUBLIC COUNCIL MEETING  
TUESDAY, OCTOBER 16, 2018  
TOWN HALL, PARADISE  
8:00 P.M.**

PRESENT:	Chairperson	Dan Bobbett, Mayor
	Councillor	Paul Dinn
	Councillor	Allan English
	Councillor	Patrick Martin
	Councillor	Deborah Quilty
	Chief Admin. Officer	Lisa Niblock
	Director of Corporate Services	Terrilynn Smith
	Director of Planning & Protective Services	Alton Glenn
	Manager of Engineering Services	Tracy-Lynn Goosney
	Director of Recreation & Leisure Services	Conrad Freake
	Administrative Assistant	Claudine Hannebury

ABSENT:	Director of Infrastructure & Public Works	Garry Spencer
	Councillor	Sterling Willis
	Deputy Mayor	Elizabeth Laurie

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

2. **PRESENTATION:**



Mayor Bobbett presented Councillor Deborah Quilty with a 25 year Municipal Long Service Award. The awards are presented annually by the Provincial Department of Municipal Affairs and Environment to mayors, deputy mayors and councillors who have served on municipal councils for a cumulative period of 12, 16, 20, 25, 30 or 35 years. Councillor Quilty was first elected to the Paradise Town Council in 1993 and has been re-elected continuously since then. From 2005 to 2009 she served as Deputy Mayor for the Town.

3. **ADOPTION OF THE MINUTES:**



1. **M18-338 Moved by Councillor Dinn, seconded by Councillor Martin to adopt the Minutes of the October 2, 2018 Committee of the Whole Meeting.**

**Motion carried**

2. **M18-339 Moved by Councillor Quilty, seconded by Councillor Dinn to adopt the Minutes of the October 2, 2018 Public Meeting.**

**Motion carried.**

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

1. **Committee of the Whole Meeting, October 2, 2018.**

There was no business arising.

2. **Public Meeting, October 2, 2018**

There was no business arising.

5. **COMMITTEE REPORTS:**

**PLANNING AND DEVELOPMENT COMMITTEE:**

1. **M18-340 Moved by Councillor Dinn, seconded by Councillor Martin.**

**To refuse application B2018-639 to build an extension to the existing accessory building at 4 Gregg Avenue for the following reasons:**

*“Accessory buildings located in the Residential Watershed Use Zone shall have a maximum floor area of 45 m<sup>2</sup> or 7% of the lot area whichever is lesser. “*

*“The development of new accessory buildings may be permitted by the Town, subject to a maximum floor area of forty-five (45) square meters or maximum lot coverage of seven (7) percent, whichever is less, and a maximum height of four (4) meters.”*

**Motion carried**

**M18-341 Moved by Councillor Dinn, seconded by Councillor Quilty.**

**To refuse application B2018-538 to construct a fence greater than 1.8 meters in height and a retaining wall greater than 1.2meter for the following reasons:**

*“Unless otherwise specified by the Council, the maximum height of a fence erected or constructed for residential purposes in the rear yard shall not exceed 1.8 metres in height above grade.”*

*“Retaining walls with a height of 1.22 metres (4 feet) or greater shall be designed by a professional engineer licensed to practice in Newfoundland and Labrador. The design engineer shall provide the Town with written verification that the retaining wall has been constructed as per the submitted design drawings.”*

**Motion carried**



M18-342 Moved by Councillor Quilty, seconded by Councillor Martin.

**To approve application C2018-609 to operate a Homebased Personal Health Service at 30 Holland Place subject to no objections being received from the Discretionary Use Notice and seventeen (17) conditions.**

**Motion carried**

M18-343 Moved by Councillor Martin, seconded by Councillor Dinn.

**To approve application C2018-488 to construct an automotive sales and general garage at 1519 Topsail Roads subject to twenty (20) conditions.**

**Motion carried**

M18-344 Moved by Councillor Dinn, second by Councillor Martin.

**“BE IT RESOLVED that the order concerning the backfilling of land at 483 St. Thomas Line without a permit and in contravention of the Town of Paradise Development Regulations, 2016 be confirmed.”**

**Motion carried.**

### **Urban Agriculture**

Councillor Dinn stated that Council agreed not to amend Section 5.4, Urban Agriculture, of the Paradise Development Regulations 2016 at this time due to the following considerations:

- This is a new regulation that has only been in effect for approximately seven (7) months;
- The number of backyard chickens permitted in the Town of Paradise is on par with other municipalities that regulate backyard chickens in urban areas; and the municipalities that permit more than 10 chickens,

or vary the number of chickens based on lot size,  
only allow them on large rural residential lots.

