



TOWN OF PORTUGAL COVE-ST. PHILIP'S

April 21, 2015

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/Engineer	Chris Milley
	Director of Ec. Development	Jeff Lawlor
	Planning Coordinator	Les Spurrell
	Town Clerk	Judy Squires

Mayor Tucker called the meeting to order, welcomed the gallery of 39 persons in attendance including media.

ADOPTION OF AGENDA

Motion: Will/Bartlett
2015-112 Resolved that the Agenda dated **April 21, 2015**, be adopted as amended*.
Carried Unanimously
* to include an additional Planning & Development Committee report (held April 21st) under 'Other reports'. The order of reports was also amended.

ADOPTION OF MINUTES

Motion: Hanlon/Facey
2015-113 Resolved that the minutes of **April 7, 2015** be adopted as circulated.
Carried Unanimously

BUSINESS ARISING - no Town Manager's report for tonight's meeting.

COMMITTEE REPORTS

Recreation /Lifestyle Committee Report – April 17, 2015 presented by Councillor Facey:

1. Committee Name

Discussions were held regarding the aligning of the committee name with the name of the department. The name change will not cause the committee to lose priority of the Lifestyle Centre. It will remain with the committee's duties in the Term of Reference (as tabled with this report).

Motion: Facey/Hanlon
2015-114 Resolved that the Recreation and Lifestyle Committee name be changed to the **Recreation and Community Services Committee**. Terms of reference will be amended to reflect the name change.
Carried Unanimously

2. Donation

After reviewing the Community Grant Application the committee put forward the following:

- Motion: Facey/Butler
 2015-115 Resolved that the Town waive the rental fee of the Recreation Centre for the St. Lawrence Parish to hold a fund-raiser for the Guatemala Mission Trip.
- Carried Unanimously
- Motion: Facey/Bartlett
 2015-116 Resolved that the Town donate \$250.00 to the Royal Canadian Legion Branch 10 Dart Team for their travels to the Nationals in Surry British Columbia May 3th-5th.
- Carried Unanimously

Public Works Committee Report – Councillor Bartlett advised no meeting/no report

Economic Development, Marketing & Communications Report – April 15, 2015 presented by Councillor Butler

1. Placebuilder

The draft of the final report will be circulated to council prior to the Council meeting on April 21st.

The Director of Recreation and Director of Economic Development met with the membership of Bicycle NL on Monday, April 13th. Following the meeting, they have expressed their support for the development of a Bike Park in Portugal Cove –St. Philip’s and for it to be the location of the mountain bike portion of the Canada Summer Games in 2021. Subsequent meetings with the Province and Bicycle NL are being planned.

2. PSCP/Wabana Joint Council Meeting

The Town Council of Wabana has accepted the invitation for a joint council meeting on Wednesday, May 6th here in Portugal Cove – St. Philip’s. This will be the second annual joint council meeting, following up on the Wabana meeting in March of 2014. Minister Brazil will be in attendance.

3. Atlantic Green Forum and Design Charrette

The Town has formally requested to host the event this November. Landscape NL is making the decision on April 23rd.

4. “We Are Cities” Roundtable

“We Are cities” is a campaign that is looking to build a vision and action plan to make Canadian cities healthy and exciting places to live, work and play. The campaign will bring peoples' ideas together and build on initiatives that are already taking place across the country. We Are Cities will help connect existing community-building work in order to strengthen and mobilize our collective efforts to enable the change we need. The town will be hosting a “We are Cities” roundtable in conjunction with Municipalities Newfoundland and Labrador for our region on Thursday, May 14th.

5. Canadian Federation of Independent Business (CFIB) Petition

CFIB asked their members from throughout the country to voluntarily sign a petition to their respective municipalities to lobby government to reduce Business Tax. The Town has received 7 forms from our local business community. As a part of our ongoing public engagement we will address these concerns with the business community during the 2016 Budget consultations.

6. East Coast Trail Meeting

Members of East Coast Trail met with residents of PCSP near the trail head to give an update to the project and discuss the trail, parking issues and issues surrounding the trail opening. The trail is scheduled to open in August. The discussion was a collaborative one and attended by more than 12 residents.

