



TOWN OF PORTUGAL COVE-ST. PHILIP'S

February 24, 2015

Regular Public Council Meeting 7:30 p.m.

IN ATTENDANCE:	Acting Mayor	DM Gavin Will
	Councillors:	Dave Bartlett
		Joe Butler
		Norm Collins
		Aaron Facey
		Johnny Hanlon
		Chris Milley
	Town Manager/Engineer	Tony Pollard
	Director of Financial Operations	Dawn Sharpe
	Director of Rec. & Community Serv.	Gail Tucker
	Director of Public Works	Les Spurrell
	Planning & Dev. Coordinator	Judy Squires
	Town Clerk	

Acting Mayor Will called the meeting to order and welcomed the gallery of 8 persons in attendance, noting regrets from Mayor Tucker.

ADOPTION OF AGENDA

Motion: Facey/Collins
2015-041 Resolved that the Agenda dated **February 24, 2015**, be adopted as circulated.
Carried Unanimously

ADOPTION OF MINUTES

Motion: Hanlon/Bartlett
2015-042 Resolved that the minutes of **February 10, 2015** be adopted as amended.
Carried Unanimously

BUSINESS ARISING

The Town Manager reported on the following items:

1. Action Items list includes 2 new items, 5 items have been completed and 21 remain in progress.

2. Canadian Infrastructure Report Card Survey

The survey has been completed.

3. Take Charge of your Municipality Grant

A proposal has been submitted.

4. Water Metering Discussion - A water metering implementation company made a presentation to council to give ideas on how we may want to proceed with a water metering pilot program. They left the council with plenty of information to consider.

COMMITTEE REPORTS

Planning & Development Report – February 17th presented by Councillor Collins:

1. 20-30 Coadys Road

The processing of an application to demolish the old church building at Civic # 20-30 Coadys Road remains on-going and the Committee requests that Item # 1 be held pending further review.

2. 223-239 Olivers Pond Road

Motion: Collins/Bartlett

2015-043 Resolved that the application to subdivide property and construct a single dwelling and accessory building at Civic # 223-239 Olivers Pond Road be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

3. 1777 Portugal Cove Road

Motion: Collins/Butler

2015-044 Resolved that the application to construct a single dwelling at Civic # 1777 Portugal Cove Road be rejected as per Appendix A: Tabled Report.

Carried Unanimously

Note: Councillor Hanlon inquired if this was the area known as ‘the Pinch’ and if so are there any plans concerning restoration of the area. Councillor Collins confirmed that it was and that this issue will go to the next committee meeting and it is the committee’s intention to meet with the developer to work out a resolution.

4. 1779-1781 Portugal Cove Road

Motion: Collins/Butler

2015-045 Resolved that the application to construct a single dwelling at Civic # 1779-1781 Portugal Cove Road be rejected as per Appendix A: Tabled Report.

Carried Unanimously

5. 379 Dogberry Hill Road

Motion: Collins/Facey

2015-046 Resolved that the application to construct a single dwelling with subsidiary apartment at Civic # 379 Dogberry Hill Road be granted approval in principle as per Appendix A: Tabled Report.

Carried For: Bartlett/Collins/Facey/Will

Against: Butler/Hanlon

Note: following the reading of the motion, Councillor Butler presented his Minority Report dissenting from the committee’s recommendation for item #5 and the following item #6 for 383 Dogberry Hill Road. Councillors expressed their individual rationale for and/or against. It was determined that the traffic situation was a major concern in this area and Deputy Mayor Will suggested that Public Works make it a high priority to develop an overall plan for this area.

6. 383 Dogberry Hill Road

Motion: Collins/Bartlett
2015-047 Resolved that the application to construct a single dwelling with subsidiary apartment at Civic # 383 Dogberry Hill Road be granted approval in principle as per Appendix A: Tabled Report.
Carried For: Bartlett/Collins/Facey/Will
Against: Butler/Hanlon

Note: previous comments for item 5 also apply to item 6.

7. 362 Bauline Line Extension

Motion: Collins/Facey
2015-048 Resolved that the application to subdivide property at Civic # 362 Bauline Line Extension be rejected as per Appendix A: Tabled Report.
Carried Unanimously

8. 255-259 Bauline Line Extension

Motion: Collins/Bartlett
2015-049 Resolved that the application to perform backfilling at Civic # 255-259 Bauline Line Extension be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

9. 432 Old Broad Cove Road, rezoning – this item deferred back to committee.

