



TOWN OF PORTUGAL COVE-ST. PHILIP'S

June 16, 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
	Town Manager	Johnny Hanlon
	Acting/Town Clerk	Chris Milley
	Director of Financial Operations	Heather Coughlan
	Director of Public Works	Tony Pollard
	Planning Coordinator	Gail Tucker
		Les Spurrell

Mayor Tucker called the meeting to order and welcomed the gallery of 8 persons in attendance. Noted regrets from Councilor Facey.

APPOINTMENT OF ACTING TOWN CLERK

Motion: Collins/Bartlett
2015-193 Resolved that Heather Coughlan be appointed the Acting/Town Clerk for the meeting of June 16, 2015.
Carried Unanimously

ADOPTION OF AGENDA

Motion: Bartlett/Hanlon
2015-194 Resolved that the Agenda dated **June 16, 2015**, be adopted as circulated.
Carried Unanimously

ADOPTION OF MINUTES

Motion: Hanlon/Will
2015-195 Resolved that the minutes of **June 2, 2015** be adopted as circulated.
Carried Unanimously

BUSINESS ARISING

No Town Manager report for tonight's meeting. Action Item list was circulated with 15 new items, 12 completed and 18 remaining in progress.

COMMITTEE REPORTS

Planning & Development Report of June 9, 2015 – presented by Councillor Collins

1. 92-100 Witch Hazel Road – Subdivide Property

Motion: Collins/Will

2015-196 Resolved that the application to subdivide property at Civic # 92-100 Witch Hazel Road be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

2. 627-629 Indian Meal Line - Rezoning

Motion: Collins/Bartlett

2015-197 Resolved that the application to rezone property at Civic # 627-629 Indian Meal Line from Agriculture to Residential for potential development of a residential subdivision be granted approval in principle as per Appendix A: Tabled Report, subject to a subdivision concept plan submitted and accepted by Council.

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

Deputy Mayor Will proposed changes to the wording of this motion as a friendly amendment, all were in agreement with these changes in wording. Councillor Collins asked that the chair of the Committee be informed of any proposed changes prior to Council meetings in the future.

During the discussion period, questions were asked and answered as to the new information provided since the last Committee review.

3. 820B St. Thomas Line – Removal Order

Planning Staff discussed a Removal Order issued against an accessory building constructed without a permit from the Town at Civic # 820B St. Thomas Line.

As previous legal proceedings have been initiated by the Town on this matter, the Committee advises Staff to contact the Town's Solicitor to proceed with immediate action necessary to move forward with an application for a court injunction in relation to this Removal Order.

4. 71-75 Skinners Road – Accessory Building

Motion: Collins/Will

2015-198 Resolved that the application to construct an accessory building at Civic # 71-75 Skinners Road be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

5. 1397D Portugal Cove Road – Accessory Building

Motion: Collins/Hanlon

2015-199 Resolved that the application to demolish and reconstruct a commercial accessory building at Civic # 1397D Portugal Cove Road be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

6. 28-32 Princes Mountain Drive – Accessory Building

Motion: Collins/Will

2015-200 Resolved that the application to demolish and reconstruct an accessory building at Civic # 28-32 Princes Mountain Drive be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

7. 563 Old Broad Cove Road – Accessory Building

Motion: Collins/Bartlett

2015-201 Resolved that the application to construct an accessory building at Civic # 563 Old Broad Cove Road be rejected as per Appendix A: Tabled Report.

Carried Unanimously

8. 1027 Thorburn Road – Accessory Building

Motion: Collins/

The Committee recommends that the application to construct an accessory building at Civic # 1027 Thorburn Road be rejected as per Appendix A: Tabled Report.

WITHDRAWN

Deputy Mayor Will requested and all members agreed that this item is to be brought back to the next Planning & Development Committee meeting for further discussion. He also noted that there is an existing structure on the property and the owner wishes to build a greenhouse on the frame of that structure. This application was rejected by City of St. John's and it is undetermined if St. John's was aware there was an existing structure.

9. Town of Paradise – Municipal Plan & Development Regulations Review

The Planning Department is in receipt of correspondence from the Town of Paradise advising that they are in the process of reviewing their Municipal Plan and Development Regulations, 2004 and are contacting adjoining municipalities for their input with respect to development concerns or issues in and around their common municipal boundary.

