



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

August 26, 2014

Regular Public Council Meeting 7:30 p.m.

<b>IN ATTENDANCE:</b>	Mayor	Moses Tucker
	Deputy Mayor	Gavin Will
	Councillors:	Dave Bartlett
		Norm Collins
		Aaron Facey
		Johnny Hanlon
	Town Manager	Chris Milley
	Town Clerk	Judy Squires
	Director of Ec.Dev/Marketing/Comm.	Jeff Lawlor
	Director of Public Works	Gail Tucker
	Planning Coordinator	Les Spurrell

Mayor Tucker called the meeting to order and welcomed the gallery of 14 persons in attendance. Regrets from Councillor Butler who is away on vacation.

**ADOPTION OF AGENDA**

Motion: Facey/Hanlon  
2014-273 Resolved that the Agenda dated **August 26, 2014**, be adopted as circulated.  
Carried Unanimously

**ADOPTION OF MINUTES**

Motion: Will/Bartlett  
2014-274 Resolved that the minutes of **August 12, 2014**, be adopted as circulated.  
Carried Unanimously

**BUSINESS ARISING**

The Town Manager circulated his Action item report to Council noting that there are 21 new items, 13 completed and 25 remaining. He also provided the following notes:

- Town Plan hearing was held on August 14<sup>th</sup> with good turnout and the Commissioner's report was since received and being reviewed by Planning.
- Staff are preparing for budget consultation meetings and dates are to be determined
- PW speed sign is being repaired
- In reference to Capital Works projects: all roads are done with the exception of deficiencies which are being addressed; Dogberry Hill Road bridge has not been started yet although the completion date for this project is December 31, 2014; and the Thorburn Road Sewer project is underway. The contractor will be contacted again regarding traffic issues.

- The Town Manager will be away at the end of September along with the Economic Development Officer to attend the EDAC conference in Calgary
- Tests regarding the Blue Green Algae Bloom at Millers Pond came back clear and signage will be removed

## COMMITTEE REPORTS

### Planning & Development Report of August 19<sup>th</sup> presented by Councillor Collins

#### **1. 33-35 & 34-36 Wards Lane**

Motion: Collins/Will  
2014-275 Resolved that the application to subdivide property at Civic # 33-35 & 34 Wards Lane be rejected as per Appendix A: Tabled Report.  
Carried Unanimously

#### **2. 1529-1541 Thorburn Road**

Motion: Collins/Bartlett  
2014-276 Resolved that the application to construct a single dwelling at Civic # 1529-1541 Thorburn Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

#### **3. 25 Hardings Hill**

Motion: Collins/Will  
2014-277 Resolved that the application to construct a dwelling extension and new driveway access at Civic # 25 Hardings Hill be rejected as per Appendix A: Tabled Report.  
Carried Unanimously

#### **4. 29-31 Balda Place**

Motion: Collins/Hanlon  
2014-278 Resolved **that** the application to construct an accessory building at Civic # 29-31 Balda Place be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

#### **5. 13 Emylia Place (two applications)**

Motion: Collins/Bartlett  
2014-279 Resolved **that** the application to construct an accessory building at Civic # 13 Emylia Place be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

Motion: Collins/Hanlon  
2014-280 Resolved that the application to construct a second accessory building at Civic # 13 Emylia Place be rejected as per Appendix A: Tabled Report.  
Carried Unanimously

**6. 57 Dawn Allen Road**

Motion: Collins/Facey  
2014-281 Resolved that the application to construct an accessory building at Civic # 57 Dawn Allen Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

**7. 42-52 Farm Road**

Motion: Collins/Hanlon  
2014-282 Resolved that the application to construct an accessory building at Civic # 42-52 Farm Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

**8. 10 Brentwood Avenue**

Motion: Collins/Bartlett  
2014-283 Resolved that the application to construct an accessory building at Civic # 10 Brentwood Avenue be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

**9. 23-25 Franklyn Place**

Motion: Collins/Will  
2014-284 Resolved that the application to establish a home office for the operation of a construction contracting business at Civic # 23-25 Franklyn Place be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

**10. 395 Dogberry Hill Road**

Motion: Collins/Bartlett  
2014-285 Resolved that the application to establish a child care business as a home occupation at Civic # 395 Dogberry Hill Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

**11. 720-722 Indian Meal Line**

Motion: Collins/Facey  
2014-286 Resolved that the application to rezone property located at Civic # 720-722 Indian Meal Line from Agriculture to Residential be rejected as per Appendix A: Tabled Report.  
Carried Unanimously

**12. Notice of Appeal Hearing**

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

- Eastern Newfoundland Regional Appeal Board – Notice of Appeal Hearing.  
(Note added: this is in reference to civic #46-50A Old Cart Road)

**13. Removal Order 75-85B Round Pond Road**

Motion: Collins/Will  
2014-287 Resolved that Council issue a Removal Order against a structure on property formerly part of Civic # 75-85B Round Pond Road which was constructed without a permit from the Town.  
Carried Unanimously

**Note:** Deputy Mayor Will explained this shack is located on a property with no access, it is a fire hazard, and there is nuisance activity taking place on the property.