M18-345 Moved by Councillor Dinn, and second by Councillor Quilty.

**“BE IT RESOLVED Council approved the issuance of a compliance letter for 32 Christine Crescent in relation to the accessory structure on the property and as per the email poll of Council on October 9, 2018.**

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

Vote: Against: Councillor Dinn

#### **FINANCE AND ADMINISTRATION COMMITTEE:**

1. Accounts for Payment

M18-46 Moved by Councillor Quilty, seconded by Councillor Dinn that invoices in the amount of \$568,035.31 be approved for payment as submitted by the Director of Corporate Services.

**Motion carried.**

2. Payroll and Benefits – September 2018

M18-347 Moved by Councillor Quilty, seconded by Councillor Dinn that total payroll and benefits for the month of September 2018 in the amount of \$705,569.26 be approved for payment as submitted by the Director of Corporate Services.

**Motion carried.**

#### **EMERGENCY AND PROTECTIVE SERVICES COMMITTEE:**

1. M18-348 Moved by Councillor English, seconded by Councillor Martin.

**“BE IT RESOLVED that the order concerning the shed in need of repair or demolition, rodents, and garbage and miscellaneous debris located at Civic #411 St. Thomas Line be confirmed.”**

**Motion carried.**

2. M18-349 Moved by Councillor English, seconded by Councillor Martin.

**“BE IT RESOLVED that the order concerning a dilapidated shed located at Civic #1484 Topsail Road be confirmed.”**

**Motion carried.**

## **ECONOMIC DEVELOPMENT COMMITTEE**

No reports from Committee.

## **COMMUNICATIONS COMMITTEE**

No reports from Committee.

## **INFRASTRUCTURE & PUBLIC WORKS COMMITTEE**



1. M18-350 Moved by, Councillor Quilty, seconded by Councillor Dinn.

**“BE IT SO RESOLVED the Town of Paradise obtain North Line Canada Ltd., Port Perry, Ontario to supply two Black Cat Radar Detection Devices for the quoted cost of \$8,698.60 Plus HST.**

**Motion carried.**



2. M18-351 Moved by Councillor Quilty, seconded by Councillor Dinn.

**“BE IT SO RESOLVED the Town of Paradise obtain Harvey & Company Limited, St. John’s, NL to perform repairs to Unit 64 in the amount of \$9,500.00 Plus HST.**

**Motion carried.**



3. M18-352 Moved by, Councillor Quilty, seconded by Councillor Martin.

**“BE IT SO RESOLVED the Town of Paradise proceed with the purchase of property and easements at Civic numbers 1602, 1604, 1621 and 1641 Topsail Road required to construct a Roundabout at the intersection of Topsail Road, McNamara Drive, and Clearview Heights.**

**Motion carried.**

## **RECREATION COMMITTEE**

No reports from Committee.

6. **NEW/UNFINISHED BUSINESS:**



There is no new/unfinished business.

7. **M18-353 Moved by Councillor Quilty, seconded by Councillor Martin to adjourn the meeting at 8:20 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, OCTOBER 16, 2018  
TOWN HALL, PARADISE  
6:10 P.M.**

PRESENT:	Chairperson	Dan Bobbett, Mayor
	Councillor	Paul Dinn
	Councillor	Allan English
	Councillor	Patrick Martin
	Councillor	Deborah Quilty
	Chief Admin. Officer	Lisa Niblock
	Director of Corporate Services	Terrilynn Smith
	Director of Planning & Protective Services	Alton Glenn
	Manager of Engineering Services	Tracy-Lynn Goosney
	Director of Recreation & Leisure Services	Conrad Freake
	Administrative Assistant	Claudine Hannebury

ABSENT:	Director of Infrastructure & Public Works	Garry Spencer
	Deputy Mayor	Elizabeth Laurie
	Councillor	Sterling Willis

1. The meeting was called to order by Chairperson Bobbett at 6:10 p.m.

2. **FINANCE AND ADMINISTRATION COMMITTEE:**

1. Accounts for payment

Council recommended that accounts in the amount of \$568,035.31 be approved at the October 16, 2018 Public Meeting.

2.  Payroll and Benefits – September 2018

Council recommended that payroll and benefits for September 2018 in the amount of \$705,569.26 be approved at the October 16, 2018 Public Meeting.

3. **PLANNING AND DEVELOPMENT COMMITTEE:**

**PERMITS:**



1. 4 Gregg Avenue B2018-639  
Application to construct an extension to an existing accessory building.

