



**TOWN OF PORTUGAL COVE-ST. PHILIP'S**

April 22, 2014

Regular Public Council Meeting 7:30 p.m.

<b>IN ATTENDANCE:</b>	Mayor	Moses G. Tucker
	Deputy Mayor	Gavin Will
Councillors:		Dave Bartlett
		Joe Butler
		Norm Collins
		Aaron Facey
		Johnny Hanlon
		Chris Milley
		Tony Pollard
		Gail Tucker
		Les Spurrell
	Town Manager/Engineer	
	Director of Financial Operations	
	Director of Public Works	
	Planning Coordinator	

Mayor Tucker called the meeting to order and welcomed the gallery of 10 persons in attendance.

**APPOINTMENT OF ACTING TOWN CLERK**

Motion: Will/Facey  
2014-091 Resolved that Tony Pollard be appointed the Town Clerk for the meeting of April 22, 2014.  
Carried Unanimously

**ADOPTION OF AGENDA**

Motion: Collins/Bartlett  
2014-092 Resolved that the Agenda dated **April 22, 2014**, be adopted as circulated.  
Carried Unanimously

**PRESENTATIONS**

Mayor Tucker invited Marlene Creates, representing the Advisory Committee on the Environment, to come forward to read and witness the signature of a Proclamation for Earth Day.

## ADOPTION OF MINUTES

Motion: Hanlon/Butler  
2014-093 Resolved that the minutes of **April 8, 2014**, be adopted as circulated.  
Carried Unanimously

## BUSINESS ARISING

The Town Manager presented his verbal report which included: updates on Action Item List, a report from attendance at the Professional Municipal Administrators Association Annual General Meeting and Convention in Gander, Capital Works Projects Update, and an update on the new school and the Municipal Plan.

## COMMITTEE REPORTS

### Planning & Development Report of April 2, 2014 – presented by Councillor Collins

#### **1. Residents of Nearys Pond Road – Petition Requesting Rezoning**

Motion: Collins/Hanlon  
2014-094 Resolved that Motion # 2013-269, permitting the rezoning of all land currently zoned Agriculture (non-ADA) along existing publically maintained road to Residential to allow for infill development, be rescinded in light of additional considerations discovered during the preparation of amendment documents.  
Carried For: Hanlon/Butler/Bartlett/Facey/Collins/Tucker  
Against: Will

Motion: Collins/Will  
2014-095 Resolved that the Town complete an amendment to the Town's Municipal Plan and Development Regulations to rezone the following areas to allow for appropriate infill development:  
- all land currently zoned Agriculture (non-ADA) along existing publically maintained roads (with the exception of a portion of Witch Hazel Road) to Residential.  
Carried Unanimously

Motion: Collins/Hanlon  
2014-096 Resolved that the Town complete an amendment to the Town's Municipal Plan and Development Regulations to rezone the following areas to allow for appropriate infill development:  
- land along Nearys Pond Road, between its intersections with Portugal Cove Road and Round Pond Road, and Franklyn Place from Residential Infill to Residential Medium Density and Residential Low Density.  
Carried For: Hanlon/Butler/Bartlett/Facey/Collins/Tucker  
Against: Will

**2. 1461-1485 Thorburn Road**

Motion: Collins/Bartlett  
2014-097 Resolved that the application to subdivide property and construct two single dwellings at Civic # 1461-1485 Thorburn Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

**3. 18-32 Olivers Pond Place**

Motion: Collins/Bartlett  
2014-098 Resolved that the application to construct an accessory building at Civic # 18-32 Olivers Pond Place be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

**4. 1 Nearys Pond Road**

Motion: Collins/Will  
2014-099 Resolved that the application to demolish a single dwelling and construct a single dwelling at Civic # 1 Nearys Pond Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

Councillor Norm Collins left the Council Chambers prior to the discussion of the following item #5 due to conflict of interest.

**5. 180 Old Broad Cove Road**

Motion: Will/Facey  
2014-100 Resolved that the application to construct a single dwelling at Civic # 180 Old Broad Cove Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

Councillor Norm Collins returned to the meeting after the discussion of this item.

