



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

May 6, 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
	Town Manager/Engineer	Chris Milley
	Director of Financial Operations	Tony Pollard
	Planning Coordinator	Les Spurrell
	Town Clerk	Judy Squires

Mayor Tucker called the meeting to order and welcomed the gallery of 11 persons in attendance.

**ADOPTION OF AGENDA**

Motion: Collins/Bartlett  
2014-115 Resolved that the Agenda dated May 6, **2014**, be adopted as circulated.  
Carried Unanimously

**ADOPTION OF MINUTES**

Motion: Will/Hanlon  
2014-116 Resolved that the minutes of **April 22, 2014**, be adopted as circulated.  
Carried Unanimously

**BUSINESS ARISING**

The Town Manager presented his verbal report which included:

- the updated Action Item List will be available to Council by May 14<sup>th</sup>
- update on meetings he attended with the Mayor in Gander on Emergency Preparedness
- the new business items later in the meeting will include a couple of items from the Committee of the Whole meeting held on April 23rd and also, PCSP will host the next meeting
- a brief overview of meeting held with Town of Wabana which included MHA Brazil, Minister McGrath and staff from both Towns regarding the ferry terminal and traffic situation
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- on April 24, along with Planning Coordinator, met with Dept. of Education and MIGA staff regarding rezoning for the proposed new school
- updates on projects: Hardings Hill area to start next week and residents will be informed of info on Town's website and new Facebook page; two other projects Dogberry Hill Road Bridge replacement and the sanitary sewer on Thorburn Road (from Dogberry Hill Road to Tolt Road), came in over budget and are still being decided on.
- No further update at this time for the Municipal Plan

## COMMITTEE REPORTS

### Planning & Development Report of April 29, 2014 – presented by Councillor Collins

#### **1. 1286 Thorburn Road**

Motion: Collins/Will  
2014-117 Resolved that the application to construct a single dwelling at Civic # 1286 Thorburn Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

#### **2. 757-765 Old Broad Cove Road**

Motion: Collins/Bartlett  
2014-118 Resolved that the application to construct a dwelling extension (attached garage) at Civic # 757-765 Old Broad Cove Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

Note: The Town Manager advised that at the last Council Meeting staff were directed to get a legal opinion for this decision and it has not yet been received. This item did not receive staff recommendation.

#### **3. 1604-1610 Portugal Cove Road**

Motion: Collins/Will  
2014-119 Resolved that application to construct a commercial building extension (medical clinic) at Civic # 1604-1610 Portugal Cove Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

Note: The Town Manager noted that the above item did not receive staff recommendation.

#### **4. Rezoning (off Thorburn Road) for proposed new School**

Motion: Collins/Hanlon  
2014-120 Resolved that Council amend its Municipal Plan and Development Regulations and request an amendment to the St. John's Urban Region Regional Plan to change the designation and zoning of a parcel of Town owned land located off Thorburn Road in order to allow for the development of a community school directly adjacent to the soccer and softball fields as per Appendix A: Tabled Report.  
Carried Unanimously

## 5. Permit Stats

There were eighteen (18) permits issued from April 11<sup>th</sup> to April 23<sup>rd</sup>, 2014.

### **Recreation /Lifestyle Committee Report –no meeting held**

Councillor Facey advised that two of the Town's residents were recently inducted into the Newfoundland and Labrador Sports Hall of Fame in April.

- Colin Abbott in the Athlete category (Softball)
- Raymond "Ray" Will in the Athlete/Builder category (Athletics)

He also noted that the Grade 6 Boys Beachy Cove Pumas participated in the Torbay Invitational Basketball Tournament this past weekend and won Gold and previous to that they participated in the NLBA Eastern Provincials and came away with a silver medal.

### **Public Works Committee Report – April 29, 2014 – presented by Councillor Bartlett**

#### **1. Cost Estimates**

##### **a. Road Repair – Winsorian Place**

Committee was presented with a conceptual cost estimate for the replacement of asphalt and sub-grade for a portion of Winsorian Place. Committee agreed it was necessary to move forward with this work and most beneficial to integrate this piece of work into the 2011 road upgrades taking place this season.

