



TOWN OF PORTUGAL COVE-ST. PHILIP'S

August 12, 2014

Regular Public Council Meeting 7:30 p.m.

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

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

ADOPTION OF AGENDA

Motion:	Facey/Hanlon
2014-252	Resolved that the Agenda dated August 12, 2014 , be adopted as circulated.
Carried	Unanimously

ADOPTION OF MINUTES

Motion:	Will/Bartlett
2014-253	Resolved that the minutes of July 29, 2014 , be adopted as circulated.
Carried	Unanimously

BUSINESS ARISING

The Town Manager circulated his Action item report to Council noting that there are 24 new items, 25 completed and 18 remaining.

In response to Councillor's inquiries, he advised that the Dogberry Hill Road bridge replacement will be done this year and that he will investigate the stop sign issue at the corner of Tuckers Hill and Thorburn Road and report to Council at the next meeting.

COMMITTEE REPORTS

Planning & Development Report of August 5, 2014 – presented by Councillor Collins

1. 211-215 Tolt Road

Motion: Collins/Bartlett
2014-254 Resolved that the application to construct a single dwelling at Civic # 211-215 Tolt Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

2. 19-27 Witch Hazel Road

Motion: Collins/Bartlett
2014-255 Resolved that the application to subdivide property and construct a single dwelling at Civic # 19-27 Witch Hazel Road be rejected as per Appendix A: Tabled Report.
Carried Unanimously

3. 1518 Thorburn Road

Motion: Collins/Will
2014-256 Resolved that the application to demolish an existing single dwelling and construct a single dwelling at Civic # 1518 Thorburn Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

4. 1-3 Old Cart Road

Motion: Collins/Hanlon
2014-257 Resolved that the application to construct an accessory building at Civic # 1-3 Old Cart Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

5. 22-26 Lark Place

Motion: Collins/Facey
2014-258 Resolved that the application to demolish and reconstruct an accessory building at Civic # 22-26 Lark Place be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

6. 3 Merrywood Estates

Motion: Collins/Facey
2014-259 Resolved that the application to construct an accessory building extension at Civic # 3 Merrywood Estates be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

7. 197-199 Old Broad Cove Road

Motion: Collins/Bartlett
2014-260 Resolved that the application to establish a Medical and Professional Service business (speech language pathology) as a home occupation at Civic # 197-199 Old Broad Cove Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

8. 1327 Thorburn Road

Motion: Collins/Facey
2014-261 Resolved that the application to establish a Personal Service business (beauty services) as a home occupation at Civic # 1327 Thorburn Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

9. 814-818 St. Thomas Line

Motion: Collins/Butler
2014-262 Resolved that the application to establish a home office for the operation of a landscaping business as a home occupation at Civic # 814-818 St. Thomas Line be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

10. 1910-1914 Portugal Cove Road

Motion: Collins/Will
2014-263 Resolved that the request for municipal approval to obtain a liquor license for the patio/deck of an existing pub and eatery at Civic # 1910-1914 Portugal Cove Road be granted approval in principle. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations, and all other regulatory bodies of government.
Carried Unanimously

The Committee discussed the following correspondence as per Appendix A: Tabled Report:

11. **Civic # 930 St. Thomas Line** – Complaint Regarding Alleged Landfill Dump Site;
12. **Advisory Committee on the Environment** – Development within 15 m Waterway Protection Buffers, and;
13. **Civic # 179-181 Western Gully Road** - Municipal Plan Amendment No. 23, 2014 & Development Regulations Amendment No. 54, 2014 (Nearys Pond Road & Agriculture Land).

14. Amendment # 53 (Skinners Road)

Motion: Collins/Bartlett
2014-264 Resolved that Council adopt Development Regulations Amendment No. 53, 2013 (Skinners Road), as per Section 16 of the Urban and Rural Planning Act, 2000. The Committee also moves that Council reaffirm the appointment of Tom Strickland as the Commissioner for this amendment as per Motion 2014-182. Council will give public notice of the adoption of the Development Regulations Amendment No. 53, 2013, and the date, time and location of a statutory public hearing, in accordance with Section 17 & 18 of the Urban and Rural Planning Act, 2000.

