

REGULAR GENERAL MEETING, DECEMBER 1, 2016

A Regular General Meeting of the Council of the Town of Stephenville was held in the Council Chambers at 12:08 p.m. on December 1, 2016.

Present: Mayor Tom O'Brien
Deputy Mayor Mike Tobin

Councillors: Laura Aylward
Don Gibbon
Justin House
Darlene Oake
Tom Rose

Also Present: Town Manager, Mike Campbell
Town Clerk, Carolyn Lidstone

MINUTES

REGULAR GENERAL MEETING, NOVEMBER 17, 2016

Motion – Gibbon/Aylward

No.16-299 That the Minutes of the Regular General Meeting of November 17, 2016 be adopted as circulated.
Carried Unanimously

COMMITTEE REPORTS

FINANCE COMMITTEE

EXPENSE CHEQUE LISTING FOR NOVEMBER, 2016

Motion - Tobin/Aylward

No.16-300 That the recommendation of the Finance Committee be accepted and the Expense Cheque listing for November, 2016 totaling \$318,389.92 be approved.
Carried Unanimously

**PERMISSION TO SELL BY
PUBLIC TENDER, 72 MISSOURI
DRIVE**

Motion - Tobin/Oake

No.16-301 That the recommendation of the Finance Committee be accepted and the Town of Stephenville call a public tender for the sale of property at 72 Missouri Drive.

Carried Unanimously

**REQUEST FOR 2017 FUNDING,
STEPHENVILLE CULTURAL
DEVELOPMENT COMMITTEE**

Motion - Tobin/House

No.16-302 That the recommendation of the Finance Committee be accepted and the Town of Stephenville give a grant in the amount of \$45,800 to the Stephenville Cultural Development Committee to be utilized in its 2017 tourism activities.

Carried Unanimously

**2017 REGULAR GENERAL
MEETING SCHEDULE**

Motion - Tobin/Gibbon

No.16-303 That the recommendation of the Finance Committee be accepted and that the 2017 Regular General Meeting Schedule be adopted as follows: January 12, 26; February 9, 23; March 9, 23; April 6, 20; May 4, 25; June 15; July 6, 27; August 17; September 7, 21; October 5, 19; November 2, 16, 30; December 14.

Carried Unanimously

2017 BUDGET ADOPTION

Deputy Mayor Tobin presented the preamble to the 2017 budget which is attached and forms a part of these minutes.

Motion - Gibbon/Aylward

No.16-304 That the recommendations of the Finance Committee be accepted; and

in accordance with Section 77 of the Municipalities Act, Chapter M-24, the 2017 Budget containing in all total Revenues of \$8,440,073 and total Expenditures of \$8,440,073 be hereby adopted.

Carried Unanimously

DUE DATE

Motion - Gibbon/Aylward

No.16-305 That the recommendations of the Finance Committee be accepted; and in accordance with Section 101, Sub-section 2, of the Municipalities Act, Chapter M-24, the due date for taxes for the Town of Stephenville for the year 2017 be March 31, 2017.

Carried Unanimously

PROPERTY TAX

Motion - Gibbon/Aylward

No.16-306 That the recommendations of the Finance Committee be accepted; and in accordance with Sections 112, 113 and 114 of the Municipalities Act, Chapter M-24, the Town of Stephenville impose a Real Property Tax on the owners of real property within the Town of Stephenville at a rate of

- a. 7.4 mills per \$1,000 of assessed value for Residential property;
- b. 8.0 mills per \$1,000 of assessed value for Commercial property, with effect January 1, 2017.

The minimum Property Tax per parcel shall be \$150.00 per annum.

