



TOWN OF PORTUGAL COVE-ST. PHILIP'S

December 2, 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
	Director of Financial Operations	Tony Pollard
	Director of Public Works	Gail Tucker
Planning & Dev. Coordinator	Les Spurrell	
Town Clerk	Judy Squires	

Mayor Tucker called the meeting to order and welcomed the gallery of 25 persons in attendance.

ADOPTION OF AGENDA

Motion: Facey/Hanlon
2014-394 Resolved that the Agenda dated **December 2, 2014**, be adopted as presented.
Carried Unanimously

ADOPTION OF MINUTES

Motion: Collins/Butler
2014-395 Resolved that the minutes of **November 18, 2014**, be adopted as circulated.
Carried Unanimously

BUSINESS ARISING

The Town Manager's updated Action Item list was circulated to Council for review. He noted that there are 16 items added, 10 completed since last meeting and 30 in progress. Other items noted:

- On Nov. 21st he attended a very informative legal presentation/seminar offered by PMA.

- In reference to the school land expropriation, our legal counsel prepared a covering letter and submitted it with the claim by the deadline date of Nov. 28th.
- The St. John's Regional Plan amendment map is up to date and a public hearing will be held on Dec. 4th at 7pm at the Fairfield Inn & Suites. There will be a representative of Council and Staff attending.
- In reference to questions arising, the Town Manager advised that communications are ongoing with the DWT regarding the road washout and the flooding issues on Portugal Cove Road near the pharmacy.

COMMITTEE REPORTS

Planning & Development Report of November 26, 2014 presented by Councillor Collins

1. 12-16B Mercers Road

Motion: Collins/Bartlett

2014- Committee recommends that the application to subdivide property and construct a fully-serviced residential subdivision at Civic # 12-16B Mercers Road be granted approval in principle as per Appendix A: Tabled Report.

Postponed.

Following discussion and debate on the issue, a motion to 'Postpone to a Definite Time' was put forward by Councillor Butler to allow Council to review and consider the ACE report on PCSP - Watershed Management.

Motion: Butler/Will

2014-396 Resolved that the item regarding 12-16B Mercers Road be postponed until the next public Council meeting date of December 16, 2014.

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

2. 89A Dogberry Hill Road

Motion: Collins/Will

2014-397 Resolved that the application to demolish and reconstruct a single dwelling at Civic # 89A Dogberry Hill Road be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

3. 12-16 Franklyn Place

Motion: Collins/Butler

2014-398 Resolved that the application to construct a dwelling extension at Civic # 12-16 Franklyn Place be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

4. 32 Lark Place

Motion: Collins/Facey

2014-399 Resolved that the application to construct two accessory buildings at Civic # 32 Lark Place be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

5. 341-359 Bauline Line Extension

Motion: Collins/Bartlett
2014-400 Resolved that the application to establish a commercial agriculture business (hay cultivation) at Civic # 341-359 Bauline Line Extension be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

6. 45-47 Chesley-Van Heights

Motion: Collins/Facey
2014-401 Resolved that the application to establish a light industry business (small engine repair) as a home occupation at Civic # 45-47 Chesley-Van Heights be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

7. 248-260 Witch Hazel Road

Motion: Collins/Will
2014-402 Resolved that the application to subdivide property and construct an on-site serviced residential subdivision at Civic # 248-260 Witch Hazel Road be rejected as per Appendix A: Tabled Report.
Carried Unanimously

8. 773 Indian Meal Line (three items)

Motion: Collins/Will
2014-403 Resolved that Motion # 2014-337 and 2014-338 (the rejection of two Municipal Recommendation Forms for Crown Land at Civic # 773 Indian Meal Line) be rescinded in light of additional documentation submitted by the resident regarding the proposed uses for these properties.
Carried Unanimously

Motion: Collins/Bartlett
2014-404 Resolved that Council approve the Municipal Recommendation Form for Crown land at Civic # 773 Indian Meal Line for the construction of a single dwelling in accordance with correspondence from the Department of Natural Resources.
Carried Unanimously

Motion: Collins/Butler
2014-405 Resolved that Council approve the Municipal Recommendation Form for Crown land at Civic # 773 Indian Meal Line for the construction of an equipment storage building in accordance with correspondence from the Department of Natural Resources.
Carried Unanimously

Items 9 & 10.