**14. Lot #9, The Porches subdivision**

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

- Timeline for Re-Conveyance of Lot # 9 of The Porches of St. Philip's Residential Subdivision.

**15. Permit Stats**

There were fourteen (14) permits issued from August 1<sup>st</sup> to August 14<sup>th</sup>, 2014.

**Recreation /Lifestyle Committee Report – August 19, 2014- presented by Councillor Facey**

**1. Summerwood Playground**

The Recreation Committee held discussions regarding the complaints received concerning the unfinished playground in the **Thorburn Woods** Subdivision. The Committee will follow up for the Planning and Development Department on the status of the deficiency list that was provided by the Playground Inspector. Status of this will be provided at the next committee meeting.

(Note: this item will be placed on the P & D agenda)

**2. Budget Meetings**

The Recreation Committee and the Recreation Staff will be meeting within the next couple of weeks to discuss items of interest for the 2015 budget. Please note that if there are items of interest that council members would like to be address, please contact the Recreation Department or the chairperson of the Recreation Committee.

**3. Joey Dwyer Fund-Raiser**

Town employee, Frank Dwyer, will be traveling to Toronto with his family for the Month of October to bring his son Joey Dwyer to Sick Kids Hospital for surgery. To assist the family with the cost burden of travel and accommodations Town employees would like to host a fund-raiser for their fellow co-worker.

Motion: Facey/Hanlon  
2014-288 Resolved that the Town Staff have the Recreation Centre free of charge for a fund-raiser for Joey Dwyer and his family.  
Carried Unanimously

**4. Royal Canadian Legion – Request for Land Usage**

A member of the Royal Canadian Legion has inquired about the land adjacent to the War Memorial to erect benches on the top of the hill overlooking the Memorial. The Recreation Committee will advise the Legion member that they recommend completing the initial project with the War Memorial first. After completion of the project we can revisit this request.

**5. Year End Regatta**

The Recreation Committee held discussions on the Portugal Cove Year End Regatta. Staff members met with members of the Regatta Committee as a follow up to the event. The Regatta Committee was pleased with the outcome of the event and said that everything went well during that day. There were some issues with the parking but it was assured that they will take the proper steps needed to improve this for next year's event. 2015 marks the 10<sup>th</sup> anniversary of the Portugal Cove Regatta and the Town has already volunteered to sit on the organizing committee for that event. Congratulations to the volunteers, organizers and participants of the races!

**Public Works Committee Report – August 20, 2014 presented by Councillor Bartlett**

**1. Request for Quotes – Road Shoulder Repair PCSP-2014-002**

Quotes were received from Pyramid Construction Ltd. and S&H Codner Construction Ltd. in response to a Request for Quotes for road shoulder repair work. Quotes were submitted on a unit price basis and S&H Codner Construction was the successful bidder.

Motion: Bartlett/Hanlon

2014-289 Resolved that the contract for road shoulder repair work be awarded to S&H Codner Construction for a material cost of \$11.50/tonne excluding HST and a placement cost of \$2.34/meter excluding HST.

Carried Unanimously

**2. Driver Feedback Sign Data**

Data from the driver feedback sign on Dogberry Hill Road was reviewed. The sign was placed in stealth mode (no driver feedback provided) for the first week to enable the collection of baseline data. In a 40 km/hour zone, 31% of registered vehicles logged speeds within the speed limit, 68% of the registered vehicles logged speeds in the range of 46 – 69 km/hour and 1.0% of registered vehicles logged speeds in the 70 – 110 km/hour range. Data will continue to be monitored to inform any future traffic calming measures for the area.

Further information was gathered from other municipalities and suppliers on various driver feedback sign models to inform the budgeting process for 2015.

**Note:** Councillor Bartlett also noted that over a 15 day period, over 1500 vehicles were monitored for one way traffic.

