



TOWN OF PORTUGAL COVE-ST. PHILIP'S

May 19, 2015

Regular Public Council Meeting 7:30 p.m.

IN ATTENDANCE:	Mayor	Moses Tucker
	Deputy Mayor	Gavin Will
	Councillors:	Dave Bartlett
		Norm Collins
		Johnny Hanlon
	Town Manager/Engineer	Chris Milley
	Planning Technician	Ashley MacKinnon
	Director of Recreation	Dawn Sharpe
	Director of Public Works	Gail Tucker
	Town Clerk	Judy Squires

Mayor Tucker called the meeting to order, welcomed the gallery of 6 persons in attendance and noted regrets from Councillors Butler and Facey.

ADOPTION OF AGENDA

Motion: Collins/Bartlett
2015-147 Resolved that the Agenda dated **May 19, 2015**, be adopted as circulated
Carried Unanimously

ADOPTION OF MINUTES

Motion: Will/Hanlon
2015-148 Resolved that the minutes of **May 5, 2015** be adopted as circulated.
Carried Unanimously

BUSINESS ARISING

The Town Manager reported the action list was circulated to Council with 15 new items, 13 completed and 15 remaining. A joint meeting was held with Town of Wabana and will be reported on in the Economic Development report. On May 7th, he along with the Mayor and Director of Public Works attended a meeting with the Eastern Regional Services Board. The school land expropriation papers have been finalized and signed and the solicitor is handing the transfer of funds (\$559,000). Council will give consideration at a later meeting as to which account these funds will be directed to.

COMMITTEE REPORTS

Planning & Development Report – May 12, 2015 presented by Councillor Collins

1. 41-47 Meadow Heights

Motion: Collins/Will
2015-149 Resolved that the application to subdivide property and construct a single dwelling at Civic # 41-47 Meadow Heights be rejected as per Appendix A: Tabled Report.
Carried For: Bartlett/Collins/Tucker/Will
Against: Hanlon

2. 124-126 Old Broad Cove Road

Motion: Collins/Bartlett
2015-150 Resolved that the application to demolish an existing single dwelling and construct a new single dwelling at Civic # 124-126 Old Broad Cove Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

3. 287-295A Tolt Road

Motion: Collins/Will
2015-151 Resolved that the application to construct a single dwelling at Civic # 287-295A Tolt Road be rejected as per Appendix A: Tabled Report.
Carried Unanimously

4. 25-31C Round Pond Road

Motion: Collins/Bartlett
2015-152 Resolved that the application to construct an accessory building at Civic # 25-31C Round Pond Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

5. 123 Beachy Cove Road

Motion: Collins/Hanlon
2015-153 Resolved that the application to construct an accessory building at Civic # 123 Beachy Cove Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

6. 854-856 Indian Meal Line

Motion: Collins/Bartlett
2015-154 Resolved that the application to perform backfilling at Civic # 854-856 Indian Meal Line be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

Note: Prior to the following item #7 (concerning the St. Lawrence Anglican Church property) being presented Councillor Collins asked if he would be in conflict for this item as he is a member of the church. It was the consensus of all members of Council that he would **not** be in conflict.

7. 1824 & 1824A Portugal Cove Road

Motion: Collins/Will
2015-155 Resolved that the application to widen a driveway access at Civics # 1824 & 1824A Portugal Cove Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

8. 6-18 Joyce Crescent

The Planning Department is in receipt of a request from an applicant to process a Municipal Recommendation Form for Crown land measuring approximately 743 m² located near Civic # 6-18 Joyce Crescent for the purpose of residential development. The land applied for is within the Residential Low Density zone and would be consolidated with an adjacent property.

Motion: Collins/Bartlett
2015-156 Resolved that Council approve the Municipal Recommendation Form for Crown land near Civic # 6-18 Joyce Crescent for the purpose of residential development.
Carried Unanimously

9. 20-30 Coadys 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's decision of April 21st, 2015 to grant approval in principle to an application to demolish a former place of worship at Civic # 20-30 Coady's Road.