The Committee reviewed the following correspondence and advised Staff to correspond as per Appendix A: Tabled Report:

- Picco & White – Chesley-Van Heights Stage V Public Open Space, and;
- Civic # 12 Conatti Place – Untidy Property at Civic # 8-10 Conatti Place.

11. City of Mount Pearl Amendment (Kenmount Hill area)

Motion: Collins/Will
2014-406 Resolved that Planning Staff forward correspondence to the City of Mount Pearl stating that Council has no objections to the proposed amendment (re-designation of Kenmount Hill area).
Carried Unanimously

12. 20-30 Coadys Road

The Committee discussed the following and advised Staff to correspond with the applicant as per Appendix A: Tabled Report:

- Civic # 20-30 Coadys Road – Demolition Application

Note: For the benefit of members of the gallery, the Mayor explained that the application is being studied and will be dealt with at a later date (as noted in the Appendix).

13. Previous re-zoning motions

Motion: Collins/Butler
2014-407 Resolved that Motion # 2014-183, a Motion regarding rezoning for residential subdivision developments, be rescinded as this Motion was replaced by a new Motion on November 18th, 2014 (Motion # 2014-386).
Carried Unanimously

14. Permit Stats: There were twelve (12) permits issued from November 7th to 20th, 2014.

Recreation /Lifestyle Committee Report – November 27, 2014 presented by Clr. Facey

1. Recreation Facility and Program Fee Structures

The Recreation Committee will be reviewing all rental fees and program fees that are currently in place. Staff will be accessing the cost of operations and maintenance, with the goal of reaching cost neutral to ease the burden on the budget. The Recreation Director will gather information from other municipalities in the area for comparison. This review will take place over the next month and recommendations will be made early in the New Year.

2. Jersey Day and Sports Day in Canada

The Recreation Staff had the opportunity to spend the day with students from Beachy Cove Elementary and Leary's Brook Junior High on Friday, November 28th for National Jersey Day. Recreation staff participated in games with all grades and had a chance to engage kids in the spirit of the Jersey Day Campaign. As an added initiative for Beachy Cove Elementary students, they could participate in a poster contest for the best designed jersey for a chance to win tickets to an Ice Caps Game. Leary's Brook students could enter in a Twitter/Facebook contest and post their best photo showing the spirit of Jersey Day. Winner of that contest will win a game wore Ice Caps Jersey. It was a very successful event. Sports Day in Canada activities were cancelled due to the weather.

3. Christmas Events

The Recreation Department would like to remind all Council, Staff, and residents of the schedule of events for the Christmas Season. Please see attached flyer for the Tree Lighting Ceremony,

Gingerbread Contest, Breakfast with Santa, Christmas Parade, and the Merry & Bright Festival of Lights. The Recreation Committee discussed a concern that was brought forward by a resident regarding the Merry & Bright Festival of Lights. The concern was the promotion of an event that asked residents to use electricity when NL Power may ask homes to conserve. Staff informed the resident that we will promote the use of LED Lights and if NL Power advises residents to conserve energy, we will cancel the event. However at this time we will be promotion the activity and encourage everyone to get in the festive spirit.

Public Works Committee Report – no meeting held, updates presented by Councillor Bartlett

1. Shouldering Work Winsor Heights

Approximately 3,000 metres of shouldering work has been completed in the area of Winsor Heights, Budgen Drive and Joyce Crescent. This is additional to the 8, 225 metres of shouldering completed earlier in the season.

2. Road Maintenance Post Hurricane Gonzales

Road repair and clean-up post Hurricane Gonzales is near completion. The Department logged over 70 service requirements in this regard.