Carried Unanimously

REMISSION OF TAX

Motion - Gibbon/Aylward

No.16-307 That the recommendations of the Finance Committee be accepted; and in accordance with Section 111 of the Municipalities Act, Chapter M-24,

remission of taxes for the year 2017 be granted subject to the following conditions:

A. Based on previous year's income on a sliding scale as follows:

If your combined household gross earnings before deductions for 2016 were:	Your 2017 Property Tax will be
Below \$14,750.00	\$100.00 Property Tax
\$14,750.01 - \$15,750.00	\$100.00 Property Tax or 20% of annual property tax rate, whichever amount is greater
\$15,750.01 - \$16,750.00	\$100.00 Property Tax or 30% of annual property tax rate, whichever amount is greater
\$16,750.01 - \$17,750.00	\$100.00 Property Tax or 40% of annual property tax rate, whichever amount is greater
\$17,750.01 - \$18,750.00	\$100.00 Property Tax or 50% of annual property tax rate, whichever amount is greater
\$18,750.01 - \$19,750.00	\$100.00 Property Tax or 60% of annual property tax rate, whichever amount is greater
\$19,750.01 - \$20,750.00	\$100.00 Property Tax or 70% of annual property tax rate, whichever amount is greater
\$20,750.01 - \$21,750.00	\$100.00 Property Tax or 80% of annual property tax rate, whichever amount is greater
\$21,750.01 - \$22,750.00	\$100.00 Property Tax or 90% of annual property tax rate, whichever amount is greater
\$22,750.01 and over	Full amount of annual Property Tax rate

B. Total 2016 gross earnings of all residents at the property must be within the preceding scale to apply.

C. Proof of Income - Certified copy of previous year's income tax return and/or statement of earnings from source of income satisfactory to Council.

- D. Affidavit - Must be witnessed by a Justice of the Peace or Commissioner of Oaths.
- E. All 2017 applications must be received before December 31, 2017 and apply to the year 2017 only.
- F. These requirements apply to personal residence only; and it must be occupied by applicant.
- G. Liable amount of Property Tax must be paid by taxpayer prior to approval.
Carried Unanimously

BUSINESS TAX

Motion - Gibbon/Aylward

No.16-308 That the recommendations of the Finance Committee be accepted; and in accordance with Sections 120, 121, 122, 123, 124, and 125 of the Municipalities Act, Chapter M-24, with effect January 1, 2017:

- (i) a BUSINESS TAX shall be imposed on all individuals, partnerships, associations, and corporations carrying on business in the Town and the rate of Business Tax so imposed for each class of business shall be fixed at:
 - a. 2.0% (20.0 mills) Rent-A-Car Agencies
 - b. 5.1% (51.0 mills) Rent-A-Car Agencies in Kiosks
 - c. 8.0% (80.0 mills) Banks, Credit Unions, Finance Companies
 - d. 3.1% (31.0 mills) Mail Order Companies, Pole Yards
 - e. 2.1% (21.0 mills) Automotive Sales Lots, Broadcasting Companies, Newspapers, Concrete Plants, Department Stores/Dispensaries, Warehousing with no employees on site; Grocery Store/Dispensaries
 - f. 1.6% (16.0 mills) Airline Ticket Offices, Barber Shops, Beauty Shops, Jewelry Stores, Drug Stores, Grocery Stores, Funeral Homes, Restaurants, Lounges, Hotels, Salvage Yards, Service Stations with Auto Sales, Travel Agencies, Video Shops
 - g. 1.1% (11.0 mills) Fitness Centres
 - h. 0.4% (4.0 mills) Service Clubs

- i. 0.65% (6.5 mills) Industrial Manufacturing Companies
- j. 6.0% (60.0 mills) Oil Companies, Tank Farms
- k. 3.0% (30.0 mills) Service Stations with Convenience Store
- l. 2.5% (25.0 mills) Professional Offices, Insurance Offices
- m. Businesses which operate less than 1 month, where the real property tax is not applicable to the business because it has no fixed place of business, the business tax shall be set at the greater of \$500.00 or 0.5% of the gross revenue of the business.
- n. 1.2% (12.0 mills) All Other businesses, including but not limited to:
 - Bed and Breakfasts, Construction Companies, Day Care Centres, Flower Shops, Hospitality Homes per annum of the assessed value of real property used by all individuals, partnerships, associations and corporations carrying on business, trade, or profession in respect of which a tax is imposed as determined by the Assessor, using the Town assessment for real property assessed from time to time under The Municipalities Act, Chapter M-24, and the Assessment Act.
- (ii) The business tax shall be set at the rate of 2.5% of gross revenue for Cablevision Companies, Utility Companies, Power Companies, and Telephone Companies.
- (iii) Where the amount of tax calculated under (i) or (ii) above is less than \$150.00, the minimum business tax shall be set at \$150.00.
- (iv) Businesses operating in the Downtown Stephenville Business Improvement Area are subject to the lesser of an additional 1 mil in business tax or 10% of the business tax.