**6. Timberiea Estates Residential Subdivision**

Motion: Collins/Bartlett  
2014-101 Resolved that the request to change the assignment of the Timberiea Estates Residential Subdivision Agreement be granted approval in principle.  
Carried Unanimously

**7. Dogberry Haven Residential Subdivision**

Motion: Collins/Facey  
2014-102 Resolved that final acceptance be granted of infrastructure, public open space, easements and right-of-way, as per Section 4.6 (Services and Works Vesting in the Town) of the Subdivision Agreement, located within the Dogberry Haven Residential Subdivision as per legal documentation submitted to the Town by the Developer on April 4<sup>th</sup>, 2014.  
Carried Unanimously

## **8. Other items**

The Committee also discussed the following items as detailed in Appendix A: Tabled Report, and requested further information on both items. Committee recommended these items be returned to the next Planning and Development Committee meeting agenda:

a) Civic # 757-765 Old Broad Cove Road – Application to construct a Dwelling Extension (Attached Garage)

b) Department of Municipal Affairs – St. John’s Urban Region Regional Plan Amendment No. 4, 2013, Municipal Plan Amendment No. 18, 2012, & Development Regulations Amendment No. 45, 2012 (Farm Road)

## **9. Permit Stats**

There were six (6) permits issued from March 28<sup>th</sup> to April 10<sup>th</sup>, 2014.

## **Recreation /Lifestyle Committee Report –April 17, 2014 – presented by Councillor Facey**

### **1. Drop Zone**

Staff in the Recreation Department will be taking part in the Easter Seals Drop Zone Challenge. The department will challenge other Recreation Teams from the Killick Coast.

### **2. War Memorial**

Committee liaisons had a meeting with the Legion on the War Memorial. Town now investigating sources of funding, and ways to generate funding to help cover costing.

### **3. Recreation Newfoundland and Labrador Conference**

Being held May 29 – 31 in Grand Falls - Windsor. Recreation Department staff as well as Committee Chair will take in sessions.

### **4. Soccer Field Netting**

Department is seeking out the costing for catch netting at Voisey’s Brook behind the goal sharing a fence with the small field (to stop ball from entering small field), and along the end of the small field (to stop ball from going over embankment).

### **5. Rainbow Gully Softball Dugout**

High winds blew toppled one of the dugouts. Director is looking into repairs needed.

## **Public Works Committee Report – April 16, 2014 – presented by Councillor Bartlett**

### **1. Establishment of Mechanic 2 Position**

Committee was updated on the resolution to a Note of Intent outlined in the June 1, 2013 – May 3, 2015 collective agreement. The conditions agreed upon with the Newfoundland & Labrador Association of Public & Private Employees reflect the establishment of a Mechanic 2 position within the Public Works Department. A motion to establish this position will be addressed by the Administration & Finance Committee.

## **2. Public Works Proposed Re-Structuring Plan**

Committee was presented with a re-structuring plan for the Public Works Department. The proposed organizational structure, as presented, reflects the establishment of three lines of business within the department:

1. Facilities Management;
2. Streets, Fleet & Waste Management; and,
3. Water & Wastewater.

Motion: Bartlett/Will  
2014-103 Resolved that the Public Works organizational structure and associated positions be adopted and positions filled as budget allows.  
Carried Unanimously

Deputy Mayor Will commended Director of Public Works Gail Tucker on her extensive work on this re-structuring plan.

## **3. Animal Control Regulations**

Committee discussed the revision of animal control regulations and the timing associated with such. The regulations are slated for review in the latter part of the year.

## **4. Pedestrian Safety – Options for Priority Areas**

As follow-up to the first Public Safety Group meeting of April 9, 2014, feedback was brought to the Committee regarding areas of concern regarding pedestrian safety. It was agreed that staff would outline a recommended plan of action for road maintenance and traffic calming measures for the upcoming season.

Committee also discussed the use of the Town message board/radar sign to assist with the collection of data on speed levels and the provision of this information to the Royal Newfoundland Constabulary for traffic policing purposes.

## **5. Flag Protocol**

Committee discussed the protocol with respect to the flags flown in front of Town Hall. Councillor Bartlett presented rules for half-masting the national flag of Canada.

## **Economic Development, Marketing & Communications Report – April 16, 2014 - presented by Councillor Butler**

### **1. Environment Committee**

The Environment Committee has met on April 10<sup>th</sup> and 15<sup>th</sup>. Initial work has focused on the development of the Terms of Reference with input from the Economic Development and

Marketing committee, understanding the scope of work and reporting process. Work is starting on the development of a five-year environmental plan, with a survey in the July edition of the Tickle newsletter. They have also recommended that the Town proceed with the approval of the Stewardship Agreement. Bill Montevecchi and Rex Porter have been elected as co-chairs for a one year term.