3. Speed Bumps

Mobile speed bumps have been removed for the winter snow clearing season.

4. Asphalt Repairs

Asphalt repairs/patch work is scheduled for sections of Dogberry Hill Road, School Road and Jenny Lynn Drive.

5. Snow Clearing Preparations

The internal winter snow clearing schedule was placed into effect as of November 21, 2014. Delivery of the new loader is set for December 1, 2014. Residents are reminded of the Town's Snow Clearing Regulations and on-street parking ban. Residents are requested to refrain from parking on the street or within the road reservation from the hours of 12:00 midnight and 8:00 a.m., any time there is a snowfall and twelve (12) hours after the snowfall has ceased. Residents are also reminded it is not permissible to shovel, push or blow snow into the road.

6. Facilities Update

Maintenance activities to winterize the parks facilities has taken place. Roof repairs have been completed on the Town Hall and painting of the Recreation Centre is completed.

7. Training

Two (2) members of the public works team participated in a Wastewater Collection training course provided by the provincial government during the week of November 17, 2014. These courses are critical to enhancing knowledge, skills and certification in this area.

Economic Dev., Marketing & Communications Report – Nov. 27, 2014 presented by Cllr Butler

1. Budget Consultations

The final budget consultation was on Monday November 24th at Beachy Cove Elementary. After a lengthy public process we would like to thank all residents who have provided feedback. The meetings and information that was received was invaluable in setting the 2015 budget. There will be a debrief to discuss how to improve the process next year tentatively scheduled for Wednesday, December 3rd.

2. Placebuilder

The ROI analyses of the projects identified in the Placebuilder project are now underway. When this is complete Tract will be meeting with Council to set the final priorities. A Public Meeting in January will then be planned for public input.

3. Advisory Committee on the Environment

The Advisory committee wishes to submit the following piece of information for Council's consideration: Watershed Management Proposal. The EDMC Committee is forwarding a recommendation regarding development on the main river in Portugal Cove from ACE to Planning and Development committee for consideration.

For the record: Councillor Butler tabled the above referenced report with the Clerk.

4. Business Retention and Expansion Project

There have been four interviews completed at this point. The pilot project aims to do a total of ten interviews. The rest of the interviews are expected to take place by the end of January.

Protective Services Committee Report - no meeting held/no report

Admin. and Finance Committee Report – November 25, 2014 presented by Deputy Mayor Will

1. Accounts for Payment

Motion: Will/Collins
2014-408 Resolved that the accounts for payment be approved as follows:
Regular Accounts - \$ 44,566.14
Capital Accounts - \$ 86,816.50
Totaling \$ 131,382.64
Carried Unanimously

2. Staff year-end bonuses

Motion: Will/Facey
2014-409 Resolved that the year-end bonuses for Staff be approved for distribution for 2014.
Carried Unanimously

3. Child Care Capacity Initiative

The Director of Financial Operations has been corresponding with Donna Earle of the Dept. of Education & Early Childhood Development regarding the potential for setting up a Town directed child care initiative. Committee agreed this issue would be referred and best addressed by the Recreation/Lifestyle Committee for future consideration especially during the Placebuilder process.

4. Schedule of Meetings for 2015

Committee discussed and agreed that committee meetings will commence on January 6th and council meetings take place as follows:

Motion: Will/Bartlett

2014-410 Resolved that Council meetings for 2015 be held every second Tuesday commencing on January 13th and that public notice be posted on the Town's website.

Carried Unanimously

5. Statement of Claim

The Town Manager updated committee on the statement of claim regarding flooding which was received November 24th and circulated to Council. The matter will be referred to our insurance once legal counsel has prepared the appropriate cover letter.