Council recommended refusing the application for the following reasons:

1. The proposed total floor area of 70 m<sup>2</sup> exceeds the permitted floor area of 45 m<sup>2</sup>. Section 4.2.3. (a) of the Town of Paradise Development Regulations, 2016 for the Residential Watershed Use Zone states:

*“Accessory buildings located in the Residential Watershed Use Zone shall have a maximum floor area of 45 m<sup>2</sup> or 7% of the lot area whichever is lesser. “*

2. The proposed total floor area of 70 m<sup>2</sup> exceeds the maximum permitted floor area under the Town of Paradise/City of St. John’s Watershed Agreement, Clause 2 which states:

*“The development of new accessory buildings may be permitted by the Town, subject to a maximum floor area of forty-five (45) square meters or maximum lot coverage of seven (7) percent, whichever is less, and a maximum height of four (4) meters.”*

3. As the proposed development does not comply with Section 4.2.3 (a) of the Town of Paradise Development Regulations, 2016, the proposed development is also contrary to Section 3.1 of the Town of Paradise Development Regulations, 2016 which states:

*Compliance with Regulations*

*“Development shall be carried out and maintained within the Planning Area in accordance with the Municipal Plan, these Regulations, the conditions stated in a Development Approval and/or Building Permit, and any other by-law or regulation enacted by Council.”*



2. 17 Fairlane Street B2018-538  
Application to construct a fence greater than 1.8 meters in height and a retaining wall greater than 1.2 meters.



Council recommended refusing the application for the following reasons:

1. Fence – The fence was not constructed in accordance with the fence permit issued on August 28, 2018 and not in conformance to Section 15 of the Town of Paradise Fence and Retaining Wall Regulations, 2013 which states:


**Residential Lots – Rear Yard**

*“Unless otherwise specified by the Council, the maximum height of a fence erected or constructed for residential purposes in the rear yard shall not exceed 1.8 metres in height above grade.”*

2. Retaining Wall – The Town of Paradise has determined that the wall constructed at the rear of the property is a “retaining wall.” As the wall was not designed by a professional engineer as indicated in Section 21, the wall construction is deemed contrary to the Town of Paradise Fence and Retaining Wall Regulations, 2013. Further, the wall was constructed without the required permit. Section 21 of the Town of Paradise Fence and Retaining Wall Regulation, 2013 states:

**Retaining Wall Construction**

*“Retaining walls with a height of 1.22 metres (4 feet) or greater shall be designed by a professional engineer licensed to practice in Newfoundland and Labrador. The design engineer shall provide the Town with written verification that the retaining wall has been constructed as per the submitted design drawings.”*

3.  30 Holland Place C2018-609  
Application to operate a Homebased Personal Health Service.

Council recommended approving the application subject to no objections being received to a Notice of Discretionary Use and the following conditions:

1. The development must comply with the standards of the RHD (Residential High Density) Use Zone, Paradise Development Regulations, 2016. Copy available upon request.
2. All work shall be carried out in accordance with the requirements of the Regulations, the terms of this permit and all other rules and regulations of the Town of Paradise.
3. A renovation permit must be obtained before for any proposed renovation commences.
4. Any construction or building alteration must conform to the current National Building Code of Canada and any ancillary code.

5. The issue of this permit does not exempt the applicant from obtaining any other permits or s required by law.
6. Prior to a renovation and/or an occupancy permit being issued for this development, the applicant must provide the following:
  - a) Service NL - Building Accessibility, Fire and Life Safety approval
  - b) Floor plan of dwelling showing the area that the business will be conducted from.
7. The operation is in accordance with all applicable provincial laws and regulations.
8. The use will only be permitted within the single detached dwelling, and must remain subsidiary to the residential use. The dwelling unit must be occupied as a residence by the operator.
9. The home based business will be monitored for a period of one (1) year, if any issues arise, the Town of Paradise may withdraw the home based business permit.
10. The use must be clearly subsidiary to the residential use.
11. The use must not adversely affect the residential quality of the area through excessive noise, traffic, or parking;
12. No change will be made in the type, class, intensity or extent of the business or service without a permit.
13. Signs are limited to a name plate not exceeding 0.4 square metres, affixed to the face of the dwelling at the entrance of the service.
14. Except for a Sign, there shall not be any change to the exterior appearance of the residence.
15. No on-street parking will be permitted.
16. The work authorized by this permit shall not be used or occupied without an Occupancy Permit from the Town of Paradise. Any placard issued by the Town of Paradise relating to the work authorized by this or any other permit must be displayed in full public view on the site.
17. No more than 25% of the total Floor Area of the dwelling, up to a maximum of 45 m<sup>2</sup>, is devoted to the business use.