**3. Update Capital Works Projects**

Committee was provided with an update on the progress of capital works projects occurring throughout Town.

**Economic Development, Marketing & Communications Report – August 20, 2014 presented by Councillor Bartlett**

**1. Heritage Committee**

The Economic Development Committee met with Doug Neary, as he formally expressed interest in joining the Heritage Committee.

Motion: Bartlett/Facey  
2014-290 Resolved that Doug Neary be appointed to the Heritage Committee.  
Carried Unanimously

**2. Placebuilder**

As a result from preliminary talks with a new mountain biking group that is exploring locations for a bike park a meeting is being arranged with the Recreation and Economic Development Committees to discuss the proposal.

**3. Communications**

The first phase of a customized information platform based on Microsoft SharePoint is currently being designed to better allow council to access information and track outstanding projects that are in development. The roll out will happen in the early Fall.

**4. Tickle Swim**

The Tickle Swim is schedule for Wednesday, August 27. We will know early in the week which direction they will be swimming, weather pending.

**5. Budget Consultations**

The plan for budget consultations was discussed. Residents, Businesses, Community Groups and other stakeholders will be given the opportunity to present to council or submit written considerations to them in September. October will see a series of presentations from Council to the community. November we will see the adoption of the budget.

**6. Economic Developers Association of Canada Conference (EDAC)**

The Director of Economic Development and the Town Manager will be attending the EDAC Conference in Calgary and pre conference course of performance measurement (September 25 – September 30). Attendance has been partially funded by the Department of Foreign Affairs and International Trade.

**7. Canadian Federation of Independent Business (CFIB)**

The Director of Economic Development and the Mayor met with Director of Provincial Affairs with CFIB. They will be presenting to council during the budget consultations and a meeting will be set with the Economic Development Committee to discuss some CFIB projects and opportunities.

**Protective Services Committee Report – August 19, 2014, presented by Councillor Hanlon**

**1. Fire and Emergency Services Updates**

- The Acting Chiefs review of the Emergency Plan is progressing and should have a draft form ready soon. The final format will ensure the ability to be easily reviewed annually.
- St. John’s Regional Fire Department recently sent their revised rates and there is a question regarding the 328% hike in the ladder truck rate from last year. The Acting Chiefs have posed this question to SJRFD and are waiting on a response.
- Depending on the option chosen by Council regarding the Strategic Review of our own Fire Department, there will likely be a reduction in the standby rate. The Acting Chiefs have requested an estimate of this potential new rate.
- The Acting Chiefs will have recommendations for attendees to the annual convention.

**2. Motorized Craft on Clements Pond**

The Employee and Public Relations Administrator will ensure that the residents who originally contacted the Town with their concerns on this matter were contacted with the follow up information provided by the Fire Chiefs office. *(see attached)*

**3. Review of Fire Ban Regulations**

The Committee reviewed the draft of the Open Air Fire Regulations. The Acting Chiefs will meet with the Town Manager and review this proposed regulation and a final draft will be brought back to the Committee.

**4. Blue Green Algae Bloom – Miller’s Pond Lab Analysis**

The Committee has received confirmation that the Water Resources Management Division of the Department of Environment & Conservation found no toxin in either of their testing samples in Miller’s Pond from June or July of this year. Residents also reported that the bloom had not been visible for the preceding 3-4 weeks. *(see attached)*

Residents are asked that if they do notice any evidence of a repeat bloom in the future, please contact the Town immediately.

**Admin. and Finance Committee Report – August 19, 2014 presented by Deputy Mayor Will**

**1. Accounts for Payment**

Motion: Will/Collins

2014-290-1 Resolved that accounts for payment be approved as follows:

Regular Accounts - \$ 58,673.63

Capital Accounts - \$1,325,517.90

Total Payments = \$1,384,191.53

Carried Unanimously

## 2. Donation request

Committee reviewed a request for financial support for 9 year old Joey Dwyer who is the son of Town employee Frank Dwyer. Joey has Autism and is also diagnosed with Epilepsy. He is scheduled to have surgery on October 6<sup>th</sup> which has the potential to give him a seizure free life. The family will be away at the Toronto Sick Kids Hospital for almost a month and will need to return 8 weeks later for the post-surgery check-up. In accordance with the Town's Donation Policy, committee recommends the following:

Motion: Will/Bartlett  
2014-292 Resolved that the Town donate \$1,000 to the family of Joey Dwyer to cover the costs of expenses incurred to travel to Sick Kids Hospital in Toronto for surgery.  
Carried Unanimously

## CORRESPONDENCE -

- (a) Resident D. Thorne of 31 Emberleys Road – re snow clearing & garbage collection
- (b) Resident M. & S. Hayes of 89 Round Pond Rd. – re snow clearing & garbage collection

**Note:** the Town Manager responded to questions arising regarding road takeover and Council determined that these letters go to both the Public Works and Planning/Development Committees.