6. Adoption of 2015 Budget and 2015 Tax Structure & Schedule of Fees (both attached):

Motion: Will/Bartlett

2014-411 Resolved,

(a) 2015 Budget

That the Town of Portugal Cove-St. Philip's approve and adopt the attached 2015 Budget with Revenues and Expenditures totaling **\$12,874,587.00**

(b) 2015 Tax Rates

That the Town of Portugal Cove-St. Philip's approve and adopt the following Tax Rates for 2015 taxation year:

Property Tax:

Residential and Commercial Property Tax – **7.9 mils** with a minimum tax of 20.00

Business Tax – Based on Assessment: Rates as follows with a minimum tax of \$200.00

General Business Tax – 8.5 mils

Farms – 5 mils

Daycare and Bed & Breakfasts – 5.5 mils

Golf Courses – 8.5 mils

Nursing & Retirement Homes – 8.5 mils

Non – Profit Organizations – 8.5 mils

Professional Services – 12.5 mils

Medical/Dental/Pharmacy – 12.5 mils

Bank/Financial Institutions – 45 mils

Business Tax – Based on Revenue: Rates as follows with a minimum tax of \$200.00

No Fixed Place of Business – 1 % of Gross Annual Revenue

Home Based - 0.6 % of Gross Annual Revenue

Utilities and Cable Television Tax:

2.5 % of Gross Revenue as per Taxation of Utilities and Cable Televisions Companies Act.

Water and Sewer Taxes:

Residential Water and Sewer - \$600.00 yearly per unit.

(\$425.00 for Water only, \$175.00.00 for Sewer only)

Commercial Water and Sewer - \$690.00 yearly per unit.

(\$455.00 for Water only, \$235.00 for Sewer only)

Fish Plant Water and Sewer - \$150.00 per month

Ferry Water Fill up - \$975 per month

(c) Interest

That the Town of Portugal Cove-St. Philip's approve the rate of 1 % per month simple interest to be charged on all outstanding accounts on the unpaid balance at the end of each month commencing January 2015.

(d) Early Payment Discount:

That the Town of Portugal Cove – St. Philip's grant a 5 % discount on the property tax portion only of the tax invoice if payment of all debts, current and prior including water and/or sewer and storm sewer fees (any and all charges or otherwise) is received and paid in full by the discount date of March 31, 2015. Exception as follows: In the case of payments from mortgage companies and other financial institutions (electronic or otherwise) the payment must be received by the discount date of March 15, 2015 to allow for processing.

(e) Other Discount:

That the Town of Portugal Cove-St. Philip's grant a 20 % discount on the Property Tax portion of the invoice to Residential Property owners in receipt of the GIS (Guaranteed Income Supplement) for their principle place of residence only in the Town of Portugal Cove-St. Philip's (this discount does not apply to any vacant lands or summer residences). Completion of a mandatory application is required in order to receive this discount and the calculation for the 20 % reduction will be applied prior to the 5 % early payment discount (if applicable) or when calculating payment plans. Property owners who qualify for this option may avail of any of the payment plans.

(f) Payment Options:

That the Town of Portugal Cove-St. Philip's provide the following payment options:

1. Payment in full by discount date of March 31, 2015 (with the above noted provisions)
2. Interest free (NO early payment discount for this option) a choice of either 6 equal monthly Payments (January to June inclusive) or 8 equal monthly payments (January to August inclusive) for the full balance or 12 equal monthly payments by Pre-Authorized Debit from your bank/financial institution (January to December) Returned cheques/payments will cancel this interest free option and interest will be reinstated retroactively.
3. Debit, Visa and Mastercard accepted. Online, Telephone, ATM and Electronic Funds Transfer from banks and other financial institutions are also available.

(g) Tax Structure and Schedule of Fees:

That the Town of Portugal Cove-St. Philip's approve and adopt the attached 2015 Tax Structure and Schedule of Fees to take effect January 1, 2015 and to be advertised accordingly.

Carried Unanimously

Following presentation of the Budget Motion, Deputy Mayor Will read a Budget Speech (available as a tabled document with these minutes).

CORRESPONDENCE

(a) Grand Concourse Authority – request to accept 2013 financial statements

Motion: Will/Facey

2014-412 Resolved that Council accept the Gran Concourse 2013 audited Financial Statements.

