



TOWN OF PORTUGAL COVE-ST. PHILIP'S

January 14, 2014

Regular Public Council Meeting 7:30 p.m.

IN ATTENDANCE:	Mayor	Moses G. Tucker
	Deputy Mayor	Gavin Will
	Councillors:	Dave Bartlett
		Joe Butler
		Norm Collins
		Aaron Facey
		Johnny Hanlon
	Town Manager/Engineer	Chris Milley
	Director of Financial Operations	Tony Pollard
	Director of Ec. Dev/Marketing/Comm.	Jeff Lawlor
	Director of Public Works	Gail Tucker
	Planning Coordinator	Les Spurrell
	Fire Chief	Brian Bailie
	Town Clerk	Judy Squires

Mayor Tucker called the meeting to order and welcomed the gallery of 14 persons in attendance.

ADOPTION OF AGENDA

Motion: Hanlon/Bartlett
2014-001 Resolved that the Agenda dated **January 14, 2014**, be adopted as circulated.
Carried Unanimously

ADOPTION OF MINUTES

Motion: Collins/Hanlon
2014-002 Resolved that the minutes of **December 17, 2013**, be adopted as circulated.
Carried Unanimously

BUSINESS ARISING

The Town Manager reported on the following items: the Action Item List circulated to Council via email contains 15 items remaining or in progress; the Warming Center which the Town provided for residents during the recent power outage; progress of the Town Plan and the road/bridge upgrades.

The Mayor noted, in response to Councillor's questions regarding the power outage, that a meeting with staff/volunteers who took part will take place to evaluate this exercise in preparation for future emergency planning.

COMMITTEE REPORTS

Planning & Development Report of January 7, 2014

1. 8 Rosemary Rise

Application to construct a single dwelling and accessory building – item deferred pending further information.

2. 24-38 Smiths Road

Motion: Collins/Will

2014-003 Resolved that the application to construct an accessory building at Civic # 24-38 Smiths Road be rejected as per Appendix A: Tabled Report.

Carried Unanimously

3. 1426 Thorburn Road

Motion: Collins/Bartlett

2014-004 Resolved that the application to establish a personal service home occupation at Civic # 1426 Thorburn Road be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

4. Other items of business

Motion: Collins/Facey

2014-005 Resolved that the following be accepted as per Appendix A: Tabled Report:

- a) Department of Natural Resources – Completion of four Quarry Referral Letters
- b) Civic # 41 Peggy Dean Drive – Variance on Lot Depth
- c) Civic # 43 Peggy Dean Drive – Variance on Lot Depth
- d) Civic # 45 Peggy Dean Drive – Variance on Lot Depth
- e) Civic # 47 Peggy Dean Drive – Variance on Lot Depth
- f) Civic # 318-324 Dogberry Hill Road – Variance on Accessory Building Height
- g) Department of Municipal Affairs – Comments on Updated Municipal Plan & Development Regulations (referred to the Committee of the Whole)
- h) Eastern Newfoundland Regional Appeal Board – Confirmation of Councils Decisions
- i) Permit and Conditional Approval Statistics
- j) Development Control Statistics

Carried Unanimously

5. Permit Statistics

There were twenty-six (26) permits issued from December 6th, 2013 to January 2nd, 2014.

Recreation Committee Report –January 7, 2014

1. Voiseys Brook Park

Motion: Hanlon/Bartlett

2014-006 Resolved that the drawings (as attached) and budget for Voisey's Brook Park be accepted and sent to Municipal Affairs for final approval.

Carried Unanimously

2. Events

Winter Carnival will take place Saturday February 22nd – Saturday March 1st. Planning is currently being finalized and a flyer will be sent out to residents mail boxes in February.

3. Winter Programming

Registration for all winter programs has begun. Classes taking place are: Zumba, Zumba Kids, Yoga, Morning Fitness, Biggest Loser and Boot camp to begin in February.

Added item:

Councillor Hanlon provided background information on the 'Reason for the Rink' (non-profit organization formed by resident Todd Churchill to fundraise for the Easter Seals, Mazol Shriners, and Rainbow Riders). Councillor Hanlon and the Mayor attended the grand opening event Saturday afternoon which was preceded by a media hockey event.