15. There were twenty eight (28) permits issued from July 18th to July 31st, 2014.

Recreation /Lifestyle Committee Report – August 5, 2014- presented by Councillor Facey

1. East Coast Trail : The Town received an email from the East Coast Trail Board of Directors to outline details on the current status of the problem of mountain biking tours on the trails. The Recreation Committee read and acknowledged the email.

2. Children’s Wish Foundation

The Town received a request from The Children’s Wish Foundation for the use of the green space next to the Rainbow Gully Hut, along with access to the washrooms for their annual Wishmaker Walk for Wishes event which will take place on October 26th.

Motion: Facey/Bartlett
2014-265 Resolved that the use of the green space and washrooms at the Rainbow Gully Hut be granted to the Children’s Wish Foundation for October 26th, 2014.
Carried Unanimously

3. Killick Coast Games Results

The Games are over for another year. Congratulations to all athletes, coaches, volunteers and parents for a great Killick Coast Games. It might’ve been the hottest week of the summer but everyone seemed to have a blast. All teams did very well in the games with 60 athletes participating from the Town. Cross Country Runners had a great morning for their races, and the sportsmanship shown was one of a kind. Thank you to the Town of Torbay for a great and organized games, our Recreation Department is looking forward to hosting the 2015 Games. Killick Coast Games Medalists:

Cross Country Run (Ages 11-12):

Male Gold Medalist: Taj Exley

Female Gold Medalist: Emily Neary

Ball Hockey:

Junior Boys – Silver Medalist

Senior Boys – Silver Medalist

Soccer:

Junior (Co-Ed) – Gold Medalist

Basketball:

Junior – Gold & Silver Medalist

Sportsmanship Awards (voted on by teams):

Daniel Hanlon

Camille Burt

3. Request for Field

The Recreation Committee received a request from Roger Crane of Hickman Motors for the use of the Voisey’s Brook Softball Field for free of charge..

Motion: Facey/Hanlon
2014-266 Resolved that Mr. Roger Crane pay \$100 for the use of the Voisey’s Brook Softball Field for the one day tournament. This fundraising event is for the Heart & Stroke Foundation.
Carried Unanimously

Public Works Committee Report – August 6, 2014 presented by Councillor Bartlett

1. Miller’s Pond – Feedback from the Advisory Committee (ACE) on the Environment

ACE forwarded feedback to Committee suggesting the need for a water study on Miller’s Pond to determine if there is a source of nutrients or pollutants entering the pond. This feedback followed the appearance of a blue-green algae bloom earlier in the year. Staff is to follow-up with the Department of Environment to discuss testing completed to date, historical data and the next steps suggested by ACE.

2. Pavement Repair Quotes

Quotes were received for approximately 3,600 square feet of pavement patching. The lowest quote received was from ACE Paving for a cost of \$2.75 +HST per square foot.

Motion: Bartlett/Facey

2014-267 Resolved that the contract for pavement patching be awarded to ACE Paving at a cost of \$2.75 +HST per square foot.

Carried Unanimously

3. Capital Cost – Single Axle Dump Truck

Preparation of the tender for the single axle dump truck budgeted for 2014 is underway. Staff has identified that the cost of the dump truck is expected to be higher than the budgeted amount as the truck will be tendered with a blade and wing to appropriately support the Town’s snow clearing operations.

4. Thorburn Road Speed Bump Location

Correspondence from a resident on Thorburn Road regarding the location of a permanent speed bump to be installed near 1544 Thorburn Road was discussed. Committee confirmed that the speed bump will be placed in the location identified by staff.

Economic Development, Marketing & Communications Report – August 6, 2014 presented by Councillor Butler

1. Placebuilder

There are two final meetings planned, one with the business community and one for seniors to finish public consultations. There have been close to 200 residents that have either taken part in the sessions or completed the surveys. The online survey will continue to operate until the beginning of September.

2. Business Retention and Expansion

A format for a Business Retention and Expansion project is being defined as a pilot project for the town. The goal is to have 10% of the business community to partake in the program this year. The Department of Innovation, Business and Rural Development will complete the session’s one on one with local businesses to help identify issues and opportunities for their organization. Invited businesses this year will be identified by IBRD based on their strategic sectors.

3. Tickle Swim

The Tickle Swim will be on August 27th this year (weather permitting) and the Town is currently in discussions on how best to support Canadian Mental Health NL on the project and will be involved with the event (either at the start or finish of the swim).