10. Correspondence concerning 12-16B Mercers Road

The Committee advises Staff to respond to correspondence received by the Town regarding the approval in principle of a residential subdivision development at Civic # 12-16B Mercers Road. The Committee also advises Staff to include in the responses that an appeal has been filed against this development and as per Section 45 (1) of the Urban and Rural Planning Act, 2000 and Section 8.1 of its Development Regulations and Regulation 27 of the Town's Development Regulations any development upon the property, which is subject to the appeal, shall be prohibited pending a decision of the Appeal Board.

11. 13 Emylia Place, removal order – appeal decision

The Planning Department is in receipt of a decision of appeal from the Eastern Newfoundland Regional Appeal Board regarding an appeal filed against Councils decision to reject an application to construct an accessory building at Civic # 13 Emylia Place. The Board concluded that the appeal was invalid as it was filed outside the 14 day time period specified in Section 42 (4) of the Urban and Rural Planning Act, 2000 and ordered that the appeal be dismissed. Item Submitted for Information.

Motion: Collins/Butler
2015-050 Resolved that Council issue a Removal Order for an accessory building located at Civic # 13 Emylia Place as the structure was constructed without a permit from the Town.
Carried Unanimously

12. Notice of Appeal hearings

The Planning Department is in receipt of a notice from the Eastern Newfoundland Regional Appeal Board that the following appeals will be heard on **March 23rd, 2015 starting at 9:15 am** at the Fairfield Inn & Suites, St. John's:

- Civic # 75-85B Round Pond Road – Order to pull down, destroy and remove a building (cabin);
- Civic # 108-110 Windsor Heights – Stop Work Order regarding a business operating without a permit from the Town, and;
- Civic # 41-47 Meadow Heights – Councils rejection of an application to subdivide property and construct a single dwelling (backlot).

Item Submitted for Information.

13. 12-16B Mercers Road

The Planning Department is in receipt of correspondence from a resident regarding a residential subdivision at Civic # 12-16B Mercers Road. The resident has requested that their correspondence be tabled at Councils meeting.

Item Submitted for Information.

14. 109-113 Bennetts Road – Notice of appeal filed

The Planning Department is in receipt of notice from the Eastern Newfoundland Regional Appeal Board that an appeal has been filed against the following:

- A decision of Council to reject an application to construct an accessory building extension at Civic # 109-113 Bennetts Road.

Item Submitted for Information. Planning Staff will forward the information requested.

15. Permit Stats: There were ten (10) permits issued from January 30th to February 12th, 2015.

Recreation /Lifestyle Committee Report – February 18, 2015 presented by Councillor Facey:

1. Discussions with EDMC

The Director of Economic Development met with the Recreation Committee to discuss a proposed sponsorship package he has prepared. This committee will review the document and suggestions will be forwarded to the Director of Recreation. The sponsorship package may not see its full potential until 2016. However it is the goal of the Recreation Department to obtain partial sponsorship by the spring of this year. Progress updates will be given when applicable.

2. Event Ticket Purchasing Policy

The Recreation Committee reviewed the Event Ticket Purchasing Policy.

Motion: Facey/Bartlett
2015-051 Resolved that the Town adopt the new "Event Ticket Purchasing Policy" effectively immediately.
Carried Unanimously

3. Field Schedules

The Recreation Director sent out the field request forms to all the regular user groups. The Minor Groups will be coordinating their schedules to allow participants to have an opportunity to play soccer and softball. The Recreation Committee would like to commend the volunteers from these organizations for all the time and effort that they put into making this possible. The Recreation Department will confirm these schedules as soon as possible.

4. Fee Structure

Recreation Committee reviewed the rental rates for the Town facilities.

Motion: Facey/Hanlon
2015-052 Resolved that the Town adopt the revised fee structure as per attached. Rates will be effective immediately.
Carried Unanimously

5. Eastern School District - MOU

The Recreation Committee held discussions concerning the MOU between the Town and the Eastern School District. The Recreation Director will try to set up a meeting with the Eastern School District to try discussing a MOU that includes the usages of the soccer field and the school. This item will be carried forward to the next Recreation meeting for discussion.

6. Donation

The Recreation Committee reviewed a Community Grant Application that was received.

Motion: Facey/Bartlett
2015-053 Resolved that the Beachy Cove Elementary (Boys) Puma's receive a grant in the amount of \$200.00 to assist with hosting of a Provincial Tournament at Beachy Cove Elementary (held) on February 20th-22nd.
Carried Unanimously

Note: Councillor Facey extended congrats to the Beachy Cove Pumas Grade 6 Girls Basketball team for winning both Gold and Silver at a recent invitational tournament and the Grade 6 Boys Pumas for winning gold at the provincials.