Motion: Bartlett/Hanlon

2014-121 Resolved that the upgrade of a portion of Winsorian Place be included as a change order in the 2011 road upgrades program to obtain final costing and have the work completed.

Carried Unanimously

##### **b. Flag Pole – Town Hall**

Committee was presented with a cost quote of \$1508.00 plus HST for the provision of an additional flag pole at the Town Hall to properly accommodate the flags for the three levels of government. Additional costs will include labour and materials for landscaping. Committee directed that this work be completed during the summer season.

##### **c. Chipper**

The potential purchase of a chipper to assist with brush cutting efforts was explored. It was recommended that this item be placed on the list for future budgetary considerations and brush cutting efforts for the upcoming season be supported through the use of a rental arrangement, if required.

##### **d. Driver Feedback Speed Signs**

Committee was advised a past quote received for the driver feedback speed signs did not include the necessary power source solar kit. As a result, budget will only support the purchase of one (1) sign for this fiscal year. Committee asked that funds be budgeted next year for the purchase of an additional sign(s). In addition, as follow-up to a recent meeting with representatives from the provincial Department of Transportation and Works and the Council of Bell Island, contact will be made with provincial representatives to request the provision of driver feedback signs on provincially maintained roads in the Town's jurisdiction.

**2. Pick-up Truck Purchase – Light Duty Vehicle Purchasing Program**

Committee was advised the Town is able to participate in a standing offer agreement the Government of Newfoundland and Labrador has in place with light vehicle dealerships/manufacturers. A recommendation was made to Committee that this program be used for the purchase of a 4x4 ½ tonne pick-up truck which was budgeted for this fiscal year.

Motion: Bartlett/Butler

2014-122 Resolved that the Town purchase a 4x4 ½ tonne pick-up truck through the Light Duty Vehicle Purchasing Program – Government of Newfoundland and Labrador Strategic Procurement Project for the price of \$28,618 plus HST.

Carried Unanimously

**3. Draft Road Maintenance & Traffic Calming Plan**

A draft plan was presented to Committee for comment, particularly with respect to traffic calming measures. The plan is still under development and once completed will be presented to Committee within the coming weeks.

Note: Councillor Facey asked that a schedule of placement be provided by the Committee and the Town Manager noted it may be difficult as the current speed minder sign is multi-functional and may be also be used with the upcoming projects. Councillor Facey also suggested the Town approach the Province for permanent signs near school zones.

**4. Correspondence – Dogberry Hill Road Traffic Hazard**

The attached correspondence to Council, with a request for public tabling, was discussed. The speed bump referenced will be returned to its position on Dogberry Hill Road. In addition, Committee was advised some brush cutting is required on the east side of Dogberry Hill Road in the area between Emylia Place and Country Garden Road. A response outlining the preceding will be forwarded to the resident.

**5. Follow-up/Updates**

**a. Town Flag for School**

Committee was advised a Town Flag has been produced for provision to Beachy Cove Elementary. The Mayor will present it to the school at the next appropriate occasion.

**b. Thorburn Road Sanitary Sewer Extension**

An update was provided to the Committee by the Town Manager/Engineer regarding the tender results for this project.

**Economic Development, Marketing & Communications Report – April 30, 2014 - presented by Councillor Butler**

**1. Innovation Business & Rural Development Presentation**

Gillian Skinner and Jim Anstey of Innovation Business & Rural Development gave a presentation to the Committee on their funding programs and resources that would be of benefit to the Town and business community. Director of Economic Development, Marketing and Communications will follow up from there.

Note: Councillor Butler also extended appreciation to the Director, Jeff for the very informative recent edition of the Tickle Newsletter.