Motion: Butler/Bartlett  
2014-104 Resolved the approval of the attached terms of reference for the Advisory Committee on the Environment.  
Carried Unanimously

Motion: Butler/Facey  
2014-105 Resolved the appointment of John Lukins and Sue Willis to the Advisory Committee on the Environment.  
Carried Unanimously

## **2. Stewardship Agreement**

The final draft of the Stewardship Agreement was reviewed.

Motion: Butler/Bartlett  
2014-106 Resolved the approval of the Stewardship Agreement, with a formal signing to take place over the summer in conjunction with the Department of Environment and Conservation.  
Carried Unanimously

## **3. Heritage Committee**

The Heritage Committee met twice. The committee is in the process of setting their priorities for this year. They have recommended a site for a Municipal Heritage Site that staff is now researching. Beachy Cove Hill Trail, artifact identification, story collection and the archives are some of the issues currently being discussed as priorities. There will be a cemetery clean up initiative, in conjunction with MUN, taking place on June 24<sup>th</sup> of this year and the details are being worked out. Winston Fiander has been elected as the chair for the committee.

Motion: Butler/Facey  
2014-107 Resolved the approval of the attached terms of reference for the Heritage Committee.  
Carried Unanimously

Motion: Butler/Bartlett  
2014-108 Resolved the appointment of Ingo Eckoldt to Heritage Committee (be approved).  
Carried Unanimously

#### **4. Heritage Programs and Services Coordinator**

The Town will be advertising the position for the next few weeks with hiring to take place in May.

Motion: Butler/Facey  
2014-109 Resolved the approval of the pay scale for the Heritage Programs and Services Coordinator. This position has been budgeted for and approved with the 2014 budget.  
Carried Unanimously

#### **5. PlaceBuilder**

Tract will be starting the PlaceBuilder project in the coming weeks meeting with Staff and Council.

#### **6. Community Profile**

We were unable to get enough high quality images for the profile, so photo shoots are being arranged as soon as the snow melts. The profile will be unveiled this summer at a formal reception.

#### **7. You Name It Contest**

We received approximately 200 entries from children in the community to brand our new waste management fleet. A winner will be announced soon.

#### **8. ACOA and IBRD**

The next Economic Development, Marketing and Communications meeting will feature presentations from ACOA and IBRD about their funding programs.

#### **9. Facebook**

The Town Facebook page will be publically launched with the next community newsletter (start of May). A soft launch will occur before that to work out some issues.

#### **10. Tickle Newsletter**

The newsletter will be delayed a couple of days this edition due to production schedule issues and an unprecedented, but welcomed, amount of information. Residents and community groups are encouraged to continue to send in thoughts and items.

#### **11. Sports Tourism**

A meeting is being arranged with Michelle Healey with the Department of Tourism to discuss potential funding programs that would support infrastructure in the community. The invitation will be extended to our Director of Recreation and Community Services.

**Protective Services Committee Report – April 15, 2014 – presented by Councillor Hanlon**

**1. RNC Municipal Liaison**

Inspector Sean Ennis attended the committee meeting as the Town's current Municipal Liaison and brought the committee the newly appointed Liaison Staff Sgt. Kevin Foley's contact information. Inspector Ennis will be available until June, at that time Sgt. Foley will take over these duties.

**2. Fire and Emergency Services Update**

The deadline for submissions to the Chiefs for the Fire and Emergency Training School Program is April 17<sup>th</sup>. So far there are 9 interested members, which is the best response for training requests on record. The Chiefs will update the committee on the approved applications at the next meeting.

The pumper truck acquired from the Town of Logy Bay Outer Cove Middle Cove is now in service and the other truck has been removed from service.

**3. Pedestrian Safety Community Group**

The Committee reviewed the background of this group with Inspector Ennis and invited him and Sgt. Foley to the next scheduled meeting on Wednesday May 7, 2014, at the Recreation Centre on Rainbow Gully Road starting at 7:30pm. Inspector Ennis confirmed that he and Sgt. Foley will attend and would be happy to answer any questions the group has for them. In an effort to continue the dialogue and communication with the Town and community, the Committee agreed to keep an invitation for the RNC Municipal Liaison to the Pedestrian Safety Community Group meeting as a regular agenda item every second month.

The Town of Portugal Cove – St. Philip's was the first in the Northeast Avalon to send in data from their own radar monitor signs which was used to start an initiative of targeted policing in areas of most concern. Last autumn, the RNC performed a targeted initiative on the Outer Ring Road, Thorburn Road, and in Pouch Cove, and over an eight day stretch, they distributed more than 1200 tickets. The RNC have found corporate sponsors and purchased 2 larger radar monitor signs, which can also contain custom messages, to be utilized by municipalities in the region. These signs monitor traffic for a 24 hour period and record data that can be used to create a traffic pattern for further targeting policing initiatives. The Committee agreed that the Town's radar monitors be placed on Portugal Cove Road toward the ferry terminal and toward Old Broad Cove Road to collect data as this is an area already identified by residents as a concern. Inspector Ennis emphasized that these radar monitor signs have proven very effective as a traffic calming resource, especially in school zones.