Staff will forward the information requested to the Appeal Board.

Update: the appeal hearing date is set for June 19, 2015

10. 12-16B Mercers Road

The Planning Department is in receipt of a notice from the Eastern Newfoundland Regional Appeal Board that the appeal against Council's decision to grant approval in principle to a residential subdivision at Civic # 12-16B Mercers Road will be heard on May 15th, 2015 at 9:15 am at the Ramada Hotel, St. John's.

Item Submitted for Information.

Update: at the hearing, the appeal was deferred.

11. Water's Edge Preserve subdivision

The Planning Department is in receipt of correspondence from a Property Owner expressing concerns regarding the potential change in storm water runoff from the Water's Edge Preserve Residential Subdivision into Murray's Pond resulting from Council's acceptance to revise the lot layout to allow for the development of eight additional building lots.

The Committee advises Staff to correspond with the Property Owner regarding the concerns presented. The Committee requests that this correspondence, as well as correspondence received from the Developer's consultant engineer, be tabled at Council's meeting.

12. 21 Blagdon Hill

Motion: Collins/Bartlett
 2015-157 Resolved that the request for Civic # 21 Blagdon Hill be approved, allowing a 10.0 % variance on the height of a proposed accessory building which has been granted approval in principle. The variance will result in an accessory building height of 4.4 m as opposed to the maximum of 4.0 m. Approval 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) and General Regulation 12 (Notice of Variance).

13. St. John’s Regional Plan Amendment

The Planning Department is in receipt of correspondence from the Minister of Municipal Affairs allowing the Town to proceed with the required public consultation (as per Section 14 of the Urban and Rural Planning Act) for St. John’s Urban Region Regional Plan Amendment, Municipal Plan Amendment No. 1, 2015 & Development Regulations Amendment No. 1, 2015 (Windsor Heights).

Staff advised that the notice for public consultation will be published in the Telegram on Saturday May 16th, 2015 and will request comments from local municipalities.

14. Murrays Pond Subdivision – Stage 1

Motion: Collins/Will
 2015-158 Resolved that Council grant final acceptance of roads and infrastructure, as per Section 4.6 (Services and Works Vesting in the Town) of the Subdivision Agreement, located within Stage I of the Murrays Pond Residential Subdivision as per legal documentation submitted to the Town by the Developer.

Carried Unanimously

15. There were nineteen (19) permits issued from April 24th to May 7th, 2015.

Recreation and Lifestyle Committee Report – May 12, 2015 presented by Councillor Hanlon

1. Vigilant Management

Councillor Hanlon advised that this item would not be presented at this meeting and is deferred.

2. 30 Day Challenge Contest Winner

In the March –April newsletter, residents were challenged by the Recreation Department to participate in a number of activities over a 30 day period. Residents then had the opportunity to send in their completed challenge check list with the chance to win prizes. The winner of this year’s 30 Day-Challenge is Carol Kent. (Presentation took place).

3. Dogs off Leash

The Recreation Department has received a few complaints about dogs being off leash on the walking trails in Voisey’s Brook Park. The Town will remind residents that dogs must be leashed at all times, for the safety of residents as well as their pets. There will be signs posted in the parks as well as

notices on our web page, facebook, and in the next newsletter. There will be the option to allow the dogs off leash once the new dog park opens in a few weeks. Residents will be notified of the opening of the Dog Park once the date is confirmed.

4. Mixed Softball League Rate

Committee discussed the effects of the new rates for Rainbow Gully Field on the Mixed Softball League. Staff will meet with the league to sign their rental agreement for 2015. A new agreement would be considered for 2016.

5. Community Garden

The Recreation Staff met with members of the new PCSP Garden Committee. Discussions were held about the different roles and responsibilities that the Committee would have and what the Town can do to assist. The site of the pilot garden will be Rainbow Gully Park. Staff will assist with the construction of the beds, while the committee will be soliciting local businesses as potential partners. The goal of the committee is to have the beds ready for planting by the first of June. Any resident who wants to purchase a bed can do so for \$40. For further information on this project please contact the Recreation Staff.