Carried Unanimously

(b) Beachy Cove Elementary - safety concerns regarding roads near school

Mayor Tucker tabled this correspondence noting it is being referred to Protective Services Committee and the Public Works Committee for consideration. He will also advise the RNC, our MHA and the Minister of Transportation and Works about this issue.

NEW/GENERAL/ UNFINISHED none for this meeting

ADJOURNMENT

Motion: Collins/Will

2014-413 Resolved that this meeting be adjourned. Time 8:40 p.m.

Carried Unanimously

Moses Tucker, Mayor

Judy Squires, Town Clerk

Attachments: (1) Appendix A: Tabled Report (Planning & Development)
(2) Advisory Committee on the Environment – tabled report

**Appendix A: Tabled Report
November 25th, 2014**

Applications:

Item # 1: Civic # 12-16B Mercers Road

Residential Subdivision

Zoning: Residential Medium Density (RMD) - Serviced

The Committee recommends that the application for Civic # 12-16B Mercers Road be granted approval in principle, permitting a fully-serviced residential subdivision consisting of twenty-six lots on an extension of Mercers Road and one new street. Approval in principle is subject to the submission of certified reports from registered professionals (hydrologist, engineers, etc.) regarding the environmental, geotechnical, drainage and other consideration of the site, suitability and compaction testing on recommended imported soils. Approval in principle is also subject to a notice to area residents regarding the proposed development. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations, Subdivision Design & Construction Standards, and all other regulatory bodies of government, specifically Plan Policy GL-1, GL-3, GL-6 and GL-7 (General Layout Policies), Plan Policy GE-4, GE-6 and GE-7 (Protection of Environmentally Sensitive Areas), Plan Policy GE-11 (Storm Drainage), Plan Policy SD-5 (Public Input), Plan Policy SD-7 (Open Space Dedications), Plan Policy SD-8 (Maintenance of Natural Vegetation), Plan Policy RES-11 (Servicing New Residential Subdivision Development), Plan Policy RES-17 (Street Design and Construction Standards), Plan Policy RES-22 (Watercourse and Wetland Protection), Plan Policy T-10 (Local Roads), Development Regulation 59 (Street Construction Standards), Development Regulation 67 (Stormwater Management), Subdivision of Land Regulation 81 (Services to be Provided), Subdivision of Land Regulation 83 (Permit to Subdivide Subject to Considerations), Subdivision of Land Regulation 88 (Land for Public Open Space), Subdivision of Land Regulation 90 (Subdivision Design Standards), Schedule C: Residential Medium Density and Schedule E: Environmental Protection Overlay.

Item # 2: Civic # 89A Dogberry Hill Road

Demolish & Reconstruct Single Dwelling

Zoning: Residential Medium Density (RMD) - Unserviced

The Committee recommends that the application for Civic # 89A Dogberry Hill Road be granted approval in principle, permitting the demolition and reconstruction of a single dwelling. Approval in principle is subject to the submission of documentation from a professional verifying that the existing dwelling must be demolished due to structural and/or safety concerns. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations, and all other regulatory bodies of government, specifically Development Regulation 49 (Non-Conforming Use).

Administrator recommended that this application be granted approval in principle.

Item # 3: Civic # 12-16 Franklyn Place

Dwelling Extension

Zoning: Residential Medium Density & Residential Development Scheme Area (RMD & RDSA) - Unserviced

The Committee recommends that the application for Civic # 12-16 Franklyn Place be granted approval in principle, permitting the construction of a dwelling extension. 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 Regulation 49 (Non-Conforming Use).

Administrator recommended that this application be granted approval in principle.

Item # 4: Civic # 32 Lark Place

Accessory Building

Zoning: Residential Medium Density (RMD) - Unserviced

The Committee recommends that the application for Civic # 32 Lark Place be granted approval in principle, permitting the construction of two (2) accessory buildings. 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 Regulation 39 (Accessory Buildings) and Schedule C: Residential Medium Density.

