



TOWN OF PORTUGAL COVE-ST. PHILIP'S
March 10, 2015

Regular Public Council Meeting 7:30 p.m.

IN ATTENDANCE:	Mayor	Moses Tucker
	Deputy Mayor	Gavin Will
	Councillors:	Dave Bartlett
		Joe Butler
		Aaron Facey
		Johnny Hanlon
	Town Manager/Engineer	Chris Milley
	Director of Public Works	Gail Tucker
	Planning & Dev. Coordinator	Les Spurrell
	Planning/Events Coordinator	Nicole Clarke (for presentations)
	Town Clerk	Judy Squires

Mayor Tucker called the meeting to order and welcomed the gallery of 15 persons in attendance (plus those in attendance for presentations), noting regrets from Councillor Collins.

ADOPTION OF AGENDA

Motion: Facey/Hanlon
2015-057 Resolved that the Agenda dated **March 10, 2015**, be adopted as circulated.
Carried Unanimously

PRESENTATIONS

Recreation Department Presentations for Winter Carnival February 13th - 21st
Councillor Facey and Nicole presented to the following winners:

Snow Sculpture Contest Winner

The Frankland Family (Alexander, Abigail, Renay and Scott) of Dawn Allen Road.

Coloring Contest Winners

Primary Student:	1 st Place	Coryssa Tucker
	Runner Up	Kaleigh Whiffen
Elementary Student:	1 st Place	Madison Purchase
	Runner Up	Julinna Tschaja

Photo Contest Winner – Russ Neary

Congratulation to all winners!

DELEGATION Mr. Sean Hammond spoke to Council and presented his concerns regarding a bus being parked in the neighborhood of Thorburn Woods. He identified several issues including the unsafe conditions for children in the area. He requested that council develop regulations not just for buses but for commercial vehicles in residential areas.

Note: Mayor Tucker thanked Mr. Hammond for his presentation.
It was noted this item will be given further consideration by the Protective Services Committee with input from the Planning/Development Dept. in reference to any current applicable regulations.

ADOPTION OF MINUTES

Motion: Facey/Hanlon
2015-058 Resolved that the minutes of **February 24, 2015** be adopted as amended.
Carried Unanimously

BUSINESS ARISING

The Town Manager reported on the following items:

1. **Action Items.** The list includes 13 new items, 18 items have been completed, 15 remaining.
2. Attended Mayors Killick Coast meeting
3. Attended meeting with Jeff and Neil Dawe to present Placebuilder proposal to Minister Brazil
4. 1st draft of the Flood mapping is received .

In response to questions arising regarding flooding (Breakwater Pharmacy parking lot) the Town Manager reported that he and the Director of Public Works met with Minister Brazil and DWST to discuss the next steps. The source of the ground water needs to be determined when the weather allows.

COMMITTEE REPORTS

Planning & Development Report – March 3, 2015 presented by Councillor Butler:

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. 432 Old Broad Cove Road – No discussion, this item deferred at the request of the applicant.

3. 9-13 Mallards Lane

Motion: Butler/Will
2015-059 Resolved that the application to subdivide property and construct a single dwelling at Civic # 9-13 Mallards Lane be rejected as per Appendix A: Tabled Report.
Carried Unanimously

4. 9-11 Allens Lane

Motion: Butler/Bartlett
2015-060 Resolved that the application to construct a dwelling extension at Civic # 9-11 Allens Lane be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

5. 241-243 Old Broad Cove Road

Motion: Butler/Will
2015-061 Resolved that the application to subdivide property at Civics # 237-239 and Civic # 241-243 Old Broad Cove Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

6. 39 Knights Rest

Motion: Butler/Facey
2015-062 Resolved that the application to establish a general industry business (tire and oil change service) as a home occupation at Civic # 39 Knights Rest be rejected as per Appendix A: Tabled Report.
Carried Unanimously

7. 45-47 Chesley Van Heights

(a) Rescind previous motion
Motion: Butler/Will
2015-063 Resolved that Motion # 2014-401, the approval in principle of a light industry business (small engine repair) as a home occupation at Civic # 45-47 Chesley-Van Heights, be rescinded in accordance with Development Regulation 102 (Discretionary Uses) in light of multiple pieces of correspondence received from area residents opposing the proposed development.
Carried Unanimously

(b) Home Occupation application
Motion: Butler/Bartlett
2015-064 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 rejected as the application is contrary to the Town's Municipal Plan & Development Regulations, specifically Development Regulation 102 (Discretionary Uses).