New businesses operating in the Town are required to notify the Town Office and register for business tax prior to operating.

All business tax is due January 1st, or from the date the businesses commence.

Carried Unanimously

POLL TAX

Motion - Gibbon/Aylward

No.16-309 That the recommendations of the Finance Committee be accepted; and in accordance with Section 126 of the Municipalities Act, Chapter M-24, Council impose a poll tax amounting to

\$150.00 per annum, with effect January 1, 2017.

Carried Unanimously

WATER AND SEWER RATES

Motion - Gibbon/Aylward

No.16-310 That the recommendations of the Finance Committee be accepted; and in accordance with the provisions of Sections 130 and 131 of the Municipalities Act, Chapter M-24, Water and Sewer Rates with effect from January 1, 2017 be set as follows:

Residential:
Water and Sewer

\$ 28.00 per month

Commercial:
Category I - Commercial General

\$ 54.00 per month

Category II - Restaurants, bars,
public toilets, garages
with car wash

\$105.00 per month

Category III – Hotels

\$1,000 flat rate plus 2 mills of assessed Value

Ships' Water

\$5.53 per cubic meter of water; labour costs and HST extra

Provincial Government Buildings

8.4 mills of assessed value

Connection Fees
Residential
Commercial

\$1,500.00

\$1,250.00

Carried Unanimously

PERMIT FEES

Motion - Gibbon/Aylward

No.16-311 That the recommendations of the Finance Committee be accepted; and in accordance with the provisions of

Sections 194, 195, 196, 197, 198, and 199 of the Municipalities Act, Chapter M-24, permit fees with effect January 1, 2017 be set as follows:

New Residences:	\$ 75.00
Residential Alterations, Additions, Accessory Buildings, Fencing and Demolitions	\$ 10.00
Industrial or Institutional	\$ 8.00 per \$1,000 of value of work being carried out
Commercial :	
Signs	\$ 10.00
Minor Repairs, ie. painting	Complimentary
Value up to \$25,000.00	\$100.00
Value \$25,000.01 to \$50,000.00	\$200.00
Value over \$50,000.01	\$ 4.00 per \$1,000 of value of work being carried out
Permit Renewal Fee	\$ 5.00
Mobile Canteen Operators	\$200.00 per year or \$50.00 per month or \$10.00 per day
Roadside Vendor	\$ 20.00 per day or \$300.00 per year
Occupancy Permits:	
Residential	\$ 10.00
Commercial	\$ 25.00

The first \$25.00 of all permit fees is non-refundable.

Carried Unanimously

**TOWING CHARGES AND
IMPOUNDMENT FEES**

Motion - Gibbon/Aylward
No.16-312 That the recommendations of the Finance Committee be accepted; and in accordance with Section 414 (2) (nn) of the Municipalities Act, Chapter M-24, Vehicle Impoundment Fees with effect January 1, 2017 be set as follows:

1. Towing and storage charges as a result of impoundment equivalent to amount charged by towing company.

Carried Unanimously

DOG/CAT LICENCES

Motion - Gibbon/Aylward

No.16-313 That the recommendations of the Finance Committee be accepted; and in accordance with Section 414 (2) (m) of the Municipalities Act, Chapter M-24, and regulations made thereunder, Dog and Cat Licenses with effect January 1, 2017 be set as follows:

Dog or Cat License (for life of animal and non-transferable): \$ 5.00

Carried Unanimously

**DOCUMENTS, NON-CONSTRUCTION
RELATED INSPECTIONS, AND
RESEARCH REPORTS**

Motion - Gibbon/Aylward

No.16-314 That the recommendations of the Finance Committee be accepted; and in accordance with the provisions of Section 215 of the Municipalities Act, Chapter M-24, Fees for Documents, Non-construction Related Inspections, and Research Reports be set at \$25.00 each, with effect January 1, 2017.