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

**1. Fire & Emergency Services Updates**

Status:

- Engine 2 (the truck from LBOCMC) is in service complete with PCSP decals and training on this engine is complete.
- The original engine 2 has been removed from service and brought to Fitzpatrick's for disposal, FES was not interested in it. Mr. Hollett recommends we set a reserve on the price.
- The leased truck has been moved out of the fire hall and we are no longer responsible for it in any way.
- The antique truck had been stored at Holden's to make room for Engine 2 and will now be brought back. It is currently not in a road-worthy state and would need inspection. A longer term solution needs to be found for this truck.
- Paul Cook (Complete Transport Services) will be meeting with the Chiefs next week to help develop a fleet maintenance program. Mr. Hollett will enquire about the antique truck as well.

Training:

- Emergency First Aid training is complete.
- Vehicle Extrication training has been arranged for May 5 and 6 for the inside portion and May 17 for the practical. Vehicles for the practical portion are being arranged.
- Notification was sent around to all VFD members regarding the Deputy Fire Chief's recent resignation, no action will be taken at present and the two Acting Chiefs will cover these duties for now.
- Mandy Young has been identified as the Training Coordinator for the VFD and the Chiefs have great confidence in her abilities for this new role. A draft description and scope have been given to Mandy for review and once finalized it will be distributed to all. Good feedback has been received so far.
- No canvassing has been done yet but the belief is there that progress is being made toward resolution of the disruption in the VFD. There has been forward movement on team building and a reasonably good atmosphere.
- Fire School – 10 members have given interest and the Chiefs recommend all 10 to go, the cost has already been approved in the budget. The Chiefs are proceeding on the paperwork.

General:

- Compressor in station 1 has been placed back in its own room.
- Clean-up was performed and the general condition is good.
- Station 1 may need some attention.
- The Chiefs report is in progress and hoping to have it in hand soon.

**2. Pedestrian Safety Community Group Meeting**

The next Pedestrian Safety Community Group Meeting is scheduled for May 7, 2014 at the Recreation Centre on Rainbow Gully starting at 7:30pm. The RNC Municipal Liaison will be attending as well and open to questions. The invitation was also given to the Fire & Emergency Services Consultants.

### 3. Animal Trapping Regulations

The Committee read the PCSP position paper on Changing the Regulations for Trapping within Municipal Boundaries. Members will review further and more information and comments will be brought to the next meeting.

Note: Following presentation of the report, Deputy Mayor Will requested that the issue of Dog Control be reviewed by the committee responsible.

The Town Manager advised that this falls under the jurisdiction of the Protective Services Committee while the work itself is carried out by a Public Works staff person. In the meantime, there is a training program available for Animal Welfare and Protection which will give the staff person more authority than an enforcement officer. We currently have a person on staff with previous experience who is assigned to take part in the training program. The Dog Control Policy will be reviewed by the Director of Public Works and referred to the Protective Services Committee for their review.

With respect to animal noise issues, the Town has Nuisance Regulations in place but they are much more difficult to enforce and address.

### Admin. and Finance Committee Report – 2014 presented by Deputy Mayor Will

#### 1. Accounts for Payment

Motion: Will/Collins  
2014-123 Resolved that accounts for payment be approved (for payment) as follows:  
Regular Accounts - \$7767.73  
Carried Unanimously

#### 2. Accounts Receivable Update

The Director of Financial Operations advised that while tax collections are in excellent standing (i.e. 85% of current annual property taxes have been collected to date), there are several outstanding accounts which we may need to obtain legal advice and/or services as part of the collection process. Committee discussed in general some of the other options available which included: Disconnection of water services, rental seizure and tax sales.

Committee also discussed Business Tax and related issues such as: farm exemptions, taxes on leased land and businesses operating without proper permits (the latter being an issue to be addressed by the Town's Regulations via Planning & Development).

The Director will proceed with the appropriate processes for each of the outstanding accounts.

### CORRESPONDENCE

- (a) Municipal Assessment Agency – re annual Clar Simmons Scholarship (circulated to Council and Staff)
- (b) Municipal Affairs – 2014/2015 Municipal Operation Grant Allocation - for info

- (c) Doug Abbott – re the proposed development between Mercers Road and Western Heights. Deputy Mayor Will received written permission from Mr. Abbott to table his letter.