## NEW/GENERAL/ UNFINISHED

### 1. Gas Tax 2014-2014 Agreement

Motion: Collins/Will  
2014-293 Resolved that the Mayor be authorized on behalf of the Town of Portugal Cove-St. Philip's to sign the Ultimate Recipient Gas Tax Agreement 2014-2024 with the Province of Newfoundland and Labrador.  
Carried Unanimously

### 2. Meeting with Developers

Councillor Collins noted that he received correspondence from the developers of Murrays Pond Subdivision requesting a meeting. In consultation with Councillors it was agreed that they meet with them on Tuesday, September 2<sup>nd</sup>, time of appointment is pending.

**For the record:** the correspondence is not tabled.

### 3. Resident's concerns re water and sewer connection rates

Deputy Mayor Will raised this issue on behalf of a concerned resident and requested that the Admin Finance Committee review the correspondence at their next committee meeting.

**For the record:** the correspondence is not tabled.



**4. Resident of Bugden Drive concerns re road debris**

Deputy Mayor Will received an inquiry regarding the amount of road debris in the area of Bugden Drive. He requested that the Public Works Department look into this issue. It was noted by staff that the Department does have a street sweeper.

**5. Complaint re traffic line up for Ferry at Portugal Cove**

Deputy Mayor Will advised he spoke informally with Minister McGrath at a function on Bell Island and was advised that engineers are working on this issue, no timelines available.

Mayor Tucker noted his suggested option of a second person to manage traffic to allow the use of two lanes has not been done but discussed as an option. The committee is meeting again in September.

**7. Loop Drive**

Councillor Collins raised the issue of the residents request to reverse the traffic direction noting they have no objections to this . Mayor Tucker requested that this issue go back to Public Works Committee for consideration.

**ADJOURNMENT**

Motion: Collins/Will  
2014-294 Resolved that this meeting be adjourned. Time 8:15 p.m.  
Carried Unanimously

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Moses Tucker, Mayor

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Judy Squires, Town Clerk

Attachments: (1) Appendix A: Tabled Report (Planning & Development)

**Appendix A: Tabled Report  
August 19<sup>th</sup>, 2014**

**Applications:**

**Item # 1: Civic # 33-35 & 34 Wards Lane**

**Subdivide Property**

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

The Committee recommends that the application to subdivide property at Civic # 33-35 & 34 Wards Lane be rejected as the application is contrary to the Town's Municipal Plan & Development Regulations, specifically Plan Policy 3.3 (iv) (Infill Development), Development Standard 46 (1) (Lot Area), 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).

The Administrator recommended that this application be rejected.

**Item # 2: Civic # 1529-1541 Thorburn Road**

**Single Dwelling**

**Zoning: Heritage Community (HC) – Serviced**

The Committee recommends that the application for Civic # 1529-1541 Thorburn Road be granted approval in principle, permitting the construction of a single dwelling. Approval in principle is subject to the submission of updated property surveys for the remaining property not to be developed at this time. 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 (viii) (Soils and Drainage) and Schedule C: Heritage Community.

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

**Item # 3: Civic # 25 Hardings Hill**

**Dwelling Extension**

**Zoning: Heritage Community (HC) – Serviced**

The Committee recommends that the application to construct a dwelling extension and a new driveway access at Civic # 25 Hardings Hill be rejected as the application is contrary to the Town's Municipal Plan & Development Regulations, specifically Plan Policy 3.3 (iv) (Infill Development), Plan Policy 3.3 (ix) (Building Setbacks), Development Standard 37 (2) (Accesses and Service Streets), Development Standard 49 (3f) and (3g) (Non-Conforming Use), and Schedule C: Heritage Community.

The Administrator recommended that this application be rejected.