Public Works Committee Report – February 18, 2015 - presented by Councillor Bartlett:

1. Bridge Replacement/Maintenance – Millers Road and Spurrells Road

Committee was presented with the design concept for Millers Road bridge. Phase 1, the installation of a steel ramp bridge and temporary wooden ramps, will be completed in the coming months with an expected completion date by the end of Spring 2015. Phase 2, which entails the placement of permanent footings, installation of asphalt ramps and removal of the existing structure, will be completed late summer/fall 2015. The tender package for Phase 1 will be released by the consultant by the end of the month (February 2015).

2. Driver Feedback, Water Consumption and Landfill Usage Report Updates

The following updates were provided to Committee:

- Driver Feedback – Significant decreases in vehicle speed were recorded during the reporting period January 12, 2015 thru February 12, 2015. During this timeframe, there was a targeted patrol by the Royal Newfoundland Constabulary (RNC). Further analysis of the data will be completed to determine peak speeding times and forwarded to the Protective Services Committee to assist the RNC in developing targeted patrols.
- Water Consumption – The cost per cubic meter of water through the Regional Water Authority has increased to \$0.555 for 2015 from \$0.543 in 2014. Consumption levels for January 2015 are on par with the prior month.
- Landfill Usage – As expected following the holiday season, garbage and recycling tipping fees increased slightly from December 2014 to January 2015.

3. Storm Water / Ground Water Portugal Cove Road

As referred from the Council meeting of February 10, 2015, Committee discussed the ground water issue in the area of the Breakwater Pharmacy on Portugal Cove Road. Committee reviewed the actions undertaken by the Town (leak detection, chlorine testing, installation of concrete trench block and culvert and on-site meeting with the property owner) and were satisfied no further investigation was required at this time. Committee was advised that, as a supportive measure to the property owner, Town staff will undertake dye testing in the river upstream of the property to determine whether the waterway may be adding to the issue. Staff will be following up with the property owner to advise of the leak detection results and dye testing and inquire on progress/plans for remediation by the property owner. Of concern is the seepage of water from the parking lot on to Drover Heights. Salt/sand patrols have been increased in this area to deal with the ice build-up resulting from the water run-off.

4. Depot Relocation

Committee was advised draft appraisal reports were received from Altus Group for the two parcels of land being considered for the potential relocation of the depot. Operational considerations for each site will be discussed at the next Committee meeting for recommendation to the Administration and Finance Committee.

5. Other Items Discussed

Grant Smith, Facilities Lead, was introduced to Committee; Jeff Lawlor requested Committee consider collaboration opportunities for the Action Committee on the Environment (ACE); Traffic control signage for the ferry terminal line-up near Loop Drive was discussed; and Councillor Hanlon updated Committee on the Protective Services Committee recent meeting with Safe PCSP.

Note: following the report, in response to Deputy Mayor Will's inquiry regarding a previous discussion held for item 5 and 6 in the Planning Committee report, Councillor Bartlett confirmed that the Public Works Committee would take the lead in looking at the traffic situation on Dogberry Hill Road.

Economic Development, Marketing & Communications Report – February 19, presented by Councillor Butler

1. ACE Advisory Committee on Environment

A meeting has been scheduled on March 4th between Council and ACE to discuss priorities this year and to review the Terms of Reference.

The Economic Development, Marketing and Communications committee met with Shawn Kean, a resident interested in joining ACE.

Motion: Butler/Hanlon

2015-054 Resolved that Shawn Kean be appointed to the Advisory Committee on the Environment.

Carried Unanimously

2. Placebuilder

The final set of community group meetings will take place on February 25th. The final Public meeting is scheduled for Wednesday, March 11th with a mail out being sent out the first week of March highlighting the plan.

3. Community Profile

A copy of the Community Profile has been shared with council and staff for final edits. Printing will take place upon final approval expected at the end of the month.

4. Sharepoint

Training has been provided to staff. Directors will be uploading content into the system over the next month.

5. Beachy Cove Trail

A design and budget prepared by Grand Concourse for Beachy Cove Trail was reviewed by the committee. Crown Lands are being contacted regarding use of lands and funding applications will be sent out following their feedback.

6. Sustainability Conference

Councillor Butler and the Director of Economic Development attended the conference in London, Ontario from February 9 – 12. A summary will be discussed at the next committee meeting.

Protective Services Committee Report – February 19, 2015 – presented by Councillor Hanlon:

1. SafePCSP

The Committee met with Norma Reid and Wendy Reid Fairhurst, of the SafePCSP community group, to discuss current traffic calming initiatives and future collaborative pedestrian safety initiatives. SafePCSP will bring a proposal back to the Committee on February 24, 2015. The Committee agreed to review the Town's current Speed Limit Policy.