7. Economic Developers Association of Canada (EDAC) Board Meetings

The Director of Economic Development will attend the board meetings as a member of the board in Comax, BC on June 10 – 15th. There is no cost to the Town as this is funded by the EDAC organization.

Protective Services Committee Report – April 14, 2015 – presented by Councillor Hanlon

1. Emergency Plan Exercise – April 14, 2015

The Fire Chiefs and the Employee and Public Relations Administrator partnered with Fire and Emergency Services NL and members of the Dept. of Forestry to design, organize and carry out a hybrid table top / functional exercise of the Town's Emergency Plan. The Exercise took place the morning of Tuesday April 14th, and involved a large number of Town staff, members of the Volunteer Fire Department, members of Council and a number of outside organizations such as the Canadian Red Cross, the Royal Newfoundland Constabulary, the Rovers Search and Rescue, Advanced Education and Skills, Public Safety Canada, St. John Ambulance, Eastern Health, members of the media and more. The scenario, Exercise "Smoked Out", was based on a large scale forest fire involving a multi-station Fire Department response, the declaration of a state of emergency, road closures, and an evacuation. Grade six students from Beachy Cove Elementary enthusiastically played mock evacuees and their Principal, Mr. Aubrey Dawe, also played an integral role in the mock event. The purpose of the exercise is meant as a gap analysis to highlight areas of improvement with the Town's current Emergency Plan and response resources. This type of exercise is hugely beneficial by also providing the opportunity for staff and Council to understand roles and responsibilities and other possible outside resources they would have in the event of a real emergency. The entire event went very well and the Town has received a lot of positive feedback from the province, St. John's Regional Fire Dept., Eastern Health, JTFA and others. Thank you to everyone who played a part in the event, planning and execution, we could not have done it without you. A de-brief is scheduled for next week and the resulting analysis will then be applied to update and improve the Emergency Plan.

Admin. and Finance Committee Report – April 15, 2015 – presented by Deputy Mayor Will:

1. Accounts for Payment

Motion: Will/Collins
2015-117 Resolved that Council approve the accounts for payment as follows:
Regular - \$ 15,229.76
Capital - \$ 6,257.40
Total - \$21,487.16
Carried Unanimously

2. Financing approval for new Fire Truck

Committee was advised that government's contribution toward the purchase of the 2015 Spartan Fire Pumper is \$182,489.76 and financing is required as follows:

Motion: Will/Facey
2015-118 Resolved that Council approve financing in the amount \$288,765.00 for the purchase of the 2015 Spartan Fire Pumper truck.
Carried Unanimously

3. 2015 Public Sector Financial Reporting and Accounting Course

Committee reviewed the request from the Director of Financial Operations to attend the conference being held May 20-22 in Toronto and puts forward the following:

Motion: Will/Butler
2015-119 Resolved that Council approve the payment of registration fees of \$995.00 and related travel costs/expenses for the Director of Financial Operations to attend the 2015 PSAB course being offered in Toronto in May.
Carried Unanimously

4. Other items discussed:

Deputy Mayor Will presented some information regarding the new electoral boundaries and Mayor Tucker offered to present/speak on behalf of the Town at the public hearings being held on April 22nd.

5. Carried Forward items:

Gas Tax projects update – confirmation received that the Western Point culvert project is approved under this program.

Water metering pilot project update – projects include 100 homes in Thorburn Woods and 24 homes in the new Winsors Gate subdivision. The Town Manager noted the next step is to communicate with residents on what to expect for costing and value of the project etc. and to receive feedback. Next update should be available for middle of May. Deputy Mayor Will noted that Councillor Butler will take the lead on this.

Planning & Development Report – April 14, 2015 presented by Councillor Collins:

1. Water Edge Preserve Residential Subdivision

The Committee met with the Developer of the Water's Edge Preserve Residential Subdivision and discussed a proposed lot reconfiguration for the development.