Carried Unanimously
Note: Following item 7, in response to Councillor Hanlon's comments noting there was no background information contained in the committee report Appendix for this item, it was confirmed that the feedback from residents was the reason committee reconsidered the item and subsequently rejected the application.

Council discussed the requirement on a going forward basis to provide background information including copies of correspondence with the reports where applicable.

8. Municipal Recommendation Form re 869 Indian Meal Line

Motion: Butler/Will
2015-065 Resolved that Council approve the Municipal Recommendation Form for Crown land at Civic # 869 Indian Meal Line for the purpose of existing residential development.
Carried Unanimously

9. Municipal Recommendation Form re Olivers Pond Road

Motion: Butler/Will
2015-066 Resolved that Council approve the Municipal Recommendation Form for Crown land at the end of Olivers Pond Road for the purpose of potential residential subdivision development.
Carried Unanimously

Note: Further to Councillor Hanlon's inquiry, for clarification it is noted that development of this parcel of land will provide connectivity to the Winsor's Gate subdivision development via Sparta Place (which is a new street off Old Broad Cove Road).

10. Municipal Recommendation Form Beachy Cove Hill/Nearys Pond Road

Motion: Butler/Facey
2015-067 Resolved that Council approve the Municipal Recommendation Form for Crown land required for a license to occupy Crown land in the area of Beachy Cove Hill/Nearys Pond Road for the purpose of recreational development (hiking trail).
Carried Unanimously

11. Notice of Appeal re 379 & 383 Dogberry Hill Road

The Planning Department is in receipt of a notice from the Eastern Newfoundland Regional Appeal Board that an appeal has been filed against Council decision to grant approval in principle to two applications to construct single dwellings with subsidiary apartment at Civic # 379 Dogberry Hill Road and Civic # 383 Dogberry Hill Road. Item Submitted for Information. Planning Staff will forward the information requested.

12. 1777 and 1779-1781 Portugal Cove Road - No discussion, this item is deferred.

13. Development Regulations amendments

Motion: Butler/Bartlett
2015-068 Resolved that Council proceed with the Committees proposed amendments to the Town's Development Regulations 2014-2024 resulting from a thorough review of the Regulations.
Carried Unanimously

Note: In response to Councillor Hanlon's inquiry for more information, the Planning/Dev. Coordinator explained that when the Town Plan was adopted there were several edits that needed to be addressed in the Regulations. In response to Councillor Will's inquiry for deferment, it was determined that it wasn't necessary to defer as there will be opportunity for public and Council's input and information will be made available in this process.

14. Permit stats: There were six (6) permits issued from February 13th to February 26th, 2015.

Recreation /Lifestyle Committee Report – March 3, 2015 presented by Councillor Facey:

1. East Coast Trails

Committee reviewed both attached correspondence from East Coast Trails Association. The Recreation Director will arrange a meeting with Council and ECTA to discuss the issues highlighted. The correspondence is also addressing the naming of the ECT between Portugal Cove and Bauline, was forwarded to the Heritage Staff for review. The heritage committee recommended two other names to consider and these suggestions were forwarded to ECT. The Director of Economic Development is working with ECT to organize the meeting with the residents in the area of North Point Road. Details of the meeting will be made public once confirmed.

2. Lifestyle Centre

The Recreation Committee resumed discussions on the Lifestyle Centre. The Recreation Director will set a date and time for all Recreation Committee members and rest of Council to attend.