2. FES Updates

- Recruit training is ongoing. One candidate has dropped out.
- New pickup is in our hands, and we are in the process of having the up fitting done. Quotes are acquired but it will be at least a month to get all in. This includes stripping the old pickup and installing some of the recovered lighting on the new unit.
- Further to our conversation on civic addressing at the last meeting, we assisted Heather with the development of an article for The Tickle, including a suggested guideline for displaying civic address numbers.

3. Draft Nuisance Regulations

A copy of the draft wording changes to the Town's current Nuisance Regulations were circulated to Committee members for review. They will bring suggested edits back to the Committee at the next meeting.

4. Draft Open Air Fire Regulations

The Town Manager and the Employee and Public Relations Administrator are currently working on this draft regulation; an update will be provided at the next Committee meeting.

Note: Update from the Town Manager notes that a legal review is being done on the first draft from the Fire Chiefs.

Admin. and Finance Committee Report – February 17, 2015 – presented by Councillor Butler:

1. Accounts for Payment

Motion: Collins/Hanlon
2015-055 Resolved that Council pay Regular Accounts in the amount of \$73,751.46
Carried Unanimously

2. Discussion Items

The committee discussed a resident's tax issue relating to multiple water services to one property. Staff will contact the residents to resolve the issue.

The Director of Financial operations updated the committee on 2014 operations. The Financial statements are not yet complete for an audit perspective but the Town will come in under budget for fiscal 2014 mainly because of some Capital out of Revenue deferrals and differences with the timing for financing some of the larger Capital projects.

The committee also touched on a number carryforward items that will be discussed in the future as deadlines for some of the issues approach.

CORRESPONDENCE

(a) Northeast Avalon Joint Councils – minutes of December 17, 2014 circulated by Councillor Butler, for information.

(b) Town of Woodstock, NL – interest in fire truck – referred to Protective Fire Services Committee and letter to be forwarded to Fire Chiefs for their information.

(c) Church by the Sea Inc. – Councillor Butler tabled correspondence Church by the Sea received from Heritage Canada The National Trust announcing their support by providing interest free funding of \$25,000 to them contingent on a partnership with key stakeholders.

NEW/GENERAL/UNFINISHED BUSINESS

1. Councillor Collins provided a brief overview of UMC meetings he attended in Stephenville last weekend noting that presentations by NL Power, MNL president Churence Rodgers and NL Recreation were very informative. There was also information presented on Asset Management and Municipal Ticketing.

2. Deputy Mayor Will asked that the provincial budget consultations be placed on the Admin Finance agenda for next week to consider whether or not the Town should submit a presentation. He noted that he registered the Town in the event we should decide to submit.

NOTICE OF MOTION

Deputy Mayor Will gave notice on behalf of Mayor Tucker that the previous Notice of Motion regarding Rules of Procedure given on February 10th to come forward tonight is deferred to a March meeting.

ADJOURNMENT

Motion:	Facey/Collins
2015-056	Resolved that this meeting be adjourned. Time 8:35 p.m.
Carried	Unanimously

DM Gavin Will, Acting Mayor

Judy Squires, Town Clerk

Attachments:

Appendix A: Tabled Report, (Planning & Development)
and Minority Report re P & D item 5

**Appendix A: Tabled Report
February 17th, 2015**

Applications:

Item # 2: Civic # 223-239 Olivers Pond Road

**Subdivide Property & Construct Single Dwelling & Accessory Building
Zoning: Residential Low Density (RLD) - Unserviced**

The Committee recommends that the application for Civic # 223-239 Olivers Pond Road be granted approval in principle, permitting the subdivision of property and construction of a single dwelling and accessory building. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically General Regulation 11 (Variances), General Regulation 12 (Notice of Variance), Development Standard 39 (Accessory Buildings) and Schedule C: Residential Low Density.

Item # 3: Civic # 1777 Portugal Cove Road

**Single Dwelling
Zoning: Mixed Use (MIX) - Serviced**

The Committee recommends that the application to construct a single dwelling at Civic # 1777 Portugal Cove Road be rejected as the application is contrary to the Town's Municipal Plan & Development Regulations, specifically Plan Policy GLU-14 (Conservation and Open Space Uses), Development Standard 64 (Site Suitability), Development Standard 70 (3b) (Soil Removal and Deposit and Site Grading) and Schedule E: Environmental Protection Overlay Condition # 4 (Steep Slopes).

The administrator recommended that this application be rejected.