6. Donation requests

After reviewing the Community Grant Applications the committee would like to put forward the following recommendations:

- Motion: Hanlon/Bartlett
2015-159 Resolved that the Town discount the rental fee for the Rainbow Gully Softball Field for \$200.00 the weekend of June 12th for Young Guns team as a fund-raiser for slo-pitch Nationals. Be advised that the \$100 fee for the hut will be applied.
- Carried Unanimously
- Motion: Hanlon/Bartlett
2015-160 Resolved that the Town discount the rental fee of the Voisey's Brook Softball Field for \$200.00 the weekend of May 22nd for Hynes Drywell team as a fund-raiser for slo-pitch Nationals. Be advised that the \$100 fee for the hut will be applied.
- Carried Unanimously
- Motion: Hanlon/Collins
2015-161 Resolved that the Square-up Basketball U13 and U14 Team receive \$200.00 for the Atlantic Basketball Championships in Charlottetown May 15th -18th.
- Carried Unanimously
- Motion: Hanlon/Bartlett
2015-162 Resolved that Rebecca Collier receive \$100 donation towards her Newfoundland and Labrador Basketball Association 2015 Midget Girls Team travelling to Edmonton July 23rd – 30th.
- Carried Unanimously

Public Works Committee Report – presented by Councillor Bartlett

1. Water / Sewer Transfer Fee

Committee was presented with the details of an application for the transfer of water and sewer services from an existing structure with an existing connection to Town services to a newly constructed structure at the same civic address. Applying the current fee structure, service transfers are to be charged at the rate of a new system connection. Committee concluded that the new system connection fee is not appropriate for service transfers, however, a fee is necessary to cover the Town's costs associated with approving such a transfer. Committee requested staff identify the costs associated with approving a transfer of services for implementation as a Transfer Fee.

Motion: Bartlett/Hanlon

2015-163 Resolved that the Transfer Fees outlined below be adopted for immediate implementation and integrated into future updates of the Town's Tax Structure and Schedule of Fees. Furthermore, these transfer fees will apply only to an existing structure with an existing connection to Town services and will result in the disconnection of the existing structure and the transfer of services to the new structure at the same civic address provided the proposed transfer connection meets the Town's regulation and policy requirements. The fees are as follows:

Transfer Fee Water:	\$350
Transfer Fee Sewer:	\$350
Transfer Fee Storm Sewer:	\$350

Carried Unanimously

2. Speed Bump Locations

Committee discussed the re-installation of mobile speed bumps as part of the Town's traffic calming measures. Given the success of the permanent speed bumps implemented in recent years and the damaging effect the mobile speed bumps cause to asphalt, a new approach is being investigated for speed bump installations. Staff will obtain quotes for the installation of permanent speed bumps in the areas where the mobile bumps have existed in the past. The mobile speed bumps will be used on a pilot basis in areas of identified concern to assist in the determination of whether permanent speed bumps are warranted.

3. Driver Feedback Signs

Staff advised that the three driver feedback signs, which were previously approved by Council, have been ordered. Council Hanlon has been in discussion with the Minister of Transportation & Works regarding the installation of Town owned signs on Portugal Cove Road and Thorburn Road, which are provincially owned and maintained. Feedback received from the Minister has indicated positive reception to such a partnership and Councillor Hanlon will follow-up to make the appropriate connections for staff. The Town will also install an additional driver feedback sign on Dogberry Hill Road on the opposite side of the existing sign.

4. War Memorial Road Closure

Committee reviewed and approved a request from the Royal Canadian Legion to provide manpower and equipment assistance with a road closure on Loop Drive for an event at the War Memorial on June 28.

5. Other Items Discussed

Dewayne Whitewick, Equipment Operator/Wastewater Treatment Plant Operator, presented to Committee on his recent participation in the American Public Works Association's annual Snow Conference. Mr. Whitewick thanked Committee and Council for supporting this employee development opportunity and shared how his learnings from the conference and trade show were applicable to the Town's operations.

