



TOWN OF PORTUGAL COVE-ST. PHILIP'S

June 17, 2014

Regular Public Council Meeting 7:30 p.m.

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|-----------------------|----------------------------------|---------------|
| IN ATTENDANCE: | Mayor | Moses Tucker |
| | Deputy Mayor | Gavin Will |
| | Councillors: | Dave Bartlett |
| | | Joe Butler |
| | | Aaron Facey |
| | | Norm Collins |
| | Town Manager | Chris Milley |
| | Town Clerk | Judy Squires |
| | Director of Financial Operations | Tony Pollard |
| | Director of Economic Development | |
| | Marketing & Communications | Jeff Lawlor |
| | Director of Public Works | Gail Tucker |
| | Planning Coordinator | Les Spurrell |

Mayor Tucker called the meeting to order and welcomed the gallery of 13 persons in attendance. Regrets from Councillor Hanlon.

ADOPTION OF AGENDA

Motion: Will/Facey
2014-171 Resolved that the Agenda dated **June 17, 2014**, be adopted as circulated.
Carried Unanimously

PRESENTATIONS

ADOPTION OF MINUTES

Motion: Collins/Bartlett
2014-172 Resolved that the minutes of **June 3, 2014**, be adopted as circulated.
Carried Unanimously

BUSINESS ARISING

The Town Manager gave a verbal report as follows:

- The Action List of items will be updated for the next meeting
- A report will be presented to Admin/Finance from the recent CAMA meetings in Niagara Falls with an action item for consideration

- He was a first time attendee at the FCM meetings along with the Mayor and will provide information to the Mayor on the sessions he attended
- Road upgrade projects are progressing well. Residents with any concerns regarding the impact on their properties should contact the Town.

COMMITTEE REPORTS

Planning & Development Report of June 10, 2014 – presented by Councillor Collins

1. 890-898 St. Thomas Line – single dwelling

Motion: Collins/Butler
2014-173 Resolved that the application to construct a single dwelling at Civic # 890-898 St. Thomas Line be rejected as per Appendix A: Tabled Report.
Carried Unanimously

2. 179-181 Western Gully Road – dwelling extension/garage

Motion: Collins/Bartlett
2014-174 Resolved that the application to construct a dwelling extension (attached garage) at Civic # 179-181 Western Gully Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

3. 24-38 Smiths Road - accessory building

Motion: Collins/Bartlett
2014-175 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

For the record: Councillor Joe Butler left the Council meeting prior to discussion of Item 4 (it was noted that he is a member of Murrays Pond Country Club.

4. 1476-1490 Portugal Cove Road – accessory building

Motion: Collins/Facey
2014-176 Resolved that the application to construct an accessory building at Civic # 1476-1490 Portugal Cove Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

Councillor Butler returned to the Council meeting after discussion of Item 4.

5. 32-34 Knights Rest - business

Motion: Collins/Bartlett
2014-177 Resolved that the application to establish a personal service business (baby gear rentals) as a home occupation at Civic # 32-34 Knights Rest be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

6. 35-37 Meadow Heights - business

Motion: Collins/Facey
2014-178 Resolved that the application to establish an agriculture business (aquaponics) as a home occupation at Civic # 35-37 Meadow Heights be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

7. Town of Paradise – proposed amendment

Motion: Collins/Will
2014-179 Resolved that Planning Staff forward correspondence to the Town of Paradise stating that Council has no objections to the proposed amendments (to their Town Plan).
Carried Unanimously

8. Subdivision Agreement amendment

Motion: Collins/Butler
2014-180 Resolved that an amendment to the Waters Edge Preserve Stage I Residential Subdivision Agreement be completed to identify the Public Open Space to be conveyed to the Town (to remain as green space) and details regarding the conveyance of a gazebo from the Developer to the Town.
Carried Unanimously

9. Re-zoning for New School – amendments

Motion: Collins/Bartlett
2014-181 Resolved that the consultation results and draft planning documents for Municipal Plan Amendment No. 25, 2013, Development Regulations Amendment No. 55, 2013, and a St. John's Urban Region Regional Plan Amendment (Re-zoning for the New School) be forwarded to the Department of Municipal Affairs for Provincial Review and release as per Section 15 (Review of Plan) of the Urban and Rural Planning Act, 2000.
Carried Unanimously