Item # 4: Civic # 1779-1781 Portugal Cove Road

**Single Dwelling
Zoning: Mixed Use & Traditional Community (MIX & TC) - Serviced**

The Committee recommends that the application to construct a single dwelling at Civic # 1779-1781 Portugal Cove Road be rejected as the application is contrary to the Town's Municipal Plan & Development Regulations, specifically Plan Policy GLU-14 (Conservation and Open Space Uses), Development Standard 64 (Site Suitability), Development Standard 70 (3b) (Soil Removal and Deposit and Site Grading) Schedule C: Traditional Community Condition # 9 (Minor Slopes) and Schedule E: Environmental Protection Overlay Condition # 4 (Steep Slopes).

The administrator recommended that this application be rejected.

**Item # 5: Civic # 379 Dogberry Hill Road
Single Dwelling with Subsidiary Apartment
Zoning: Residential Medium Density (RMD) - Serviced**

The Committee recommends that the application for Civic # 379 Dogberry Hill Road be granted approval in principle, permitting the construction of a single dwelling with subsidiary apartment. 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), Development Standard 60 (Subsidiary Apartments), Schedule C: Residential Medium Density and Schedule D: Off-Street Parking Requirements.

**Item # 6: Civic # 383 Dogberry Hill Road
Single Dwelling with Subsidiary Apartment
Zoning: Residential Medium Density (RMD) - Serviced**

The Committee recommends that the application for Civic # 383 Dogberry Hill Road be granted approval in principle, permitting the construction of a single dwelling with subsidiary apartment. 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), Development Standard 60 (Subsidiary Apartments), Schedule C: Residential Medium Density and Schedule D: Off-Street Parking Requirements.

**Item # 7: Civic # 362 Bauline Line Extension
Subdivide Property
Zoning: Rural & Residential Development Scheme Area (RUR & RDSA) - Unserviced**

The Committee recommends that the application to subdivide property at Civic # 362 Bauline Line Extension be rejected as the application is contrary to the Town's Municipal Plan & Development Regulations, specifically General Regulation 7 (Permit Required), Development Regulation 49 (1) (Non-Conforming Use), Use Zones Regulation 98 (3) (Use Zones) and Schedule C: Residential Rural.

The administrator recommended that this application be rejected.

Item # 8: Civic # 255-259 Bauline Line Extension

Backfilling

Zoning: Residential Low Density (RLD) - Unserviced

The Committee recommends that the application for Civic # 255-259 Bauline Line Extension be granted approval in principle, permitting backfilling of land. Approval in principle is subject to no work being performed within a 15m watercourse protection buffer. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations, and all other regulatory bodies of government, specifically General Regulation 70 (Soil Removal and Deposit and Site Grading).

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

Planning and Development Minority report (submitted by Councillor Joe Butler – February 20, 2015)

Re: item 5 - Civic # 379 Dogberry Hill Rd, Single Dwelling with Subsidiary Apartment
and
Item 6 - Civic #383 Dogberry Hill Rd, Single Dwelling with Subsidiary Apartment

Note: (while these are separate applications the reasons are the same, for both)

Reason for Dissent

I do not agree with the recommendation put forward by the Committee and present the following information for consideration to reject these applications:

Requires discretionary approval from Council

- 1) As part of Placebuilder there has been extensive discussion regarding Advanced street network planning which includes planning connectivity and also the traffic flows matched to the density of housing in a given area.
- 2) Our new town plan with numerous public consultations and 10 years in the making has RMD on new streets increased frontage from 15 m to 23m (50 feet to 75 feet) clearly showing the will of the people to less density
- 3) Several pieces of written correspondence and a meeting by the committee with neighbours where concerns of increased traffic on a busy road and safety concerns for children
- 4) As per number 10 below .discretionary powers of council... under other considerations.. there has been demonstrated opposition to Subsidiary apartments (but not to single dwellings) and no show of support... this must be a consideration

10. DISCRETIONARY POWERS OF COUNCIL

(1) In considering an application for a permit or for approval in principle to carry out development, Council shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, shall consider any applicable report and recommendation submissions from a qualified consultant, shall further consider recommendations from the Town Engineer, and shall assess the general appearance of the development of the area, the amenity of the surroundings, potential environmental effects, availability of municipal services and utilities, public safety and convenience, and any other considerations which are, in its opinion, material. Notwithstanding the conformity of the application with the requirements of these Regulations, Council may as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.

(2) Council will determine the uses that may or may not be developed in a use zone and those uses shall be listed in the Development Regulations as discretionary, permitted or prohibited uses for that area.

(3) When approving or rejecting an application for a discretionary use, Council shall state in writing the basis for its decision.