Economic Development, Marketing & Communications Report – May 12, 2015 presented by Councillor Bartlett

1. Advisory Committee on the Environment (ACE)

James Blackmore met with the Economic Development Committee regarding his desire to join ACE.

Motion:	Bartlett/Will
2015-164	Resolved that James Blackmore be appointed to the Advisory Committee on the Environment.
Carried	Unanimously

2. Placebuilder

The final version of the Placebuilder plan will be tabled at tonight's council meeting. It is important to note that all priorities, ideas and plans identified in the report will have further engagement as the Town prioritizes and evaluates each strategically.

The Town will write a letter of support to Tilt House Bakery in their funding request for a Farmer's Market as identified in Placebuilder.

3. Harbour Authority Meeting

The AGM for the Harbour Authority will take place on Thursday, May 28th. Council and staff have received an invitation to attend. The AGM is not a public meeting, if anyone wishes to attend they are asked to contact the Harbour Authority prior to the event.

4. Wabana Joint Council Meeting

The Joint Council meeting with Wabana took place on Wednesday, May 6. Minister Brazil updated the councils on the new ferry, dock work and terminal plans. Other items included tourism, transportation, the new municipal fiscal framework, election boundaries and transportation issues. The next meeting will take place in the fall in Wabana.

5. Genealogy Workshop

The Heritage Programs and Services Coordinator hosted a Genealogy work shop on Saturday, May 9th at the Town Hall. There were 19 participants. The Heritage Committee is looking to build on the momentum and create a Family History Club.

6. We are Cities Roundtable

The roundtable has 15 registered participants scheduled for Thursday, May 14th. The event is being jointly run by MNL and the Town of Portugal Cove – St. Philip's.

Note: Mayor Tucker requested an update be available for the next Council Meeting.

Protective Services Committee Report – May 12, 2015 presented by Councillor Hanlon

1. FES Updates

- Training on the new truck has started with the identified core group of firefighters and the truck should be in service by the end of the month. The Chiefs will continue to assess and make recommendation on which station is the best fit for the truck to be based out of from an operational standpoint.
- Everything is in place to send the nine (9) members to Fire School the end of May.

The Committee will set up a meeting with the Fire Chiefs on their return to discuss the status of the department moving forward.

2. Draft Nuisance Regulations (Noise Regulations)

The Town Manager circulated a draft of the revised regulations for the Committee to review. Feedback will be brought back to the next Committee meeting.

3. SafePCSP

May is Pedestrian Safety Month. The SafePCSP community group, in partnership with Cychotic Bikes and the Town, held a Safety Clinic & Bike Rodeo last Sunday and it was a great success. The group also has a safety event planned with Beachy Cove Elementary on May 22, 25 and 29, as well as an event planned later in the month with Leary's Brook Junior High.

The Committee had also discussed a Pace Car program with the group, more clarification is needed on exactly what this program entails before the Committee agrees to endorse the program.

4. Speed Limit Policy Review

As part of the Committee's review of the Town's current Speed Limit Policy, the Town Manager will research costing options for a traffic impact study to include all Town roads.

Admin. and Finance Committee Report – May 12, 2015 presented by Deputy Mayor Will

1. Accounts for Payment

Motion: Will/Collins
2015-165 Resolved that Council pay Regular Accounts in the amount of \$23,501.59
Carried Unanimously

2. Legal Counsel

The Town Manager advised that he was notified by John Taylor-Hood Law Firm that he moving his practice. He will be joining the firm of Benson Buffett downtown St. John's. He noted that the move will have little practical effect on his relationship with the Town. Committee also discussed invoices to date from the law firm in respect to the budget. This item will be given further consideration at a future meeting.

3. Permits and the collection of outstanding taxes

The Committee discussed the implementation of the Town’s requirement for outstanding taxes, fees, or charges to be paid by property owners prior to the issuance of permits for their properties.

It was determined that the most appropriate place for this requirement would be within Development Regulation 9 (Permit not to be issued in Certain Cases) of the Town’s Municipal Plan and Development Regulations 2014-2024.