**NEW/GENERAL/UNFINISHED BUSINESS**

**(a) Committee of the Whole April 23<sup>rd</sup> meeting: item re Flood Plain Study  
Presented by Planning & Development Chair, Councillor Collins:**

1. The province is moving forward with a project to complete a study to provide greater detail flood risk mapping for our Town as a result of a request the Town placed several years ago. In return of receiving this body of work, the province requires confirmation that the Town agrees to comply with the department's flood plain management policy in regulating development in flood plains identified as a part of the proposed study prior to issuing the RFP. The Town was directed to the version of the policy on the department's website and has been tabled with this meeting package. Therefore:

Motion: Collins/Will  
2014-124 Resolved that the Town agrees to comply with Department of Environment and Conservation's flood plain management policy in regulating development in flood plains identified as a part of the proposed study. This statement applies to the tabled version of the policy authorized by the Deputy Minister on May 18, 2010.  
Carried Unanimously

2. In July of 2013 council resolved to engage the services of engineering consultants to review issues along Portugal Cove Road and recommend a solution to rectify the ongoing flooding. An RFP was drafted up in the fall of 2013 in order to engage the services of engineering consultants and satisfy the resolution of council. The primary document used to define the RFP scope of work was the 2010 Stormwater management plan and associated flood zone mapping. Subsequent to learning about the new flood risk mapping being prepared by the province it has been recommended that we delay the issuance of the engineering service RFP until we have the new data for reference. Therefore:

Motion: Butler/Bartlett  
2014-125 Resolved that, subsequent to motion 2013-252, council delay engaging the services of engineering consultants (to review issues along Portugal Cove Road and recommend a solution to rectify the ongoing flooding issues) until the data and maps from the Province's flood risk mapping study are available.  
Carried Unanimously

**(b) Planning & Development item – Eastern Regional Appeal Board results for 3 appeals  
Presented by Chair, Councillor Collins:**

**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 # 820B St. Thomas Line – Appeal against Council's decision regarding a removal order for an accessory building constructed without permit, and;
- Civic # 10-14 Bayview Heights – Appeal against Council's decision to reject an application to subdivide land and create two backlots.

The Planning Department is also in receipt of correspondence from the Eastern Newfoundland Regional Appeal Board that 'vacated' Council's decision on the following appeal:

- Civic # 8 Rosemary Rise – Appeal against Council's decision to conditionally approve an application to construct a single dwelling and accessory building.

Please note: According to section 46 of the Urban and Rural Planning Act, 2000, the decision of the Eastern Newfoundland Regional Appeal Board may be appealed to the Supreme Court of Newfoundland and Labrador Trial Division on a question of law or jurisdiction (of the Board). If this action is contemplated, the appeal must be filed no later than ten (10) days of the date of the Board's decision has been received by the appellant.

Note: Deputy Mayor Will inquired about the appeal options for 8A Rosemary Rise and put forward the following:

Motion: Will/Facey  
2014-126 Resolved that the Town seek legal opinion on whether or not to proceed any further in the matter of 8 Rosemary Rise.  
Failed For: Will, Facey  
Against: Bartlett, Butler, Collins, Hanlon, Tucker

For the record: it is noted that prior to the vote, discussion included the option of contacting MNL legal service for an opinion, however the outcome of the vote decided there would be no further action in this matter.

### **(c) Planning & Development – Appointment of Commissioner for Town Plan**

**Re: Appointment of a Commissioner for the Town's Municipal Plan and Development Regulations**

As a result of email correspondence received from the Mayor and Deputy Mayor and as a result of advice given to the Mayor and Deputy Mayor by the Hon. Steve Kent, Minister of the Department of Municipal and Intergovernmental Affairs at a meeting held in Gander, Council needs to appoint a Commissioner for the Town's Municipal Plan and Development Regulations (currently before Municipal Affairs for provincial review) as soon as possible. Therefore;



Motion: Will/Facey  
2014-127 Resolved that Council appoint Tom Strickland as the Commissioner to hold a public hearing for the Town's Municipal Plan and Development Regulations and to complete a report on that hearing as per Sections 15, 16, 17, 18 and 19 of the Urban and Rural Planning Act, 2000.  
Carried Unanimously

**(d) Redaction of Documents**

Deputy Mayor Will asked that a consideration be given to developing a policy concerning redaction of documents. In particular so that people who submit correspondence could be asked for their permission to table their letters.