3. World War Commemorations Community Fund

The Recreation Department received the application for the World War Commemorations Community Fund from Canadian Heritage. Staff is investigating the possibility of the Royal Canadian Legion availing of this funding for the World Memorial Project. Staff will communicate with the Legion Volunteers on this issue.

4. Donation requests:

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

Motion: Facey/Bartlett

2015-069 Resolved that the Leary's Brook Junior High Basketball Team receive \$150.00 to sponsor their Provincial Tournament Feb 26th – 28th.

Carried Unanimously

Note: Councillor Bartlett noted the Grade 7 Boys team referenced above won the championship and the Grade 8 Boys won silver.

Motion: Facey/Hanlon

2015-070 Resolved that the Recreation Centre rental fee be waived for the 1st Portugal Cove Scouts fund-raiser to attend the Provincial Jamboree in Terra Nova.

Carried Unanimously

Motion: Facey/Hanlon

2015-071 Resolved that the Rainbow Gully Turf rental fee be waived for the Avalon U14 Soccer Team fund-raiser tournament to travel to England for soccer this summer.

Carried Unanimously

Motion: Facey/Bartlett

2015-072 Resolved that Square it up Basketball receive \$200 to sponsor their U14 girls team travelling to PEI for Atlantic Championships.

Carried Unanimously

Motion: Facey/Hanlon
2015-073 Resolved that the Northeast Eagles Peewee C Team receive \$150.00 to sponsor the team travelling to Lewisporte for Provincials.
Carried Unanimously

Public Works Committee Report – March 4, 2015 - presented by Councillor Bartlett:

1. Depot Relocation – Land Appraisal

Committee was presented with the appraisal executive summaries and briefing notes on the two parcels of land being considered for the potential relocation of the depot. The land size, zoning, appraised values, descriptions, configurations, frontage, municipal services, site cover, topography and other operational factors were discussed. Committee identified the parcel of land considered to be more favorable and concluded that next steps be taken to determine availability of the land.

Motion: Bartlett/Hanlon
2015-074 Resolved that contact be made with the property owner to determine availability of the preferred parcel of land and identify next steps needed if the land is to be secured.
Carried Unanimously

2. Dogberry Hill Road Traffic / Infrastructure Assessment

Referred from the Council meeting of February 24, 2015, Committee discussed infrastructure requirements for the Dogberry Hill Road area taking into consideration the influx of families, new subdivisions, road safety, and access to new school. This item will be further discussed at the next Committee meeting to establish conceptual ideas for the area and provide direction to staff on next steps.

3. Other Items Discussed

Replacement of the 3-ton dump truck; Loop Drive exit – new “No Stopping” signage; level of service related to snow clearing and ice control; and commercial vehicle parking in residential areas. Water service stubs on a section of Thorburn Road was deferred to a future Committee agenda.

Economic Development, Marketing & Communications Report – March 4, 2015 presented by Councillor Butler

1. Tourism Destination Development Plan

A provincial Destination Development planning process is currently underway in North East Avalon. The process will identify a series of recommendations and action steps that will enable the tourism industry, in collaboration with Hospitality Newfoundland and Labrador (HNL), the Department of Business, Tourism, Culture and Rural Development (BTCRD) and the North East Avalon (NEA) Primary Stakeholder Committee to create innovative, authentic and new tourism

experiences and enhance existing tourism attractions and infrastructure. Portugal Cove – St. Philip's is on the Primary Stakeholder Committee and the first regional meeting was held on Tuesday, March 7. The report is expected to be completed in early 2016 and there is no cost to the Town.

2. Placebuilder

The final meetings with stakeholders have been completed with revisions based on their input being undertaken prior to the final public meeting which will now be on March 18th. A mail out has been released to residents advertising this event.

3. Green Team Application

The Town is submitting a Green Team application for support with our Recycling program. The application is being prepared with input from the Public Works Department and Advisory Committee on the Environment (ACE). This is a budgeted item in the ACE budget.