Development Regulation 9 (Permit not to be issued in Certain Cases) currently states “neither a permit nor approval in principle shall be issued for development within the Planning Area when it is premature by reason of the site lacking adequate road access, power, drainage, sanitary facilities, or domestic water supply, or being beyond the natural development of the area at the time of application unless the applicant contracts to pay the full cost of construction of the services deemed necessary by Council and such cost shall attach to and upon the property in respect of which it is imposed.”

The following Motion will result in the above Regulation becoming subsection 1 of Development Regulation 9 and will introduce subsection 2 to the Regulation.

Motion: Will/Collins
2015-166 Resolved that the Town complete an amendment to the Town of Portugal Cove-St. Philip’s Municipal Plan and Development Regulations 2014-2024 to add the following text to Development Regulation 9 (Permit not to be issued in Certain Cases):
(2) A permit shall not be issued for development within the Planning Area unless the owner of the property which is the subject of the application remits payment of any and all outstanding taxes for the previous calendar year, and any and all other fees, or charges owed by that owner, whether or not the said taxes, fees, or charges pertain to the property which is the subject matter of the application. Council may in its sole discretion waive this requirement upon the owner making satisfactory payment arrangements for such taxes, fees, or charges.

Carried Unanimously

Note: The Town Clerk left the committee and the Council meeting prior to the discussion of the following item #4 due to possible conflict of interest:

4. Project management proposals

The committee reviewed the project management proposals submitted for the 2014-2017 Water and Sewer Multi Year Capital Works project and also the Water Metering Pilot Project.

The committee requested the Town Manager to provide more information and update them prior to bringing the item forward. Information was obtained and circulated to Committee resulting in the following:

Motion: Will/Collins
2015-166 Resolved that the Town hire Vigilant Management for project management services in the amount of \$38,660.00 plus HST to manage the four water and sewer projects under the 2014-2017 MYCW projects. Furthermore, this fee which is the upset limit cost for the project, will not be exceeded by Vigilant in executing the scope of work as defined in the proposal dated April 29, 2015.

Carried Unanimously

Note: Council inquired about the metering project and the Town Manager will bring this back to next meeting.

Note: The Town Clerk returned for the remainder of the meeting.

5. Union Negotiations

The Town Manager informed committee of Mr. Curnew's proposal and the committee put forward the following:

Motion: Will/Collins
2015-167 Resolved that the Town hire Gerry Curnew consulting services to represent the Town in the upcoming Nape Contract negotiations.

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

Note: Councillor Hanlon inquired about the need for hiring outside consultants and as to whether this could be managed 'in-house'.

CORRESPONDENCE

- (a) Municipal Assessment Agency – info re Clar Simmons Scholarship
- (b) Letter from Mayor Tapper of the Town of Torbay on behalf of Killick Coast towns – re Lands Act Review and service delivery

NEW/GENERAL/UNFINISHED BUSINESS

(1) Congrats to Boulder Publications/Gavin Will

Award from the 2015 Atlantic Book Awards & Festival held in Halifax.
The award was given for 'Democracy 250 Atlantic Book Award for Historical Writing' for the book 'Perished: The 1914 Newfoundland Sealing Disaster by Jenny Higgins and published by Boulder Publications

(2) Community Garden Project info provided by Recreation Director

The Director of Recreation & Community Services provided some information on the garden project which will be located at Rainbow Gully (between the soccer pitch and softball field). There will be 20 beds measuring 8' x 4' and this includes two inclusive beds.