4. Business Association

Mayor Tucker will be the invited special guest at a Business Association of Newfoundland Luncheon on August 12th. The Mayor will be doing a presentation on "Future Business Opportunities in PCSP"

Note: Mayor Tucker noted the Town was a first time attendee at this bi-weekly function which had 60-70 attendees and that a wide range of businesses participated.

Protective Services Committee Report – August 5, 2014, presented by Councillor Hanlon

5. Fire & Emergency Services Update

Committee was provided with an update on progress with fire and emergency services. Highlights included:

- The Public Education Committee is established and various activities have been carried out with community groups and the Town's Recreation Department. Plans are underway for outreach efforts for Fire Prevention Week which takes place October 5-11, 2014.
- The Standard Operating Procedures Working Group is making progress on documenting procedures with positive feedback from members.
- A review of the Town's Emergency Plan is underway. The Town's Fire and Emergency Services Consultants have met with senior Town staff and the provincial Fire and Emergency Services to initiate the process.
- The Fire and Emergency Services Consultants are preparing a 3 to 5 year capital expenditure plan for the Fire Department.
- Draft *Open Air Fire Regulations* were presented to Committee for consideration. Further discussion will take place on these regulations once Committee members have had opportunity to review the document.
- Next steps were discussed with respect to the *Strategic Review of the Portugal Cove-St. Philip's Fire Department*. It was agreed that the Town's Fire and Emergency Consultants should move forward with investigating the financial and operational impacts of Option 3 of the Strategic Review.

Motion: Hanlon/Butler
2014-268 Resolved that *Option 3 – Composite with Paid Chief/Career Firefighters/Volunteer Firefighters of the Strategic Review of the Portugal Cove-St. Philip's Fire Department* be further investigated with respect to financial and other operational impacts.
Carried Unanimously

6. Department of Natural Resources FireSmart Program

Information related to the provincial FireSmart Program was discussed and the Town's Fire and Emergency Services Consultants were asked to review to determine fit with the Town's operations.

7. Motorized Water Craft on Clement's Pond

Correspondence was reviewed from civic #s 90 and 102 Farm Road related to the use of motorized water craft on Clement's Pond. It was identified that the Town does not have regulations related to the use of motorized craft on waterways. Staff will be making contact with the Royal Newfoundland Constabulary to better understand the area of jurisdiction for such issues.

Note: Councillor Hanlon requested a response be sent to the residents. It was also noted by Mayor Tucker that he was advised by the Fire Chief that our VFD has offered the use of the Zodiac to the RNC marine unit should they require it in this matter.

Admin. and Finance Committee Report – August 5, 2014 presented by Deputy Mayor Will

1. Accounts for Payment

Motion: Will/Facey
2014-269 Resolved that accounts for payment be approved as follows:
Regular Accounts - for a total payment of \$12,476.90
Carried Unanimously

2. Donation request

Motion: Will/Hanlon
2014-270 Resolved that a \$100.00 donation be made to the NL Ball Hockey Association on behalf of provincial team member/resident Adrian Stevens travelling to Winnipeg for the national championships.
Carried Unanimously

Note: Councillor Bartlett advised that the team won the championships beating out the home team of Winnipeg in the finals (held last weekend). Mayor Tucker suggested a congratulatory letter accompany the donation.

3. Correspondence from St. John's Regional Dept.

In reference to the Town's agreement with the City of St. John's for the provision of backup services, notification of a revised Appendix 1/Schedule of Fees was reviewed by the committee and is attached/circulated for information purposes.

4. Discussion item – Fire Department Report

Committee discussed various aspects of the report and requested the Director of Financial Operations to look at costing for consideration by the Protective Services Committee and subsequently Council at a future Committee of the Whole meeting.

5. Access to Information and Privacy legislation

Further to the last Council meeting both the Town Clerk and the Deputy Mayor consulted with the ATIPP office regarding training and were advised that the ATIPP office is willing to meet with Councillors for a general overview of the legislation. It was suggested that this take place after September. In the meantime, it was also explained that the ATIPP office recognizes the need for more specific training for municipalities.