4. Mondopad

The Town has an agreement in place with Triware for them to supply a demo Mondopad to the town hall. Council will then determine if it works for their needs with regards to remote access for councillors, tech and communication advantages for committee meetings and presentations.

5. Sustainability Conference

Councillor Butler and the Director of Economic Development provided the following highlights with regards to the Federation of Canadian Municipalities Conference on Sustainability

- Public Participation and Engagement training was a hugely effective session. Many of council's public engagement strategies, as exemplified through the Budget process last fall, were reinforced with new tools and considerations discussed. The information gained will strengthen and inform our overall communication strategies.
- Tools for speed calming and town planning should have major input from environmental considerations, for example, narrowing roads and planting trees along roads in subdivisions significantly reduce traffic speeds. In addition the importance of walkability, nature and well planned pockets of density provide major boosts in attractiveness and sustainability of a community. Info is being submitted to Public Works and Planning on this. It also supports what we are hearing from Placebuilder.

6. East Coast Trail Resident Meeting

Local residents, near the trailhead of the East Coast Trail section in Portugal Cove will be invited to attend a public meeting on Tuesday, April 14th. The section will open in the Spring.

Protective Services Committee Report – March 4, 2015 – presented by Councillor Hanlon

1. Draft Nuisance Regulations

The Committee is continuing to review the draft regulations and will bring suggestions back to the next Committee meeting.

2. Criminal Activity on Beachy Cove Road

The Committee discussed reports of vehicle damage in the Beachy Cove Road area and wished to remind residents to contact the Royal Newfoundland Constabulary (RNC) at 729-8000 to report any criminal activity. The RNC will direct its resources to these areas based on reported activity.

3. Recreation Vehicle Usage on Ponds

The Committee had discussed this issue last fall and areas of concern were passed along to the RNC, as per their recommendation, for them to increase their presence in these areas.

4. Letter from the Town of Woodstock

The Town of Woodstock has made a request to the Town for the donation of the 1996 Ford F-250 truck that the Fire Department is scheduling to take off line. The Chiefs have recommended that the Town donate the truck to the Town of Woodstock provided it can be done so as per the Municipalities Act, 1999 Amendment regarding Authority to Sell, Lease or Dispose of Municipal Property.

Note: This item will come back to Council once the legislative requirements are confirmed.

5. Bus Parking in Residential Area

The Committee reviewed correspondence from a resident with concerns regarding a commercial bus parked in a residential area. Currently, the Town does not have a policy prohibiting commercial vehicles in residential areas. Other possible solutions are being investigated.

6. 72 Hour Preparedness Kit Promotion

In anticipation of North American Occupational Health and Safety Week in May, the Committee discussed promotional materials and ideas to help keep residents better informed and better prepared in the case of an emergency.

Note: further to the Mayor's inquiry regarding a roll out, Councillor Hanlon indicated Heather was seeking out materials and there is a lot of info on the Federal government website. We could put on the Town's website and also Tickle Newsletter.

7. SafePCSP 2015 Initiatives

The Committee reviewed the proposal submitted by the community group SafePCSP. Committee Chair will contact the group with which items would be best to focus on and how the Town can assist with their success in these initiatives.

Admin. and Finance Committee Report – March 4, 2015 – presented by Deputy Mayor Will:

1. Accounts for Payment
Motion: Will/Butler
2015-075 Resolved that Council approve the accounts for payment as follows:
Regular - \$ 17,841.39
Capital - \$392,130.98
Totalling - \$409,971.77
Carried Unanimously

2. Provincial Budget Consultations

Consultations are being held on March 6th at the Capital Hotel. Deputy Mayor Will prepared a presentation and committee agreed that he attend and make this presentation on behalf of the Town.

3. Nape Contract

Notification was received from Nape that the teams be put in place for the negotiation of the unionized employees contract which is due to expire on May 31, 2015. Committee agreed that the Town Manager put together the employer’s team at the next management meeting.