Public Works Committee Report – January 8, 2014

1. 3-Way Stops Dogberry Hill Road

As follow-up to the minutes of the Public Works Committee meeting of November 13, 2013, Staff investigated the option of installing 3-way stops on Dogberry Hill Road at the intersections of Megan Ridge Drive and Cross-Link Road. Staff advised a 3-way stop at the Megan Ridge Drive intersection was not practical due to the incline of the road. Further investigation into traffic calming measures will be undertaken to identify viable options for consideration in this area.

2. Street Lights Windsor Lake

Correspondence was received from civic address 69 Beachy Cove Road regarding concerns with the lack of street lights in the Windsor Lake area. Correspondence is being prepared to respond to this inquiry.

3. Ride-Alongs – Snow Clearing & Garbage Collection Operations

A number of Council members expressed interest in participating in "ride-alongs" with Public Works staff on the snow clearing and garbage collection routes. Positive feedback was provided on the Town's snow clearing operations to date.

Economic Development, Marketing & Communications Report – no meeting held

Lifestyle Center/ New School Report – meeting combined with Recreation, nothing to report

Administration and Finance Committee Report – January 7, 2014

1. Accounts for Payment

Motion: Gavin/Collins
2014-007 Resolved that the accounts for payment be approved as follows:
Regular Accounts - \$70,577.68
Capital Accounts – \$180,969.50
Total \$251,547.18
Carried Unanimously

2. Request for rental fee waiver for a fundraising event

Committee revisited a request received in November to waive the rental fee charged for the use of the Recreation Center and reiterated the previous decision to deny the request. (Cont'd)

A general discussion took place on the options that could possibly be considered on a going forward basis for these types of requests and fees for other program users of Town facilities.

3. Correspondence Call for Tenders, Project #11173/12135

For information only – a letter was received January 2nd from the Department of Municipal Affairs granting approval to proceed with a public tender for the 2011/2012 Road Upgrading and Bridge Replacement project. It was noted in the letter that the tender call is to be issued not earlier than February 14, 2014.

4. Financing for Backhoe(tender awarded Motion #2013-416)

Motion:
2014-008

Carried

Will/Facey
Resolved that the Town enter into a financing arrangement with the Bank of Montreal for the purchase of a 2014 Rubber Tire Backhoe in the amount of \$120,864 for a term and amortization of 10 years at the rate of 3.99%.
Unanimously

5. Other items discussed:

Committee considered various other topics including:

- update from the Town Manager on the status of union negotiations
- the ongoing War Memorial restoration project with Grand Concourse
- the various options for communicating information to the public including using information available from the Municipal Assessment Roll ; and
- the need to meet as a Committee of the Whole to discuss (1) potential committee structure changes/additions (2) response to Dept. of Education re the new school and (3) the process for Town Hall sessions.

Note: Councillor Facey, in reference to item # 2, gave notice that he intends to bring forward a request to bring the fiscal control of Department budgets to committees.

CORRESPONDENCE

- (a) Municipal Assessment Agency – results of board elections – for info

NEW/GENERAL/UNFINISHED BUSINESS

1. Discontinuance of Town's appeal re 537 Old Broad Cove Road

Motion:
2014-009

Carried

Collins/Butler
Resolved that based on the advice of the Town's legal counsel and the prospects concerning the outcome of the appeal in the matter of 537 Old Broad Cove Road between the Town and the Eastern Regional Appeal Board, that the Town withdraw the appeal proceedings which were approved by motion #2013-200.
Unanimously

2. Urban MC – report of meeting

Councillor Collins gave a verbal report of the meeting he attended in Gander on January 10th & 11th and tabled the agenda and supporting documentation for Bill 18 and Bill 20. The agenda included:

- an update on the Fiscal Framework presented by MNL president Churence Rogers;
- a discussion on Permits for Provincial Properties (noting the province currently does not require same from municipalities);
- a Review of Bill 18 (amendments to the Election Act – see attached tabled document)
- a Review of Bill 20 (amending the Municipalities Act and other Acts to allow (1) a youth representative and (2) councillor participation in meetings etc. by electronic means – see attached tabled document) and
- several presentations including the new Councillors Handbook, a review and update of Urban Summit 2013, building a Charter for Regional Economic Development Partnership, and available resources (by Rob Greenwood of the Harris Center).