4. 754 St. Thomas Line DU2018-204  
Application to keep animals currently existing on property.

Council recommended deferring the application for further discussion.



5. 1519 Topsail Road C2018-488  
Application for development approval – automotive sales and  
general garage.

Council recommended to approve the application subject to the  
following conditions:

1. The development must comply with the standards of the Commercial Main Street (CM) use zone, Paradise Development Regulations, 2016.  
  
Minimum Building Line Setback 6.0  
meters Minimum Side Yard 5.0 and  
3.0 meters Minimum Flanking Road  
Side Yard 10.0 meters Minimum  
Rear Yard 10.0 meters  
Maximum Height 17.0 meters
2. A building permit is to be obtained prior to commencement of development.
3. Development of site and location of building must be as per the engineered site plans approved on October 10, 2018.
4. Construction must conform to the current National Building Code of Canada, and any ancillary code.
5. All work shall be carried out 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.
6. Prior to the issuance of a Building Permit, the applicant must submit the following:
  - i A legal survey and property description of the land shown on the application.
  - ii Proof of ownership of the land shown on the application.
  - iii Two complete sets of building plans must meet the standards of the current National Building Code.
7. The development authorized by this permit shall not be used or occupied without an Occupancy Permit from the Town of Paradise.
8. Any permit placard issued by the Town of Paradise relating to the work authorized by this or any other permit must be displayed in full public view on the site.

9. The property is to be maintained in accordance with the Town of Paradise Occupancy and Maintenance Regulations.
10. The issue of this permit does not exempt the applicant from obtaining any other permits or approvals required by law.
11. The grade and siting of all buildings on site shall be undertaken by the Town's Engineering Department. If a structure is to be placed on a "filled" area, the placement of the fill material must be supervised and certified by an engineering firm as suitable structure fill, as defined under the current National Building Code of Canada.
12. A copy of the Developer's Liability Insurance to be provided to the Town of Paradise.
13. 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.
14. The Developer shall ensure that any blasting required to be done shall be done in compliance with the Blasting Regulations of the Province of Newfoundland and Labrador. Before any blasting is commenced, the Town of Paradise shall be notified at least twenty- four (24) hours in advance of any blasting taking place and shall be provided with proof of blasting insurance, blasting license, and a copy of the pre-blast survey.
15. Parking plan as outlined in revised drawings of September 26, 2018 meets the requirements of the Town of Paradise.
16. Landscaping approved as per the Town of Paradise Municipal Plan, 2016 and the Town of Paradise Landscaping policy.
17. The Developer must have a washroom facility (ie. Port-a-potty) for employee/contractor use available on the lot in the development area. Employees/contractors must be directed to use this facility.
18. The applicant's professional engineering consultant must provide a written estimate of works necessary to service the development. A security deposit (minimum of \$5000.00) for the development will be determined based upon the approved estimated value of the work.
19. A Trunk Sewer Assessment Fee will apply to the proposed development. The fee is \$465.00 and is based on a rate of \$7810.00 per gross hectare.
20. Developer advised a \$2500 Infrastructure Improvement Fee is assessed on all new buildings



6. Order to be confirmed – 483 St. Thomas Line

Council recommended the order from the Town of Paradise concerning the backfilling of land at 483 St. Thomas Line without a permit and in contravention of the Town of Paradise Development Regulations, 2016 be confirmed.



*Note: Council voted to go in camera to discuss a legal issue at 6:38 p.m.*

*The Committee of the Whole meeting reconvened at 6:51pm.*

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



Order to be confirmed – 411 St. Thomas Line

Council recommended that the order from the Town of Paradise concerning the shed in need of repair or demolition, rodents and garbage and miscellaneous debris located at Civic # 411 St. Thomas Line be confirmed.



Order to be confirmed – 1484 Topsail Road

Council recommended the order from the Town of Paradise concerning a dilapidated shed located at Civic # 1484 Topsail Road be confirmed.

Urban Agriculture

A cross-jurisdictional scan was completed in search for regulations, by-laws, or guidelines on 'urban agriculture' or 'backyard chickens'.

Council agreed not to amend Section 5.4, Urban Agriculture of the Paradise Development Regulations 2016 at this time due to the following considerations:

- This is a new regulation that has only been in effect for approximately seven (7) months;
- The number of backyard chickens permitted in the Town of Paradise is on par with other municipalities that regulate backyard chickens in urban areas; and the municipalities that permit more than 10 chickens, or vary the number of chickens based on lot size, only allow them on large rural residential lots.