Motion: Collins/Will

2015-120 Resolved that further to Motion # 06-386, wherein Council conditionally approved a revised concept plan for "an eighteen (18) lot, full serviced residential subdivision off Portugal Cove Road"; that it be resolved that Council amend the above Motion to read "a twenty-six (26) lot fully-serviced residential subdivision at Civics # 1436-1438 & 1464-1474 Portugal Cove Road". In addition, the Committee recommends that Council accept a payment (from the Developer) of a sum of money, the exact amount to be determined by the Town, equal to the entire value of such area or areas of land which would otherwise be required to be dedicated to the Town as 10% Public Open Space by the Developer as per Development Regulation 88 (Land for Public Open Space) of the Town's Municipal Plan and Development Regulations 2014-2024.

Carried Unanimously

2. 787-813 Indian Meal Line

Motion: Collins/Butler

2015-121 Resolved that Council approve the Municipal Recommendation Form for Crown land at Civic # 787-813 Indian Meal Line for the purpose of commercial development.

Carried Unanimously

3. Appeal Board decision re 75-85B Round Pond Road

The Planning Department is in receipt of a decision from the Eastern Newfoundland Regional Appeal Board regarding an appeal filed against the issuance of a Removal Order against a structure (cabin) on property formerly part of Civic # 75-85B Round Pond Road. The Board concluded **that the Town had the authority to issue the Order and the Order was confirmed by the Board.**

The Committee advised Staff to contact the Town's Solicitor requesting that they forward a letter to the Property Owner advising them of the Appeal Board's decision and also providing them with a new deadline to have the structure removed or further action may be taken by the Town. The Board's decision is to be tabled at Council's meeting.

4. Appeal Board decision re 108-110 Windsor Heights

The Planning Department is in receipt of a decision from the Eastern Newfoundland Regional Appeal Board regarding an appeal filed against the issuance of a Stop Work Order against a business operation at Civic # 108-110 Windsor Heights. The Board concluded **that the Town had the authority to issue the Order and the Order was confirmed by the Board.**

The Committee advised Staff to contact the Town's Solicitor requesting that they forward a letter to the Business Owner advising them of the Appeal Board's decision and also advising that the Town will perform checks that the Order is being complied with and if unpermitted business activity is discovered at this location then further action may be taken by the Town. The Board's decision is to be tabled at Council's meeting.

5. Appeal Board decision re 41-47 Meadow Heights

The Planning Department is in receipt of a decision from the Eastern Newfoundland Regional Appeal Board regarding an appeal filed against Council's decision to reject an application to subdivide property and construct a single dwelling (backlot) at Civic # 41-47 Meadow Heights. The Board concluded that **the Town did not act in accordance with Development Regulation 22 and ordered that the decision be vacated and that the decision must be reconsidered by Council** in accordance with the Town's Municipal Plan and Development Regulations, 2000.

The Committee will review the application in accordance with the Appeal Board's decision. The Board's decision is to be tabled at Council's meeting.

(Councillor Collins noted this item is on the next P & D committee agenda)

6. 100-112 Tolt Road

Motion: Collins/Butler
2015-122 Resolved that the application to relocate an existing accessory building at Civic # 100-112 Tolt Road be rejected as per Appendix A: Tabled Report.
Carried Unanimously

7. 20-30 Coadys Road

Discussion of the application to demolish the old church building at Civic # 20-30 Coadys Road remained on-going at this meeting. In particular, the Committee discussed correspondence received from the Chancellor of the Diocesan Synod of Eastern Newfoundland and Labrador. The heritage designation of the building and the age of the application were also discussed as to how they may impact any decision resolved by Council. As a result of the discussions, the Committee decided to bring their recommendation to grant approval in principle to the application to demolish before a vote of Council at the April 21, 2015 public Council meeting. The recommendation to bring it forward is based on the merit of all the information gathered over the history of the issue. The recommendation will also depend on further investigation into, and resolution of, the impact that the heritage designation of the building and age of the application may have on Council's decision on the matter.