The RNC have Community Services staff and resources dedicated to educating the public on pedestrian safety and can come to the community for awareness sessions with any group interested. The RNC are also willing to bring awareness sessions to the school.



**Admin. and Finance Committee Report – April 15, 2014 presented by Deputy Mayor Will**

**1. Accounts for Payment**

Motion: Will/Butler

2014-110 Resolved that payment for Regular Accounts be approved in the amount of \$51,671.21.

Carried Unanimously

**2. Review of Financial Reports**

Discussion took place around a number of questions associated with the financial statements as follows and in particular Fire department Equipment maintenance and Fleet Equipment Repairs expenditures that appear to be on a pace to exceed budget.

As for fire department equipment expenditures, the majority of these expenses is being incurred earlier in the year and should trail off as the year progresses. On the Heavy Equipment side the winter has taken its toll and as well we have had some larger expenses with some older pieces of equipment, namely the Garbage Compactor and a Loader but these expenditures should be reducing as these pieces in particular are retired from service

It was also noted again that snow clearing expenditures, relating to salt and sand are already at budget and are sure to be exceeded as we still have the late winter months 2014 yet to come.

**3. Public Works Presentation**

The Director of Public Works presented a proposal to revise the organization structure within the Public Works Department. Chris had indicated that the analysis associated with this recommendation had been something that he had been wanting to see for quite some time and was a high priority on the list of things to do noted during the hiring process for the new Director. As there were budget implications as well as the desire for some expediency associated with the timing of committee meetings the presentation was brought to this committee prior to going to Public Works, which by now has already been reported upon.

The presentation was well done and supported by members of the committee.

**4. Public Works Item from Negotiations**

As follow up to recent negotiations the Director of Public works put forward rationale as well as a position description and associated salary scale for the position of Mechanic 2 to allow for appropriate compensation for mechanical functions associated with our Heavy Equipment Management program.

Motion: Will/Bartlett

2014-111 Resolved that Council approve the formation of a Mechanic 2 Classification within the Public Works Department along with the associated pay scale discussed.

Carried Unanimously

## **5. Donations**

A couple of items were presented for donation consideration and after some general discussion the committee re affirmed the desire to support charitable activities at a local level and to the direct benefit of Towns residents.

Motion: Will/Collins

2014-112 Resolved that the Town donate the amount of \$100.00 to support Rebecca Squires who will be participating at the 2014 Canadian National Gymnastics Championships in Ottawa on May 26<sup>th</sup> to the 31<sup>st</sup>.

Carried Unanimously

## **6. Information Dissemination Software**

Councillor Butler presented some software solutions that he had been informed were working in other municipalities that allowed their Councilors to more easily access information such as correspondence, meeting notes etc. Specifically mentioned was a SharePoint driven solution as well as a Google solution.

The Director of Finance indicated that we have the SharePoint software and had commenced development of a Records management solution that had been put on hold due to lack of resources. The Director of Finance will review the project status and update the committee at a future date.

## **7. PlaceBuilder**

The PlaceBuilder project was again brought to the forefront as a project that should be started as soon as is possible. Given that this was to be a cost shared program with ACOA nothing had yet been undertaken but according to ACOA any funds spent after application submission relating to the project will be considered as eligible expenditures of the project.

Motion: Will/Collins

2014-113 Resolved that Tract be advised to commence the PlaceBuilder project as soon as possible.

Carried Unanimously

## **8. Road Work Projections**

Deputy Mayor Will enquired as to whether or not we had any idea of costs associated with remediation work needed on roads after our hard winter? While no estimates were available the Town Manager did indicate that it appears that we will be no worse off than in prior years.

## **9. Tax Discount Period**

A number of requests have been received to honor the early payment discount period after the March 31<sup>st</sup> deadline. It was noted that the deadline is just that, a deadline and taxes are actually payable when assessed. It is very difficult to alter this deadline on an individual basis especially when there are many residents who paid just after the deadline date but did not receive the discount. It is virtually impossible for staff to assess and evaluate individual circumstances and make exceptions based on individual requests. The committee agreed that the deadline as noted in the tax structure should stand for all.