10. Appointment of Commissioner- Plan & Development Regulations Amendments

- Motion: Collins/Facey
2014-182 Resolved that Tom Strickland be selected as the Commissioner for the purpose of holding public hearings held between June 17th, 2014 and September 30th, 2014 related to all proposed and on-going Municipal Plan Amendments, Development Regulations Amendments currently under review within the community as per Section 19 (1) (Commissioner and Hearing) of the Urban and Rural Planning Act, 2000.
- Carried Unanimously

11. Applications for Re-Zoning (note: Councillor Butler presented the following motion)

- Motion: Butler/Will
2014-183 Resolved that (as the Committee revisited Councils Motion of December 17th, 2013 Motion 2013-437) that Council shall not consider any new applications for rezoning areas of the Town for the development of residential subdivisions until the Portugal Cove-St. Philip's Updated Municipal Plan and Development Regulations, which is currently under Provincial Review by the Department of Municipal Affairs, has been adopted and registered.

It shall be at the discretion of Council to consider any applications for rezoning that are currently under review or applications that will integrate or round-out existing developed areas to eliminate dead-end roads that have been developed in a haphazard fashion by extending them into loop roads (sections of the municipality that lack street connectivity).

Exempt from this motion is the Development Scheme Area Land Use Zone, which requires the completion of a comprehensive development scheme to Council's satisfaction. Also exempted are any lands required to be rezoned by Council to address local services and amenities.

If the Portugal Cove-St. Philip's Updated Municipal Plan and Development Regulations, which is currently under Provincial Review, has not been adopted and registered within a further five months; the Motion will again be revisited.

- Carried For: Bartlett/Butler/Facey/Tucker/Will
Against: Collins

12. Public Notice regarding re-zoning and/or re-designated areas

- Motion: Collins/Bartlett
2014-184 Resolved that public notices be distributed to all property owners within a 200 meter **offset from the proposed development boundaries** of areas proposed to (be) re-designated and/or rezoned in the Town's Municipal Plan and Development Regulations in addition to the requirements outlined within the Urban and Rural Planning Act, 2000.
- Carried Unanimously

For the record: Councillors Collins and Bartlett (and all) agreed to the friendly amendment that the words as underlined in the above motion replace the original word 'radius'.

13. 121A, 123 & 125-129 Beachy Cove Road

The Committee also discussed the following as detailed in Appendix A: Tabled Report:

- a) Civic # 121A, 123 & 125-129 Beachy Cove Road – Application for Rezoning

14. Permit stats

There were twenty-one (21) permits issued from May 23rd to June 5th, 2014.

Recreation /Lifestyle Committee Report – no meeting held

Public Works Committee Report – June 11, 2014 – presented by Councillor Bartlett

1. Regional Transportation Plan

Committee was provided with an update on the Regional Transportation Plan. Correspondence from the City of St. John's indicates the regional plan has been placed on hold as the Department of Municipal and Intergovernmental Affairs may tie regional aspects of the plan into the Northeast Avalon Regional Plan review.

Note: Mayor Tucker advised that a NEAR meeting is scheduled for June 25th in Mount Pearl and he will bring an update from that meeting.

2. Blast Hole Pond Cul-de-sac - Correspondence

Correspondence from civic #15 Blast Hold Pond Road concerning the resurfacing of this road and the creation of a cul-de-sac was reviewed. A site visit was conducted by members of Council and the Town Manager. A response to the property owner will be forthcoming from the Town Manager.

3. Noise Issue – Bennett's Road

Correspondence from civic #108 Bennett's Road regarding noise levels related to an adjacent business and the Town's noise regulations was discussed. The issue has been referred to the Protective Services Committee for review of the Town's regulations in this regard.

4. Speed Bump Locations

Correspondence was reviewed from civic #9 Budgen Drive and civic #33 Tolt Road regarding traffic speeds and the installation of speed bumps on Winsor Heights and Tolt Road, respectively. Committee was advised speed bumps have been installed on Dogberry Hill Road and Tolt Road and a speed bump was scheduled for installation on Kings Hill Road. Additional

sites for speed bump installation were discussed and Committee directed that a speed bump be installed on Winsor Heights. Staff was asked to review the possibility of installing a speed bump on Newbury Street. Committee also discussed the installation of all-way stops at the intersection of Neary's Pond Road, Fennellys Road and Western Heights, as well as Western Gully Road and Princess Mountain Drive. Information on these all-way stops will be placed in the Tickle newsletter.