8. There were twelve (12) permits issued from March 27th to April 9th, 2015.

Other reports:

Planning and Development Committee meeting held April 21, 2015– supplementary report presented by Councillor Collins as follows:

**1. Civic # 20-30 Coadys Road
Demolition
Zoning: Traditional Community (TC) - Unserviced**

The purpose of this special Committee meeting was to review details of the investigation into the heritage status of the building and age of the application on a recommendation by the

Planning and Development Committee from April 14th, 2015 to grant approval in principle to the application to demolish the old church building at Civic # 20-30 Coadys Road. The investigation concluded that it was advisable to revoke the heritage status of the building, in order to be able to consider the application on its own merits. The investigation also revealed that due to the length of the review period, the application that was submitted on October 31st, 2014, was deemed to be refused, as it had past the eight-week period allotted by Development Regulation 19. As a result, the applicant was asked to resubmit a new application. That application was received on April 17th, 2015 and reviewed by the Committee at this meeting. All materials considered with respect to the original application were taken into account in the review of the new application. Therefore the following motion is being brought forward:

Motion: Collins/Bartlett
 2015-123 Resolved that the application for Civic # 20-30 Coadys Road be granted approval in principle, permitting the demolition of a former place of worship, being the building known as the former St. Philip's Anglican Church. Approval in principle is subject to the submission of written acknowledgment of the proposed demolition from the Provincial Archaeology Office in accordance with Municipal Plan Policy 3.3.2 (Archaeological Sites), as well as subject to the submission of and approval by the Town of a demolition plan and a site development plan. Approval in principle shall also be subject to full compliance with the Town's Municipal Plan and Development Regulations and all other applicable regulatory bodies of the provincial government.

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

CORRESPONDENCE

(a) Church by the Sea – re mediation

NEW/GENERAL/UNFINISHED BUSINESS -

(a) Public Works item re Town Hall renovations

Councillor Bartlett advised that this agenda item is deferred to next Council meeting.

(b) Protective Services item re Firefighter training - presented by the Chair of Protective Services Committee, Councilor Johnny Hanlon as follows:

FES Updates from Co-Chief Richard Murphy and Co-Chief Fred Hollett

Provincial Fire School is set to run from May 23 to May 28, 2015 in Gander. As in the past we have a keen interest from our membership to attend this annual training with 9 members who have asked to attend various courses. These courses involve advanced firefighting, driver operator and emergency management courses among others. The Provincial Fire School will see emergency responders from across the province come together to train, share experiences and

network. Funds have been budgeted and approved in the current operating budget. Thanks for your continued support. (See attached costs)

Therefore, the following motion is being put forward:

Motion: Hanlon/Butler
2015-124 Resolved that Council grant approval to send the 9 volunteer members from the Fire Department so that they will be better trained to respond and safely mitigate any emergency that they may be called upon, for a total cost of \$14,929.34.
Carried Unanimously

For the record: Prior to the vote, Councillor Facey inquired as to whether he would be in conflict as he is a PCSP Fire Fighter and it was the unanimous consensus of Council that he would **not** be in conflict for this item.

NOTICE OF MOTION - none for this meeting

ADJOURNMENT

Motion: Facey/Hanlon
2015-125 Resolved that this meeting be adjourned. Time 8:30 p.m.
Carried Unanimously

Moses Tucker, Mayor

Judy Squires, Town Clerk

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

**Appendix A: Tabled Report
April 14th, 2015**

Applications:

Item # 6:

Civic # 100-112 Tolt Road

Accessory Building

Zoning: Residential Medium Density (RMD) - Unserviced

The Committee recommends that the application to relocate an existing accessory building from the rear yard to the front yard at Civic # 100-112 Tolt Road be rejected as the application is contrary to the Town's Municipal Plan & Development Regulations as there have been no physical limitations identified on the property which would prevent the accessory building from being placed in the side or rear yard (as required) in accordance with Development Regulation 39 (Accessory Buildings) and Schedule C: Residential Low Density Condition # 1 (Accessory Buildings).

The Administrator recommended that this application be rejected.