Carried Unanimously

**CHEQUES RETURNED BY
THE BANK**

Motion - Gibbon/Aylward

No.16-315 That the recommendations of the Finance Committee be accepted; and a fee to recover expenses incurred as a result of cheques being returned by the bank be set at:

\$20.00 plus the current bank service charge per cheque returned with effect January 1, 2017.

Carried Unanimously

INTEREST ON TAXES

Motion - Gibbon/Aylward

No.16-316 That the recommendations of the Finance Committee be accepted; and in accordance with Section 107 (1) of The Municipalities Act, Chapter M-24, compound interest in the amount of 1% monthly be charged on all taxes that remain unpaid after the Due Date; that is, March 31, 2017.

Carried Unanimously

**TAX CERTIFICATE/
MUNICIPAL COMPLIANCE
CERTIFICATE**

Motion - Gibbon/Aylward

No.16-317 That the recommendations of the Finance Committee be accepted; and in accordance with Section 136 of the Municipalities Act, Chapter M-24, Tax Certificates and Municipal Compliance Certificates be set at \$100.00 per residential certificate and \$200.00 per non-residential certificate, with effect January 1, 2017.

Carried Unanimously

Deputy Mayor Tobin stated he hoped the taxpayers of Stephenville are receptive to this budget which does not see any taxes or rate increases. He would have liked to have seen the taxes lowered but Council have to continue to provide the same level of services.

Mayor O'Brien stated that this was a good balanced budget where the Town keeps all services in place. The Town has had a great deal of success working with volunteer groups in the community i.e Walk a Way Parks and Trails and the Stephenville Cultural Development Committee. This

budget allows Council to continue to work with these committees in their efforts for the community.

Councillor Rose asked that in going forward into 2017, Council continue to look at the remission levels as outlined in the budget to be cognizant of the fact that there are people in the community with fixed incomes.

PERMITS AND MUNICIPAL PLAN

BROWN DERBY, 128 MAIN STREET

DATA: Request for a permit to complete minor renovations to accommodate a table top pizza machine, small oven and fryer to the business located at 128 Main Street.

It was the recommendation of the Planning and Traffic Committee that this permit be granted subject to the approval of Service NL and compliance with all Town Regulations.

Motion - Aylward/Gibbon

No.16-318 That the recommendation of the Planning and Traffic Committee be accepted and the Brown Derby be granted a permit to complete minor renovations to accommodate a table top pizza machine, small oven and fryer to the business located at 128 Main Street, subject to conditions as outlined in the agenda data.

Carried Unanimously

NO PARKING AREA, NEW MEXICO DRIVE

DATA: It was the recommendation of the Planning and Traffic Committee that further to Motion No. 16-282 which designated the portion of New Mexico Drive from its intersection with Brook Street to the driveway for 115 New Mexico Drive as a "No Parking" area, parking is prohibited within that area from Monday to Friday, 8:00 a.m. to 4:00 p.m.

Motion - Aylward/Tobin

No.16-319 That the recommendation of the Planning and Traffic be accepted and further to Motion No. 16-282 which designated the portion of New Mexico Drive from its intersection with Brook Street to the driveway for 115 New Mexico Drive as a "No Parking" area, parking is prohibited within that area from Monday to Friday, 8:00 a.m. to 4:00 p.m.

Carried Unanimously

**M & F MOTORS/LANNON
HOLDINGS, 211-217 HANSEN
HIGHWAY**

DATA: Request for a permit to remove two garage doors from the front, install a garage door at the rear, and relocate the rear door entrance in the building located at 211-217 Hansen Highway.

It was the recommendation of the Planning and Traffic Committee that this permit be granted subject to the approval of Service NL and compliance with all Town Regulations.

Motion - Aylward/Oake

No.16-320 That the recommendation of the Planning and Traffic Committee be accepted and M & F Motors/Lannon Holdings be granted a permit to remove two garage doors from the front, install a garage door at the rear, and relocate the rear door entrance in the building located at 211-217 Hansen Highway, subject to conditions as outlined in the agenda data.