At the suggestion of the Mayor, the Town Clerk and Deputy Mayor will prepare a resolution to bring to MNL seeking their support in this issue.

CORRESPONDENCE - none for this meeting

NEW/GENERAL/ UNFINISHED

(1) New School Amendment presented by Councillor Collins:

**Municipal Plan Amendment No. 25, 2014
Development Regulations Amendment No. 55, 2014
(New School)**

Motion: Collins/Bartlett

2014-271 Resolved that in light of the fact that the Town did not receive objections or submissions on the proposed amendments that the Public Hearing scheduled for Wednesday, August 13th, 2014 be cancelled, as per Section 21 (1) of the Urban and Rural Planning Act, 2000. Furthermore, that Council approve Municipal Plan Amendment No. 25, 2014 and Development Regulations Amendment No. 55, 2014 (re-designation and rezoning of land for the New School) as adopted and forward the Amendments to Municipal Affairs for Registration, as per Section 24 of the Urban and Rural Planning Act, 2000.

Carried Unanimously

(2) Open Session Format presented by Councillor Hanlon:

Councillor Hanlon read and tabled correspondence sent to Councillors regarding a suggested changed to the format for the open sessions.

All Councillors in attendance agreed to accept the tabled procedures which are as follows:

1. Questions are accepted during the open session, if the question can be answered Immediately it will be done so by one of the Councillors, Mayor , Deputy Mayor, or Town Manager.
2. Questions that cannot be answered during the open session will be taken away and responded to at the next public meeting open session.

ADJOURNMENT

Motion: Collins/Will
2014-272 Resolved that this meeting be adjourned. Time 8:10 p.m.
Carried Unanimously

Moses Tucker, Mayor

Judy Squires, Town Clerk

Attachments: (1) Appendix A: Tabled Report
(2) Tabled email re Open Sessions

**Appendix A: Tabled Report
August 5th, 2014**

Applications:

- Item # 1: Civic # 211-215 Tolt Road,
Single Dwelling
Zoning: Residential Infill, Development Scheme & Residential Medium Density (RI, DS & RMD) - Semi-Serviced

The Committee recommends that the application for Civic # 211-215 Tolt Road be granted approval in principle, permitting the construction of a single dwelling. Approval in principle is subject to a 3.5% variance on lot frontage which will decrease the minimum lot frontage from 30 m to 28.9 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 Infill.

Administrator recommended that this application be granted approval in principle.

- Item # 2: Civic # 19-27 Witch Hazel Road
Subdivide Property & Construct Single Dwelling
Zoning: Residential Medium Density & Agriculture (RMD & AG) - Unserviced

The Committee recommends that the application to subdivide property and construct a single dwelling at Civic # 19-27 Witch Hazel Road be rejected as the application is contrary to the Town's Municipal Plan & Development Regulations, specifically Schedule C: Residential Medium Density with respect to lot frontage and Schedule C: Residential Medium Density Condition # 8 (2) (Soil Removal and Deposit and Site Grading).

Administrator recommended that this application be rejected.

- Item # 3: Civic # 1518 Thorburn Road
Demolish Single Dwelling & Construct Single Dwelling
Zoning: Residential Medium Density (RMD) - Serviced

The Committee recommends that the application for Civic # 1518 Thorburn Road be granted approval in principle, permitting the demolition of an existing single dwelling and construction of a single dwelling. Approval in principle is subject to the submission of documentation from a professional supporting the required demolition

of the existing single dwelling. Approval in principle is also subject to completion of the required demolition within 60 days of the date of this approval due to safety concerns that were expressed to Council regarding the existing structure. 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 (1), (3b) and (3e) (Non-Conforming Use), and Schedule C: Residential Medium Density.

Administrator recommended that this application be granted approval in principle.

Item # 4: Civic # 1-3 Old Cart Road

Accessory Building

Zoning: Mixed Use & Residential Medium Density (MIX & RMD) - Serviced

The Committee recommends that the application for Civic # 1-3 Old Cart Road be granted approval in principle, permitting the construction of an accessory building. Approval in principle is subject to a 9.2% variance on the minimum lot area required to construct an accessory building with a footprint of 70 m² which will decrease the minimum lot area from 1,860 m² to 1,688.9 m² 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 Development Standard 38 (Accessory Buildings).