Economic Development, Marketing & Communications Report - June 11, 2014 - presented by Councillor Butler

1. Town Signage

Committee reviewed the new designs for gateway signs. Some changes were discussed and they will be reviewed as part of the Placebuilder process.

2. Heritage Committee

Interviews have been completed for the Heritage Programs and Services Coordinator. Hiring will take place in the next two weeks.

3. Advisory Committee on the Environment

The following recommendation came out of the ACE committee meeting:

The town should include environmental issues in the evening and weekend emergency protocol for 895-8000

Town staff will work with the Environmental Committee to determine what specific issues should be considered a high priority for our after -hours protocol.

4. Placebuilder

Tract has met with three community groups with two more planned this week. The survey has been finalized and a schedule for more group meetings including a general public one is being done. There will be a summary document of the council and staff session submitted in the next week for review. They are on schedule for completion in September.

Note: general public meeting is tentatively scheduled for 2nd week of July and will be advertised on Town signs/newsletter and website once date is set.

5. St. Philip's Harbour Authority

The Director of Economic Development has been invited to attend the next executive meeting, they have agreed to have him act as liaison between the town and harbour authority.

6. Business Retention and Expansion project

The Director of Economic Development and the Provincial Department of Innovation, Business and Rural Development are currently exploring a business retention and expansion project for PCSP. The project would be executed by the province with assistance from town staff.

Protective Services Committee Report – June 10, 2014 – presented by Councillor Facey

1. Fire & Emergency Services Updates

- Training is running smoothly, the next planning meeting is scheduled for the end of the month to map out the training needs for the next 6 weeks.
- SOP working group has been established and given well defined directions; they have been given 5 sets of SOPs from comparable regional departments and will review for best practices. They have been given an eight (8) week deadline.
- FES Fire School training has been completed and we received good feedback from the firefighters.
- Fire Prevention Week is in October. The Fire Prevention planning committee and the Public Relations committee have been merged into one for guiding the activities to come.
- Accurate incident reporting data recording has been established.
- The Mayor is in communication with MHA David Brazil on whether or not we were successful with the application for breathing apparatus funding. There is a definite need for new breathing apparatus as the current Dept. equipment is very outdated.
- The next general Fire Department meeting is scheduled for June 19th, and MHA David Brazil has been invited, the invitation will also be extended to all of Council.
- The Fire Dept. banquet is tentatively scheduled for the fall, with a proposed date of Sept. 27th, if this works with Council's schedule the date will be confirmed.
- It is time for a review of attendance records for status updates. Recruitment and retention are constantly monitored.
- Fire Dept. members were tasked to complete an online training course some months ago with the promise of remuneration if completed by a certain date. Those members who completed the training course have an outstanding invoice. This is not a standard training method and will not be initiated going forward.
- The Consultant's report is scheduled to be presented to the Town Manager tomorrow afternoon.
(Note: the Town Manager advised that he will be presenting this report to Council at a Committee of the Whole meeting after he meets with consultants)
- Fire Department promotional wear is currently non-existent. The Dept. is looking into possibilities and the initiative is supported by the Chiefs.
- PCSP email addresses have been requested for all Fire Dept. members, consistent format to current PCSP email addresses.

2. Former Swine Breeding Station on Portugal Cove Road

The Fire Department responded to a fire call at this location on May 25, 2014, it is the second such incident in under six (6) months at the same location and both have been attributed to arson. The Chiefs then brought the Acting Town Manager to the site to survey the situation. The Chiefs produced a package including a report, photos of the site, and a draft letter for the Dept.

of Municipal Affairs and the Dept. of Transportation Works as this is a provincially owned property and represents a very serious safety concern. The Acting Town Manager ensured this package was distributed to both the Deputy Minister of Municipal Affairs and the Deputy Minister of Transportation Works, and a copy was sent to MHA David Brazil. The Deputy

Minister of Municipal Affairs then forwarded the information to the COO of FES-NL for his assessment and reply. If no action has been planned or taken within six (6) weeks, the Town will follow up with both departments. A copy of the package will be forwarded to the Department of Forestry as well.

Note: Director of Finance noted that Dept. of Environment did a follow-up on this issue and they are preparing a report for the Fire Dept.

3. Pedestrian Safety Community Group Updates

The executive members of the group met on May 21st and the public meeting was held on May 28th, 2014. The Committee reviewed a draft letter as provided by the Pedestrian Safety Community Group. The group is well organized and evolving nicely.