3. Declaration of Conflict question from Councillor Collins

For the record: Councillor Collins left the Chambers for the following item:

Mayor Tucker noted that further to the meeting of December 17, 2013, wherein Councillor Collins put forward a question regarding a conflict of interest situation in reference to a campaign contribution he received and which Council gave a consensus that he was not in conflict, Councillor Collins has since requested that the decision be ratified in a motion of Council. Deputy Mayor Will presented and spoke to the following motion:

Motion:	Will/Facey
2014-010	Resolved that, in accordance with Section 207 of the Municipalities Act 1999, Councilor Norman Collins's receipt of an election campaign contribution in 2013 from the Future Group does not constitute a conflict of interest. Furthermore, he is not in conflict of interest in attending any meetings and/or dealing with applications and other matters concerning the Future Group or any of its affiliates.
Carried	Unanimously.

For the record: Councillor Collins returned to the Council meeting after the vote on this item.

4. Correspondence from MHA George Murphy re Petition

Mayor Tucker referenced email correspondence to the Town requesting that the petition calling on government to reinstate the Family Violence Intervention Court be placed in a public place. The Mayor noted it will be placed in the Chambers and at the Town Office front desk.

5. Meeting with RNC representative

Mayor Tucker reported that he spoke with Const. Coombs of the RNC who is assigned to this area for the next several months and he asked that he look into speeding issues throughout the Town.

A discussion regarding traffic issues followed and Deputy Mayor Will identified a concern regarding the exit from Loop Drive onto Portugal Cove Road. Councillor Hanlon suggested that the Public Works Committee review changing the direction of one-way traffic on Loop Drive and bring a recommendation back to Council.

6. Item from Committee of the Whole meeting re committee structure

Committee reviewed the Standing Committee structure and puts forward the following changes:

Motion: Collins/Bartlett
2014-011 Resolved that the standing committees known as the Recreation Committee and the Lifestyle Center/New School Committee be combined as one committee named **Recreation, Lifestyle Center and New School Committee**; and that a new standing committee be created and known as **Protective Services Committee** for Fire Department, Animal Control and other enforcement services.
Carried Unanimously.

7. Item from Committee of the Whole re Open Sessions following Public Council Meetings

Mayor Tucker announced a new format which will commence for the next Council meeting once technical (audio) equipment has been put in place.

1. Questions submitted one week prior to the scheduled Council meeting and will be answered after the Council meeting at the Open Session.
2. Questions not submitted prior to and asked at the Open Session, will be recorded and taken away for consideration and the response will come back to the next Open Session.

ADJOURNMENT

Motion: Will/Collins
2014-012 Resolved that this meeting be adjourned. Time 8:30 p.m.
Carried Unanimously.

Moses Tucker, Mayor

Judy Squires, Town Clerk

Appendix A: Tabled Report

January 7th, 2014

Applications:

**Civic # 24-38 Smiths Road
Accessory Building
Zoning: Residential Infill & Development Scheme (RI & DS) - Unserviced**

Motion: The Committee recommends that the application to construct an accessory building at Civic # 24-38 Smiths Road be rejected as the application is contrary to the Town's Municipal Plan & Development Regulations, specifically Plan Policy 3.3 (viii) (Soils & Drainage), Plan Policy 3.3 (ix) (Building Setbacks), and Schedule C: Residential Infill Condition # 6 (Waterway Protection).

The administrator recommended that this application be rejected.

**Civic # 1426 Thorburn Road
Business Application (Personal Service)
Zoning: Residential Medium Density (RMD) - Serviced**

Motion: The Committee recommends that the application for Civic # 1426 Thorburn Road be granted approval in principle, permitting the establishment of a personal service business (plumbing contracting office) as a home occupation. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations, and all other regulatory bodies of government, specifically General Regulation 32 (Notice of Application) and Use Zones Regulation 90 (Discretionary Uses).