**CORRESPONDENCE**

Mayor Tucker noted that email correspondence carrying the caveat of private and confidential and does not contain within the body of the email a specific request to be tabled, may not be tabled at a Council meeting.

**NEW/GENERAL/UNFINISHED BUSINESS**

1. Mayor Tucker read and signed a Proclamation to increase awareness for National Child Abuse Prevention Month and noted the Miles for Smiles event on April 27<sup>th</sup>, 2014.

**NOTICE OF MOTION** - None

**ADJOURNMENT**

Motion: Will/Hanlon  
2014-114 Resolved that this meeting be adjourned. Time 9:30 p.m.  
Carried Unanimously

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Moses Tucker, Mayor

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Tony Pollard, Acting Town Clerk

Attachments: Appendix A: Tabled Report, April 15, 2014 (Planning & Development)  
Proclamation for Earth Day  
Proclamation for National Child Abuse Prevention Month

**Appendix A: Tabled Report**

**April 15<sup>th</sup>, 2014**

**Applications:**

**Civic # 1461-1485 Thorburn Road**

**Subdivide Property & Construct Double Dwelling**

**Zoning: Residential Medium Density & Conservation (RMD & CON) – Serviced**

**The Committee recommends that the application for Civic # 1461-1485 Thorburn Road be granted approval in principle, permitting the subdivision of property and construction of two (2) single dwellings. Approval in principle is subject to a 4.9% variance on the lot frontage requirement for one (1) of the proposed lots (Civic # 1463 Thorburn Road) which will decrease the minimum lot frontage from 15 m to 14.26 m in accordance with General Regulation 11 (Variances) and General Regulation 12 (Notice of Variance). Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations, and all other regulatory bodies of government, specifically Schedule C: Residential Medium Density.**

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

**Civic # 18-32 Olivers Pond Place**

**Subdivide Property & Construct Single Dwelling**

**Zoning: Residential Rural & Development Scheme (RR\* & DS) – Unserviced**

**The Committee recommends that the application for Civic # 18-32 Olivers Pond Place be granted approval in principle, permitting the subdivision of property and construction of a single dwelling. Approval in principle is subject to an amendment (cost recovery) to realign the Residential Rural zoning boundary to include this development. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations, and all other regulatory bodies of government, specifically Schedule C: Residential Rural.**

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

**Civic # 1 Nearys Pond Road**

**Demolish Single Dwelling & Construct Single Dwelling**

**Zoning: Mixed Use (MIX) - Serviced**

**The Committee recommends that the application for Civic # 1 Nearys Pond Road be granted approval in principle, permitting the demolition of a single dwelling and construction of a single dwelling. Approval in principle is subject to the submission of documentation from a professional supporting that the existing single dwelling must be demolished due to structural or health concerns. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations, and all other regulatory bodies of government, specifically Development Standard 49 (3b) (Non-Conforming Use).**

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

Councillor Norm Collins left the meeting prior to discussion of this item.

**Civic # 180 Old Broad Cove Road**

**Single Dwelling**

**Zoning: Residential Infill (RI) – Semi-Serviced**

**The Committee recommends that the application for Civic # 180 Old Broad Cove Road be granted approval in principle, permitting the construction of a single dwelling. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations, and all other regulatory bodies of government, specifically Development Standard 47 (Lot Area and Size Exceptions).**

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

Councillor Collins returned to the meeting after discussion of this item.

**Civic # 757-765 Old Broad Cove Road**

**Dwelling Extension (Attached Garage)**

**Zoning: Residential Medium Density (RMD) – Unserviced**

The Committee requests that this item be held pending information from the Town's Solicitor regarding development near right-of-ways within the Town and existing right-of-way agreements in relation to the Town's Municipal Plan and Development Regulations, specifically, but not limited to, Plan Policy 3.3 (iv) and (ix).

**Correspondence:**

**Department of Municipal Affairs – St. John’s Urban Region Regional Plan Amendment No. 4, 2013, Municipal Plan Amendment No. 18, 2012, & Development Regulations Amendment No. 45, 2012 (Farm Road)**

The Planning Department is in receipt of correspondence from the Department of Municipal Affairs stating Notice of Registration for these Amendments must be advertised. The Notice of Registration will be published in the Newfoundland Gazette on April 17<sup>th</sup>, 2014 and The Telegram on April 19<sup>th</sup>, 2014.

Item Submitted for Information.

**Discussion:**

**Planning & Development Statistics**

Planning Staff discussed permit and conditional approval statistics for January-April 2014 compared to the same time period in 2013.

Item Submitted for Information.