Carried Unanimously

NEW BUSINESS

MEETING WITH REPRESENTATIVES FROM WATER RESOURCES

Mayor O'Brien highlighted the meeting held on Friday with representatives from the Department of Water Resources, Dr. Ali Khan and Mr. Chad Blundon. The representatives had also met with residents of Noels Pond and Cold Brook later in the day. He felt that the presentation by these two gentlemen was very informative; and Council is more knowledgeable about the amount of work that goes into designating Flood Zones. Two points in particular were highlighted; one, the modelling that was used to identify the flood plains was developed in the Stephenville Area because so much data was available. This model has been adopted across the country. Two: He had a better understanding of the 1:20 and 1:100 year designations. Dr. Khan and Mr. Blundon also explained the Wellhead Protection Area zoning. Council has received a cost to have a study undertaken in Cold Brook to research data in that area and have submitted a request to the Provincial Government to provide funding for this study. An acknowledgement letter had been received from the Department of Municipal Affairs stating that the request would be considered.

Councillor Rose was impressed with Dr. Khan and Mr. Blundon's presentation. He was concerned that in making an arbitrary decision to not allow development in Cold Brook prior to the study being done, it may have had a stressful impact on residents in that community. Dr. Khan did validate that in a WPA4 Zone, in which Cold Brook is located, infilling development is permitted.

RULES OF PROCEDURE

Councillor Rose commented that a couple of meetings ago, Council had talked about the Rules of Procedure, in particular, Section 4.8 of the Municipal Councillors Handbook. He stated that the Town's Rules of Procedure do not state that residents do not have the right to speak to council in a public meeting. Councillor Rose suggested

that Council take another look at the Rules of Procedure in this respect.

Mayor O'Brien stated that in the Rules of Procedure, if it does not specify permission, then it means council cannot permit it.

Deputy Mayor Tobin informed Council that he had spoken with two or three representatives from large towns across the province, none of which permit the public to engage in discussion with Council at a public meeting. Those Councils felt that it would not be practical to allow that interaction during a public council meeting.

**NOTICE OF MOTION, SINGLE
USE PLASTIC SHOPPING BAGS**

Councillor Rose presented his intention to make a Motion regarding the environment; in particular in support of the MNL's resolution to prohibit all retail stores from providing customers in the Province of Newfoundland and Labrador with single use plastic shopping bags.

**MUNICIPAL ENFORCEMENT
DUTIES**

Councillor Rose advised residents that effective tomorrow, municipal enforcement duties will be carried out by the RCMP. He thanked the Detachment members for doing this for the community and hoped that the upcoming year will be a safe and prosperous one for the businesses in the community.

WELLHEAD PROTECTION AREA

Mayor O'Brien referred to an earlier comment from Councillor Rose regarding the Wellhead Protection Area zones. He noted that the Town of Stephenville does not have a WPA4 zone; it has WPA1 and 2 zones. However, the footprint of the WPA1 and 2 zones cover the same area as the Provincial Government's 4 WPA zones. The Department of Environment and Conservation set minimum standards and municipalities can set higher standards. The Department will not stop a community from having higher standards in this regard.

In response to a comment from Councillor Rose, Mayor O'Brien stated that Council have made a commitment to the residents of Cold Brook to remove the development restriction or move the WPA zone boundary if the data supports those changes.

PASSING OF CHIEF WARRANT OFFICER, CLYDE DOUCETTE

Councillor Aylward reported that she had attended the funeral this morning of Chief Warrant Officer, Clyde Doucette. She acknowledged his many contributions to the Royal Canadian Legion and the community and expressed her condolences' to his family, friends and comrades at the legion.

UMC/URBAN ACCORD MEETING

Deputy Mayor Tobin reported that on November 15-18, he had been in St. John's to attend the UMC and Urban Accord Meeting on Council's behalf. He highlighted the issues raised in the five sessions, noting that there had been an impressive array of speakers. Mr. Graham Letto had addressed the group on the concept of regional government and had stated that within the next six to nine months, municipalities would see some form of template for regional government.

SOUTHWEST JOINT COUNCIL MEETING

Deputy Mayor Tobin stated that the next Southwest Joint Council meeting will be held December 10 in Stephenville in the Council Chambers. All councillors are invited to attend.

ADJOURNMENT

Motion – Gibbon/Aylward

No. 16-321 That the meeting adjourn at this time, 12:56 p.m.

Carried Unanimously

CHAIRPERSON

DATE CONFIRMED