Note: it was noted that the correct name for this group is Safe PCSP and that the group is a separate entity from Council and not a committee of Council.

4. Review of Policies

The Committee agreed to schedule a separate day to review three Town policies in terms of enforcement. The Employee and Public Relations Administrator will coordinate the schedule and forward current copies of the three policies to all Committee members and the Town Manager. The Committee agreed that policies should be marked with an annual review date.

5. Commissionaires

Staff has been asked to investigate the possibility of contracting the Core of Commissionaires of Newfoundland and Labrador to enforce Town by-laws. A representative from the Commissionaires will be invited to meet with the Committee to discuss options.

6. IV Needles

The Deputy Mayor spoke with the AIDS Committee of Newfoundland and Labrador regarding training possibilities for Municipal staff and their Safe Works Access Program (SWAP). Recreation staff is scheduled to be trained at the end of this month, Public Works and front desk staff training will also be scheduled. More communication will be provided to residents on how to proceed if they discover waste needles and other hazardous sharps. If the Town installs receptacles for disposal, the AIDS Committee will come and remove them safely. Monitoring will be necessary to ensure use and removal.

Admin. and Finance Committee Report – June 10, 2014 presented by Deputy Mayor Will

1. Accounts for Payment

Motion: Will/Collins
2014-185 Resolved that accounts for payment be approved as follows:
Regular Accounts - \$37,856.33
Capital Accounts - \$384,797.20
Total - \$422,653.53

Carried Unanimously

2. Donations requests:

(a) NLBA Girls U14 Basketball Program

Motion: Will/Bartlett
2014-186 Resolved that a donation in the amount of \$100.00 be made to the NLBA on behalf of resident Rebecca Collier towards participation in the Bluenose Invitational Tournament being held in New Brunswick July 2014.

Carried Unanimously

(b) Square Up Club Basketball Program – request from two teams

The following A team won the right to participate in the championships being held in Halifax June 2014.

Motion: Will/Facey
2014-187 Resolved that a donation in the amount of \$200.00 be made to the Super Sonics Square-Up Club Basketball U14 on behalf of residents Camille Burt and Rebecca Collier towards travel to participate in the Eastern championships.

Carried Unanimously

The following B Team were invited to participate in the same championships.

Motion: Will/Bartlett
2014-188 Resolved that a donation in the amount of \$200.00 be made to the Sonics Square-Up Club Basketball U14 on behalf of residents Maria Chafe, Brianna Butler and Olivia Squires towards travel to participate in the Eastern championships.

Carried Unanimously

3. Local improvement and assessment levies

Committee continued ongoing discussions on the possibility of implementing levies on future projects for water/sewer, curb and gutter and road improvements. It was noted that public consultations would be included as part of the process and this is an item that will also be discussed in pre-budget consultations.

4. Purchase of Winter Salt

Motion: Will/Butler
2014-189 Resolved that Council approve the purchase of 1250 tonnes of road salt from A. Harvey & Co. Ltd. for the 2014-2015 winter season at a cost of \$102.90 plus HST per tonne.

Carried Unanimously

5. Public safety concern

Deputy Mayor Will raised the issue of i.v. needles being found in our Town by residents and noted that this item was covered in the earlier Protective Services Committee report.

CORRESPONDENCE

a) MNL– email re Garden Day Proclamation

On Friday, June 13th Mayor Tucker signed the Proclamation for “Garden Day” and planted a container pot of flowers at the Town Office entrance for this occasion.

Mayor Tucker noted that there will be a public information session on June 18th at the Recreation Center regarding setting up a Community Garden in the Town.

b) Children’s Wish Foundation – info on Run for the Rock

circulated for Council’s information

added/tabled by Mayor Tucker:

c) Triathlon Association

Referred to the Recreation committee for consideration and response regarding closing Bennetts Road for this annual event.

NEW/GENERAL/UNFINISHED BUSINESS

1. Presentation from 2nd Beachy Cove Brownies

On June 9th Mayor Tucker accepted a presentation for the Town from the 2nd Beachy Cove Brownies. As part of their Key to My Community badge the girls drew pictures that represented Portugal Cove-St. Philip’s and these were combined into a mosaic piece of artwork which will be displayed at the Town Hall.