5. **ECONOMIC DEVELOPMENT COMMITTEE:**

There are no reports from Committee.

6. **COMMUNICATIONS COMMITTEE:**

There are no reports from Committee.

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

 1. Radar Detection & Monitoring



The Town currently has three mobile radar units which are distributed throughout the Town during summer months. These units are attached to a utility trailer and are rather large to place in certain areas of town where the road width is narrow. Recently we obtained two prices for box units which are easily installed on sign post and are not clearly visible from the street. These units are being used by traffic engineers throughout the Province of NL & Lab to give accurate results for speeding and volume.

Council recommends the Town of Paradise obtain North Line Canada Ltd. to supply Two Black Cat Radar Detection Devices for the quoted cost of \$8,698.60 Plus HST.



2. Unit 64- Harvey & Company Limited

The Town currently has 10 (ten) tandem dump trucks with snow clearing equipment and recently tendered for another for 2018. With the change in steel manufacturing out of the USA, delivery of all heavy equipment chassis will take anywhere from 6 to 8 months thus resulting in the new tandem being delivered in spring 2019. Unit 64 is a 2012 International Tandem which has had a considerable amount of work completed on its exhaust and engine this year. It was recently dropped off to the dealer (Harvey & Company Ltd) to diagnose low power and a quote was submitted to complete necessary repairs. A quote for the work has been retrieved from Harvey & Company Limited in the amount of \$9500 Plus HST. This work will include replacing the Exhaust Pressure Valve, and work on the Turbo System.

Council recommends the Town of Paradise obtain Harvey & Company limited complete the necessary repairs on Unit 64 in the amount of \$9,500.00 Plus HST.

8. **RECREATION COMMITTEE:**

There are no reports from Committee.

9. **CORRESPONDENCE:**

There was no correspondence for this meeting.

10. **OTHER BUSINESS:**



1. Councillor English asked for an update on the financials. Director Smith noted she would have an update for the November 6, 2018 Council meeting.

2. Councillor Dinn asked for clarification on orders issued to Civic Number 32 and 30 Clearview Heights. He noted he spoke with the residents from both properties and the impression the resident from 30 Clearview Heights is receiving is that all applications and permits for this property are on hold. He also noted the work at Civic No. 32 is moving along.

CAO Niblock responded that Civic No. 30 appealed the order and noted from the previous Council minutes that all applications and permits for number 30 is put on hold. She also noted that the order on Civic No. 32 was to repair the wall and that is the work that is being done. CAO Niblock stated there is an additional order to remove the shed from 32 Clearview Heights. She noted the resident is requesting an extension on this order and this request has been deferred to committee for discussion.

3. Councillor Quilty asked for an update regarding the work at Pleasantview Avenue. Manager of Engineering informed Council that all underground work is completed. She noted the asphalt and sidewalk still need to be replaced.

11. Meeting adjourned at 7:05 p.m.

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Dan Bobbett, Mayor

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Terrilynn Smith, Town Clerk

**BILLS FOR PAYMENT**

**16-Oct-18**

SUPPLIER	INVOICE	AMOUNT	DESCRIPTION
Bell Aliant	INV2394248	\$ 6,537.68	Telephone and Internet bill Sept 21, 2018
City of St. John's	19299	33,903.70	Tipping fees September
City of St. John's	RW 201809-3	141,683.71	Water Consumption Sept 2018
Elizabeth Park Elementary	OCT112018	47,104.46	Elizabeth Park Elementary Playground Cost Share
First Choice Paving and Landscape	1365	15,469.11	Supply and Install of Sodds and Soil
Harbourside Transportation consultants	1229	7,654.69	For Professional Services - Mallow Drive
Madsen Construction Equipment	2001905	175,835.00	Case Backhoe 580SN WT
Martin Survey & Land Services Inc	2518	22,425.00	Lanark Trunk Sewer Survey
Municipal Assessment Agency Inc	100239	61,924.50	Fourth Quarter Assesment Fees
Progressive Engineering & Consulting Inc.	2015-0251A	7,435.33	Professional Services -300mm watermain upgrade
Ricoh	TOR18060657	10,008.74	Scanning Sevices
Ricoh	B-00041789	23,118.45	1 Year of Basic LSAP
Sonic Electrical	12945	8,277.70	Twin Rinks Light Pole Replacement
Spectrum Investigation and Security Ltd.	IN29235	6,657.24	Security Services - September 2018
Be it resolved that invoices in the amount of		<b>\$568,035.31</b>	
be approved for payment, as submitted by the Director of Corporate Services.			