NOTICE OF MOTION - none for this meeting

ADJOURNMENT

Motion: Will/Hanlon
2015-168 Resolved that this meeting be adjourned. Time 8:40 p.m.
Carried Unanimously

Moses Tucker, Mayor

Judy Squires, Town Clerk

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

**Appendix A: Tabled Report
May 12th, 2015**

Applications:

Item # 1:

**Civic # 41-47 Meadow Heights
Subdivide Property & Construct Single Dwelling (Backlot)
Zoning: Residential Infill (RI) - Semi-Serviced**

The Committee recommends that the application to subdivide property and construct a single dwelling at Civic # 41-47 Meadow Heights be rejected as the application is contrary to the Town's Municipal Plan & Development Regulations at the time of application, as the proposed lot would not have frontage on a publicly maintained street as required by Plan Policy 3.3 (iv) (Infill Development), Plan Policy 3.3 (x) (Access to a Public Street), Development Regulation 46 (1) (Lot Area), Development Regulation 76 (Subdivision Subject to Zoning) and Schedule C: Residential Infill. A variance on the access road width required for a backlot development in accordance with Plan Policy 3.4.2.1 (v) (Backlot Development) would result in the driveway access not complying with Development Regulation 37 (2) (Accesses and Service Streets) and the existing single dwelling not meeting the minimum side yard standard as required by Plan Policy 3.3 (ix) (Building Setbacks) and Schedule C: Residential Infill.

The Administrator recommended that this application be rejected.

Item # 2:

**Civic # 124-126 Old Broad Cove Road
Demolish & Construct Single Dwelling
Zoning: Protected Watershed (PW) - Unserviced**

The Committee recommends that the application for Civic # 124-126 Old Broad Cove Road be granted approval in principle, permitting the demolition of an existing single dwelling and the construction of a single dwelling. Approval in principle is subject to the submission of documentation from a professional confirming that the existing

structure must be demolished due to structural and/or health concerns in accordance with Development Regulation 49 (3b) (Non-Conforming Use). Approvals have been received by the Town from the City of St. John's and the Department of Environment and Conservation. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically Plan Policy PW-1 (Protected Watershed Policies), Development Regulation 49 (Non-Conforming Use) and Schedule C: Protected Watershed.

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

Item # 3:

Civic # 287-295A Tolt Road
Single Dwelling
Zoning: Residential Medium Density (RMD) - Unserviced

The Committee recommends that the application to construct a single dwelling at Civic # 287-295A Tolt Road be rejected as the application is contrary to the Town's Municipal Plan & Development Regulations as the proposed lot would not have frontage on a publicly maintained street as required by Plan Policy GLU-9 (Access to Public Streets and Roads) and Development Regulation 47 (Lot Frontage) and as the lot does not meet the minimum lot frontage standard and exceeds the maximum front yard standard within Schedule C: Residential Medium Density.

The Administrator recommended that this application be rejected.

Item # 4:

Civic # 25-31C Round Pond Road
Accessory Building
Zoning: Residential Low Density (RLD) - Unserviced

The Committee recommends that the application for Civic # 25-31C Round Pond Road be granted approval in principle, permitting the construction of an 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 Development Standard 39 (2) (Accessory Buildings) and Schedule C: Residential Low Density Condition # 1 (Accessory Buildings).

Item # 5:

Civic # 123 Beachy Cove Road
Accessory Building
Zoning: Residential Medium Density (RMD) - Unserviced

The Committee recommends that the application for Civic # 123 Beachy Cove Road be granted approval in principle, permitting the construction of an 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 Development Standard 39 (2) (Accessory Buildings) and Schedule C: Residential Medium Density Condition # 1 (Accessory Buildings).

Item # 6:

Civic # 854-856 Indian Meal Line
Backfilling
Zoning: Mixed Use (MIX) - Unserviced

The Committee recommends that the application for Civic # 854-856 Indian Meal Line be granted approval in principle, permitting backfilling. 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 70 (Soil Removal and Deposit and Site Grading).

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

Item # 7:

Civic # 1824 & 1824A Portugal Cove Road
Driveway
Zoning: Traditional Community (TC) - Serviced

The Committee recommends that the application for Civics # 1824-1824A Portugal Cove Road be granted approval in principle, permitting the widening of an existing driveway access. Approval in principle is subject to approval from the Department of Environment and Conservation, the Department of Fisheries and Oceans and the Department of Transportation & Works. 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 51 (Off-Street Parking Requirements) and Schedule E: Environmental Protection Overlay.