Administrator recommended that this application be granted approval in principle.

Item # 5: Civic # 341-359 Bauline Line Extension

Business Application (Agriculture)

Zoning: Residential Low Density & Rural (RLD & RUR) -Unserviced

The Committee recommends that the application for Civic # 341-359 Bauline Line Extension be granted approval in principle, permitting the establishment of a commercial agriculture business (hay cultivation). Approval in principle is subject to approval from the Department of Natural Resources. Approval in principle is subject to no agriculture activity being conducted within the Residential Low Density zone. 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 Regulation 41 (1) (Buffer Strips), Development Regulation 51 (1) (Off-Street Parking Requirements) and Schedule C: Rural.

Administrator recommended that this application be granted approval in principle.

**Item # 6: Civic # 45-47 Chesley-Van Heights
Business Application (Light Industry)
Zoning: Residential Low Density (RLD) -Unserviced**

The Committee recommends that the application for Civic # 45-47 Chesley-Van Heights be granted approval in principle, permitting the establishment of a light industry business (small engine repair) as a home occupation. Approval in principle is subject to a public advertisement. 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 Regulation 33 (Notice of Application), Development Regulation 102 (Discretionary Uses), Schedule C: Residential Low Density, and Schedule D: Off-Street Parking Requirements.

**Item # 7: Civic # 248-260 Witch Hazel Road
Residential Subdivision
Zoning: Residential Low Density & Agriculture (RLD & AG) - Unserviced**

The Committee recommends that the application to subdivide property and construct an unserviced residential subdivision at Civic # 248-260 Witch Hazel Road be rejected as the application is contrary to the Town's Municipal Plan & Development Regulations, specifically Plan Policy GL-3 (General Layout Policies), Plan Policy SD-1 (Evaluating Proposals to Subdivide Land), Plan Policy SD-3 (Semi-Serviced Areas), Plan Policy SD-7 (Open Space Dedications), Plan Policy RES-8 (Council Control of Land Development), Plan Policy RES-11 (Servicing New Residential Subdivision Development), Plan Policy RES-14 (Street Design and Construction Standards), Plan Policy RES-16 (Street Design and Construction Standards), Subdivision of Land Regulation 81 (3) (Services to be Provided), Subdivision of Land Regulation 83 (Permit to Subdivide Subject to Considerations), Subdivision of Land Regulation 87 (Subdivision Subject to Zoning), Subdivision of Land Regulation 88 (Land for Public Open Space), Subdivision of Land Regulation 90 (r) (Subdivision Design Standards), Schedule C: Agriculture Condition # 5 (Single Dwellings) and a Motion of Council (Motion 2014-386) on November 18th, 2014.

Correspondence:

Item # 9: Picco & White - Chesley-Van Heights Stage V Public Open Space

The Planning Department is in receipt of correspondence regarding the Public Open Space requirement for Stage V of the Chesley-Van Heights Residential Subdivision. This item was held by the Committee on November 12th, 2014 pending receipt of a legal opinion from the Towns Solicitor.

The Committee advises Staff to correspond with the law firm acknowledging receipt of their correspondence and the concerns expressed within the correspondence. The Committee advises Staff to schedule a meeting with the Developer to discuss the matter.

Item # 10: Civic # 12 Conatti Place - Untidy Property at Civic # 8-10 Conatti Place

The Planning Department is in receipt of correspondence from a resident regarding an untidy property located adjacent to their property.

The Committee advises Staff to correspond with the resident acknowledging receipt of their correspondence and advising them that the Town is actively addressing the matter with the adjacent Property Owner.

Discussion:

Item # 12: Civic # 20-30 Coadys Road - Demolition Application

Planning Staff discussed an application submitted to the Town to demolish an existing church.

The Committee advises Planning Staff to correspond with the applicant acknowledging receipt of their application and advising them that the processing time for this application may be longer than typically experienced due to the history of the property, including previous applications submitted to the Town. The Application is held pending further review at the next Planning and Development Committee meeting.