Administrator recommended that this application be granted approval in principle.

Item # 5: Civic # 22-26 Lark Place

Demolish & Reconstruct Accessory Building

Zoning: Residential Infill & Agriculture (RI & AG)

The Committee recommends that the application for Civic # 22-26 Lark Place be granted approval in principle, permitting the demolition and reconstruction of an accessory building. Approval in principle is subject to the submission of documentation from a professional supporting the required demolition of the existing 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 Plan Policy 3.3 (ix) (Building Setbacks), Development Standard 38 (Accessory Buildings) and Development Standard 49 (1), (3b) and (3e) (Non-Conforming Use).

Administrator recommended that this application be granted approval in principle.

Item # 6: Civic # 3 Merrywood Estates

Accessory Building Extension

Zoning: Residential Infill & Residential Rural* (RI & RR*) - Unserviced

The Committee recommends that the application for Civic # 3 Merrywood Estates be granted approval in principle, permitting the construction of an accessory building extension. Approval in principle is subject to a 10.0% variance on the maximum allowable building height which will increase the maximum building height from 5 m to 5.5 m in accordance with General Regulation 11 (Variances) and General Regulation 12 (Notice of Variance). Approval in principle is also subject to the submission of a legal property survey consolidating this property with Civic # 1 Merrywood Estates. 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 38 (Accessory Buildings).

Administrator recommended that this application be granted approval in principle.

Item # 7: Civic # 197-199 Old Broad Cove Road

Business (Medical & Professional Service)

Zoning: Residential Infill (RI) - Semi-serviced

The Committee recommends that the application for Civic # 197-199 Old Broad Cove Road be granted approval in principle, permitting the establishment of a Medical and Professional Service business (speech language pathology) as a home occupation. Approval in principle is subject to a public notice regarding the proposed business as per General Regulation 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.

Administrator recommended that this application be granted approval in principle.

Item # 8: Civic # 1327 Thorburn Road

Business (Personal Service)

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

The Committee recommends that the application for Civic # 1327 Thorburn Road be granted approval in principle, permitting the establishment of a Personal Service business (beauty services) as a home occupation. Approval in principle is subject to a public notice regarding the proposed business as per General Regulation 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 Medium Density and Schedule D: Off Street Parking Requirements.

Administrator recommended that this application be granted approval in principle.

**Item # 9: Civic # 814-818 St. Thomas Line
Business Application (Home Office)
Zoning: Residential Medium Density (RMD) -Unserviced**

Motion: The Committee recommends that the application for Civic # 814-818 St. Thomas Line be granted approval in principle, permitting the establishment of a home office for the operation of a landscaping business as a home occupation. Approval in principle is subject to a public notice regarding the proposed business as per General Regulation 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 Medium Density and Schedule D: Off Street Parking Requirements.

Administrator recommended that this application be granted approval in principle.

Correspondence:

Item # 11: Civic # 930 St. Thomas Line - Compliant Regarding Alleged Landfill Dump Site

Planning Department is in receipt of correspondence from a resident expressing concern regarding backfilling activity on property in the vicinity of Civic # 915-921 St. Thomas Line.

Item Submitted for Information.

Item # 12: Advisory Committee on the Environment - Development within 15 m Waterway Protection Buffers

Planning Department is in receipt of correspondence from the Advisory Committee on the Environment regarding development within the 15m waterway protection buffer of the Main River on Portugal Cove Road on property at Civic # 1568-1570 Portugal Cove Road.

The Committee advises Staff to respond to the correspondence with respect to the on-going development which was permitted by the Town. A meeting between the Advisory Committee and this Committee will be scheduled for a later date.

Item # 13:

Civic # 179-181 Western Gully Road - Municipal Plan Amendment No. 23, 2014 & Development Regulations Amendment No. 54, 2014 (Nearys Pond Road & Agriculture Land)

Planning Department is in receipt of correspondence regarding Municipal Plan Amendment No. 23, 2014 & Development Regulations Amendment No. 54, 2014 (Nearys Pond Road & Agriculture Land) that was held at the Council meeting on July 29th, 2014.

The Committee requests that Staff acknowledge receipt of this correspondence and request that they provide any objections or representations related to the adopted updated Municipal Plan and Development Regulations by the deadline date of August 8th, 2014.