4. 2014 Audit

The Director of Financial Operations noted that the auditors are currently working onsite and the draft audit for 2014 should be available by the end of March.

5. Other items discussed:

Committee was provided with updates by staff regarding ongoing matters which included:
Gas Tax projects – three projects have been submitted (bridges/culvert replacement and asset management plan) totaling \$600,000.

Water metering – the Town Manager is gathering data for projected costs in the selection of a smaller/newer area for this project. He noted that the Town’s subdivision standards and subdivision agreements for serviced subdivisions will also need to be reconsidered to accommodate future metering requirements if required.

Public Works Depot – both Planning and Development and the Public Works committee are reviewing this item and will provide a final recommendation to Council.

Recycling costs and the Northeast Avalon ACAP report assessing drinking water management on the Northeast Avalon were also discussed.

CORRESPONDENCE

(a) Proclamation for ‘Purple Day’ March 26 - Mayor Tucker signed the Proclamation in an effort to raise the awareness and understanding of epilepsy and to support all those who live with seizures each day.

NEW/GENERAL/UNFINISHED BUSINESS

1. Deputy Mayor Will, in reference to the Harrison Parsons water issue, asked if the Director of Public Works could have conversation with Mr. Parsons regarding short and long term solutions that might be appropriate.

The Mayor advised that this issue will be addressed at the upcoming Committee of the Whole meeting and that there are several issues to be discussed including cost estimates, legal ownership and potential water taxes.

NOTICE OF MOTION - none

ADJOURNMENT

Motion: Facey/Hanlon
2015-076 Resolved that this meeting be adjourned. Time 8:50 p.m.
Carried Unanimously

Moses Tucker, Mayor

Judy Squires, Town Clerk

Attachments:

Appendix A: Tabled Report, (Planning & Development)

**Appendix A: Tabled Report
March 3rd, 2015**

Applications:

Item # 2:

Civic # 432 Old Broad Cove Road

Rezoning

Zoning: Mixed Use, Residential Low Density & Agriculture (MIX, RLD & AG) - Semi-Serviced

(Item deferred at the Council Meeting)

Item # 3:

Civic # 9-13 Mallards Lane

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 # 9-13 Mallards Lane be rejected as the application is contrary to the Town's Municipal Plan & Development Regulations, specifically Plan Policy GLU-9 (Access to Public Streets and Roads), Development Regulation 46 (1) (Lot Area), Development Regulation 47 (Lot Frontage), Schedule C: General Provision 12 (c) (Environmental Protection) and Schedule C: Residential Medium Density.

The Administrator recommended that this application be rejected.

Item # 4:

Civic # 9-11 Allens Lane

Dwelling Extension

Zoning: Residential Medium Density (RMD) - Fully-Serviced

The Committee recommends that the application for Civic # 9-11 Allens Lane be granted approval in principle, permitting the construction of single 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).

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

Item # 5:

Civic # 237-239 & 241-243 Old Broad Cove Road

Subdivide Property

Zoning: Mixed Use & Residential Low Density (MIX & RLD) - Semi-Serviced

The Committee recommends that the application for Civics # 237-239 and 241-243 Old Broad Cove Road be granted approval in principle, permitting the subdivision of property at Civic # 237-239 Old Broad Cove Road and the incorporation of the severed parcel (which contains an existing accessory building) into Civic # 241-243 Old Broad Cove Road.

The Administrator recommended that this application be rejected.

Item # 6:

Civic # 39 Knights Rest

Business Application (General Industry)

Zoning: Residential Medium Density (RMD) -Unserviced

The Committee recommends that the application to establish a general industry business (tire and oil change service) as a home occupation at Civic # 39 Knights Rest be rejected as the application is contrary to the Town's Municipal Plan & Development Regulations, specifically Plan Policy RES-4 (Land Uses), Development Regulation 103 (Uses Not Permitted) and Schedule C: Residential Medium Density.

The Administrator recommended that this application be rejected.

(Council meeting note: there is no appendix information provided for items 7 onward)