Mayor Tucker requested the Town Clerk, who is the Access to Information and Privacy Coordinator for the Town, provide information on this subject to Council for their consideration at a future Committee of the Whole meeting.

**(e) Mayor's update - Emergency Preparedness Conference**

The Mayor and Town Manager attended MNL's first Emergency Preparedness and Natural Disaster Management Conference which was held in Gander on April 30<sup>th</sup> & May 1<sup>st</sup>. The Mayor addressed two of the key components of the conference which centered on (1) Training and (2) Communications for the people who run emergency centers. He noted partnerships between municipalities need to be worked out and the Emergency Preparedness Plan needs to be current with table exercises and annual mock-up training.

**(f) UMC Accord update**

Mayor Tucker reported that the 20 large towns who are members of UMC have all signed the Accord which basically covers economic development and services provisions for a region around a larger center.

**NOTICE OF MOTION - None**

**ADJOURNMENT**

Motion: Collins/Will  
2014-128 Resolved that this meeting be adjourned. Time 8:55 p.m.  
Carried Unanimously

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Moses Tucker, Mayor

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Judy Squires, Town Clerk

Attachments: Appendix A: Tabled Report, (Planning & Development)

**Appendix A: Tabled Report**

**April 29<sup>th</sup>, 2014**

**Applications:**

**Item # 1**

**Civic # 1286 Thorburn Road  
Construct Single Dwelling  
Zoning: Residential Medium Density (RMD) - Serviced**

**Motion:** The Committee recommends that the application for Civic # 1286 Thorburn 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 41 (Building Height).

Administrator recommends that this application be granted approval in principle.

**Item # 2**

**Civic # 757-765 Old Broad Cove Road  
Dwelling Extension (Attached Garage)  
Zoning: Residential Medium Density (RMD) - Unserviced**

**Motion:** The Committee recommends that the application for Civic # 757-765 Old Broad Cove Road be granted approval in principle, permitting the construction of a dwelling extension (attached garage). Approval in principle is subject to the Town receiving Affidavits signed by each of the current owners of lots 1, 2 & 3 who may be affected by the 1982 and 1983 Agreements regarding the "Road" leading to Old Broad Cove Road and accepting that the construction of the attached residential storage garage may prevent the conveyance of the "Road" to any Governmental or Municipal Authority.

Administrator recommends that this application be rejected.

**Item # 3**

**Civic # 1604-1610 Portugal Cove Road  
Commercial Building Extension (Medical Clinic)  
Zoning: Mixed Use (MIX) - Serviced**

**Motion:**

The Committee recommends that the application for Civic # 1604-1610 Portugal Cove Road be granted approval in principle, permitting the construction of a commercial building extension to an existing medical clinic. Approval in principle is subject to the submission of an acceptable plan for flood proofing measures for the existing brook located at the rear of the property. This plan will require approval from the Department of Environment and Conservation and the Department of Fisheries and Oceans. An approved off street parking plan is also required which will show a partitioned entrance and exit to and from the parking area.

The administrator recommends that this application be rejected.

**Discussion:**

**Item # 4**

**Proposed New School Location - Re-Zoning**

The Committee discussed a proposal to amend the Town's Municipal Plan and Development Regulations to allow for the development of a community school on a parcel of Town land directly adjacent to the soccer and softball fields.

**Motion:** The Committee recommends that Council amend its Municipal Plan and Development Regulations and request an amendment to the St. John's Urban Region Regional Plan to change the designation and zoning of a parcel of Town owned land located off Thorburn Road in order to allow for the development of a community school directly adjacent to the soccer and softball fields.