**Item # 4: Civic # 29-31 Balda Place**

**Accessory Building**

**Zoning: Residential Medium Density, Development Scheme & Agriculture (RMD, DS & AG) – Unserviced**

**The Committee recommends that the application for Civic # 29-31 Balda Place be granted approval in principle, permitting the construction of an accessory building. Approval in principle is subject to a notice to area residents regarding the accessory building size. 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).**

**Item # 5: Civic # 13 Emylia Place**

**Accessory Building**

**Zoning: Residential Rural (RR) – Unserviced**

**The Committee recommends that the application for Civic # 13 Emylia Place be granted approval in principle, permitting the construction of an accessory building with a footprint of 89.2 m<sup>2</sup>. Approval in principle is subject to a notice to area residents regarding the accessory building size. 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).**

**The Committee also recommends that the application to construct a second accessory building with a footprint of 32.6 m<sup>2</sup> at Civic # 13 Emylia Place be rejected as the application is contrary to the Town’s Municipal Plan & Development Regulations, specifically Development Standard 7 (Permit Required) and Development Standard 38 (2b) (Accessory Buildings).**

The Administrator recommended that this application be rejected.

**Item # 6: Civic # 57 Dawn Allen Road**

**Accessory Building**

**Zoning: Residential Rural (RR) – Semi-Serviced**

**The Committee recommends that the application for Civic # 57 Dawn Allen Road be granted approval in principle, permitting the construction of an accessory building. Approval in principle is subject to the submission of an updated legal property survey consolidating two parcels of land. Approval in principle is also subject to a notice to area residents regarding the accessory building height. 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).**

**Item # 7: Civic # 42-52 Farm Road**

**Accessory Building**

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

The Committee recommends that the application for Civic # 42-52 Farm Road be granted approval in principle, permitting the construction of an accessory building. Approval in principle is subject to the submission of an updated legal property survey consolidating two parcels of land.

The Administrator recommended that this application be rejected.

**Item # 8: Civic # 10 Brentwood Avenue**

**Accessory Building**

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

The Committee recommends that the application for Civic # 10 Brentwood Avenue be granted approval in principle, permitting the construction of an accessory building. Approval in principle is subject to a notice to area residents regarding the proposed variance in accordance with General Regulation 11 (Variances) and 12 (Notice of Variance).

The Administrator recommended that this application be rejected.

**Item # 9: Civic # 23-25 Franklyn Place**

**Business Application (Home Office)**

**Zoning: Residential Infill (RI) –Unserviced**

The Committee recommends that the application for Civic # 23-25 Franklyn Place be granted approval in principle, permitting the establishment of a home office for a construction contracting business. 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 3.4.2.2 (iv) (Home Occupations), Schedule C: Residential Infill and Schedule D: Off Street Parking Requirements.

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

**Item # 10: Civic # 395 Dogberry Hill Road**

**Business Application (Child Care)**

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

The Committee recommends that the application for Civic # 395 Dogberry Hill Road be granted approval in principle, permitting the establishment of a child care 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 3.4.2.2 (iv) (Home Occupations), Schedule C: Residential Medium Density and Schedule D: Off Street Parking Requirements.

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

**Item # 11: Civic # 720-722 Indian Meal Line**

**Rezoning**

**Zoning: Residential Infill & Agriculture (RI & AG) – Unserviced**

The Committee recommends that the application to rezone property from Agriculture to Residential to allow for potential future development of an unserviced residential subdivision at Civic # 720-722 Indian Meal Line be rejected as the application is contrary to a Motion of Council (Motion 2014-183) on June 17<sup>th</sup>, 2014 regarding rezoning of land for the purpose of subdivision developments. This application is also contrary to the Town's Municipal Plan and Development Regulations, specifically Plan Policy 3.4.7 (i) (Agriculture Uses – General Intent and Land Uses).

**Correspondence:**

**Item # 12: Eastern Newfoundland Regional Appeal Board – Notice of Appeal Hearing**

The Planning Department is in receipt of a notice from the Eastern Newfoundland Regional Appeal Board that an appeal filed against Council's decision to reject a double dwelling application will be heard by the Board on August 27<sup>th</sup>, 2014 at 9:15 am at the Guvnor Inn, Elizabeth Avenue, St. John's.

Item Submitted for Information.

**Discussion:**

**Item # 14: Timeline for Re-Conveyance of Lot # 9 of The Porches of St. Philip's Residential Subdivision**

Planning Staff discussed a request from the Developer for a timeline as to when the Town will re-convey Lot # 9 within The Porches of St. Philip's Residential Subdivision back to the Developer, if not used as a right of way during development of adjacent lands.

The Committee advises that no timeline will be established regarding the re-conveyance of Lot # 9 of The Porches of St. Philip's Residential Subdivision and that it will be at the discretion of Council if and when this lot will be re-conveyed to the Developer.