2. Gold Medal Winner – Jessica Greeley

On behalf of Council & Staff, Mayor Tucker extended congratulations to 12 year old Jessica Greeley who won two Gold Medals in track and field at the Special Olympics recently held in Clarenville. Jessica is the grand-daughter of Councillor Norm Collins who says she doing exceptionally well in her running.

3. Book Launch – local author

Deputy Mayor Will noted that he attended a book launch for former Beachy Cove School student, Caighlan Smith (now 19 yrs. old) for her 2nd novel (entitled New Year) which was released in May 2014.

NOTICE OF MOTION

Councillor Butler advised that the Notice of Motion (regarding limiting excess noise) he gave at the June 3rd meeting to bring to tonight’s meeting, is deferred pending further investigation.

NEXT MEETING OF COUNCIL

Due to the July 1st Canada Day holiday being held on a Tuesday, the next regular Public Council will be held on WEDNESDAY, July 2nd.

ADJOURNMENT

Motion: Will/Facey
2014-190 Resolved that this meeting be adjourned. Time 8:30 p.m.
Carried Unanimously

Moses Tucker, Mayor

Judy Squires, Town Clerk

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

**Appendix A: Tabled Report
June 10th, 2014**

Applications:

Item # 1:

**Civic # 890-898 St. Thomas Line
Single Dwelling
Zoning: Residential Medium Density - Unserviced**

The Committee recommends that the application to construct a single dwelling at Civic # 890-898 St. Thomas Line be rejected as the application is contrary to the Town's Municipal Plan & Development Regulations, specifically Schedule C: Residential Medium Density Condition # 8 (2) (Soil Removal and Deposit and Site Grading).

The administrator recommended that this application be rejected.

Item # 2:

**Civic # 179-181 Western Gully Road
Dwelling Extension (Attached Garage)
Zoning: Residential Infill (RI) - Unserviced**

The Committee recommends that the application for Civic # 179-181 Western Gully Road be granted approval in principle, permitting the construction of a dwelling extension (attached garage).

The administrator recommended that this application be rejected.

Item # 3:

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

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 and Drainage), Plan Policy 3.3 (ix) (Building Setbacks), and Schedule C: Residential Infill.

The administrator recommended that this application be rejected.

Councillor Joe Butler left the meeting prior to discussion of Item 4.

Item # 4:

**Civic # 1476-1490 Portugal Cove Road
Accessory Building (Gazebo)
Zoning: Recreational Open Space (ROS) - Unserviced**

The Committee recommends that the application for Civic # 1476-1490 Portugal Cove Road be granted approval in principle, permitting the construction of an accessory building (gazebo).

The administrator recommended that this application be rejected.

Councillor Butler returned to the meeting after discussion of Item 4.

Item # 5:

**Civic # 32-34 Knights Rest
Business Application (Personal Service)
Zoning: Residential Infill (RI) - Unserviced**

The Committee recommends that the application for Civic # 32-34 Knights Rest be granted approval in principle, permitting the establishment of a personal service business (baby gear rentals) as a home occupation. Approval in principle is subject to a public notice regarding the proposed business as per Development Standard 32 (Notice of Application) and Use Zones Regulation 90 (Discretionary Uses). Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations, and all other regulatory bodies of government, specifically Plan Policy 3.4.2.3 (iv) (Small Business), Schedule C: Residential Infill, and Schedule D: Off Street Parking Requirements.

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

Item # 6:

**Civic # 35-37 Meadow Heights
Business (Agriculture)
Zoning: Residential Infill (RI) -Semi-Serviced**

The Committee recommends that the application for Civic # 35-37 Meadow Heights be granted approval in principle, permitting the establishment of an agriculture business (aquaponics) as a home occupation. Approval in principle is subject to a public notice published in a local newspaper as well as public notices distributed to area residents regarding the proposed business as per Development Standard 32 (Notice of Application).

The administrator recommended that this application be rejected.

Item # 13:

Civic # 121A, 123 & 125-129 Beachy Cove Road

Rezoning

Zoning: Residential Rural & Rural (RR & RUR) - Unserviced

The Committee requests that this application be held pending the deferment of this application by the applicant in accordance with a Motion of Council on December 17th, 2013 regarding the rezoning of land for the purpose of subdivision developments.

The administrator recommended that this application be considered in accordance with a Motion of Council on December 17th, 2013 regarding rezoning of land for the purpose of subdivision developments.