The administrator recommended that this application be granted approval in principle.

Correspondence:

Department of Natural Resources - Referral Letters for Quarry Permits

The Planning Department is in receipt of referral letters from the Department of Natural Resources seeking comments from Council regarding the potential renewal of the following operations:

- Gravel/sand quarry operated by Carew Services Limited located at Civic # 606-650 Bauline Line Extension;
- Gravel/rock quarry operated by S&H Codner Construction Limited located on the south side of Indian Meal Line;

- Horticultural peat quarry operated by Murray's Horticultural Services Limited located on Bauline Line Extension, and;
- Horticultural peat quarry operated by Murray's Horticultural Services Limited located on Indian Meal Line.

The Committee advises Planning Staff to complete the Quarry Referral Letters and return them to the Department of Natural Resources.

Civic # 41 Peggy Deane Drive - Variance Request

Motion: The Committee recommends that the variance request for Civic # 41 Peggy Deane Drive be granted approval in principle, permitting a 4.6 % variance on the lot depth allowance for a proposed building lot in a conditionally approved residential subdivision. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations, and all other regulatory bodies of government, specifically General Regulation 11 (Variances) and General Regulation 12 (Notice of Variance).

Civic # 43 Peggy Deane Drive - Variance Request

Motion: The Committee recommends that the variance request for Civic # 43 Peggy Deane Drive be granted approval in principle, permitting a 5.4 % variance on the lot depth allowance for a proposed building lot in a conditionally approved residential subdivision. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations, and all other regulatory bodies of government, specifically General Regulation 11 (Variances) and General Regulation 12 (Notice of Variance).

Civic # 45 Peggy Deane Drive - Variance Request

Motion: The Committee recommends that the variance request for Civic # 45 Peggy Deane Drive be granted approval in principle, permitting a 6.1 % variance on the lot depth allowance for a proposed building lot in a conditionally approved residential subdivision. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations, and all other regulatory bodies of government, specifically General Regulation 11 (Variances) and General Regulation 12 (Notice of Variance).

Civic # 47 Peggy Deane Drive - Variance Request

Motion: The Committee recommends that the variance request for Civic # 47 Peggy Deane Drive be granted approval in principle, permitting a 6.9 % variance on the lot depth allowance for a proposed building lot in a conditionally approved residential subdivision. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations, and all other regulatory bodies of government, specifically General Regulation 11 (Variances) and General Regulation 12 (Notice of Variance).

Civic # 318-324 Dogberry Hill Road - Variance Request

Motion: The Committee recommends that the variance request for Civic # 318-324 Dogberry Hill Road be granted approval in principle, permitting a 10.0 % variance on the building height allowance for a proposed accessory building. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations, and all other regulatory bodies of government, specifically General Regulation 11 (Variances) and General Regulation 12 (Notice of Variance).

Department of Municipal Affairs - Comments on Updated Municipal Plan & Development Regulations

The Planning Department is in receipt of comments from the Department of Municipal Affairs regarding the Provincial Review of the Town's updated Municipal Plan & Development Regulations as required by Section 15 of the Urban and Rural Planning Act.

The Committee requests that Item # 14 be referred to the Committee of the Whole meeting scheduled for January 9th, 2014.

Eastern Newfoundland Regional Appeal Board - Appeal Decisions

The Planning Department is in receipt of correspondence from the Eastern Newfoundland Regional Appeal Board that confirmed Council's decisions on the following appeals:

- Civic # 18 Bugden Drive - Appeal against Council's decision to reject an application for the construction of a single dwelling, and;
- Civic # 186-198 Old Broad Cove Road - Appeal against Council's decision to reject a request for variances on lot frontage for two (2) proposed building lots.

Item Submitted for Information.

Discussion:

Permit & Conditional Approval Statistics

Planning Staff discussed permit & conditional approval statistics from October-December 2013 and annual statistics for 2013 as compared to the same time periods in 2012.

The Planning Department experienced a 10.3 % increase in the number of permits issued from 2012-2013.

Development Control Statistics

Planning Staff discussed development control statistics for October-December 2013.

Item Submitted for Information.