The Committee advises the Town Manager set up a meeting between the Town and the Town of Paradise to discuss a potential road network between the two Towns.

10. 1505-1533 Portugal Cove Road – Stormwater Concerns

The Planning Department is in receipt of correspondence from a property owner expressing concerns regarding the calculation of stormwater runoff for the Waters Edge Preserve

Residential Subdivision. This correspondence is in response to a letter from the Town regarding stormwater runoff that was reviewed by Council on May 19th, 2015.

Staff advised that a letter has been received from the Developer's Consultant Engineer in response to this correspondence providing more detailed stormwater calculation information.

The Committee advises Staff to correspond with the property owner regarding the concerns presented.

11. There were twenty-two (22) permits issued from May 22nd to June 4th, 2015.

Recreation /Lifestyle Committee Report – no meeting held.

While there was no meeting held for the Committee, Councilor Hanlon wanted to note the resignation of Programs and Special Events Coordinator Robin Wight. Robin has accepted a position with the City of Corner Brook and her last day with the Town will be June 26, 2015. This is an opportunity for Robin to move home as she is originally from the West Coast and we wish her well on her adventure. Robin has been a great asset to the Town and the Recreation Department, she will be truly missed.

As well, Nicole Clark will be on maternity leave in the fall, therefore there will be a vacancy of one temporary position and one permanent position in the Recreation Department in the near future.

Public Works Committee Report of June 10, 2015 - presented by Councillor Bartlett

1. Miller's Road Bridge - Update

Staff provided Committee with an update on the project schedule. Anticipated on-site mobilization is expected around the second week of July. Communication is being drafted for residents in the area to advise of project timelines and potential impacts during the next few months. Public Works will also be working with the Fire Department to ensure timely updates on project execution to allow for appropriate preparation of emergency services.

2. Thorburn Road Asphalt Re-Finishing Project

Staff presented Committee with the Town's engineering consultant's opinion of the surface condition of asphalt on Thorburn Road from Tuckers Hill to St. Philip's beach. Following resurfacing of this portion of the road in 2014, the Town raised concerns related to rippling in the asphalt. A section of the asphalt was cold milled and replaced at that time. The area where rippling was minor was noted for re-assessment in 2015. EXP advised that:

“From a rideability point of view, there is little to no difference in the comfort level of driving over the section of the road that was resurfaced versus the section that wasn’t resurfaced. In other words, the ripple is very minor in nature at this point in time.

The asphalt placed in this section of Thorburn Rd. met or exceeded the specified quality control requirements with regard to asphalt mix design, compaction, etc.

From a structural, safety and comfort perspective this section of roadway is in quite good condition with minor abnormality that is very difficult to detect or measure. Rather than initiate further repairs, which would create more patching, we would suggest that Council consider monitoring the condition of this section of roadway for another year. This would be on the condition that the contractor provide an additional year warranty beyond the end of the existing 12-month warranty.”

Staff concurred with this recommendation and asked for Committee approval to move forward with the final release of payment on this project. Approval was granted.

3. Water Connection Application Denial

Committee reviewed documentation related to a water service connection application on Skinners Road. The Town has offered the resident a temporary solution which would allow access to water services via a temporary connection. This solution would be at the expense of the property owner and subject to the property owner entering into an agreement with the Town that this temporary access would be revoked upon completion of the water servicing project on Skinners Road and subsequent availability of municipal water, at which time a permanent connection would be required by the property owner. Committee agreed that this offer is satisfactory.

4. Report Updates

Committee was provided with updates on water consumption, driver feedback and landfill usage. Water consumption for 2015 is trending in the same manner as it did in 2014; no spikes in usage or areas of concern. Driver feedback data was collected for the three month period from March 1 to May 30 – number of vehicles recorded increased from 59,000 to 66,000; the average speed recorded was 48km/hr however, more than 50% of the vehicles are travelling at speeds of over 50km/hr. Landfill tipping fees for garbage remain consistent; tipping fees for recycling increased slightly indicating there has been an increase in resident’s participation in the program.

Other Items Discussed

- A winter snow clearing damage claim for Tolt Road was reviewed following the request for review being made to the Chair of the Public Works Committee by the property owner. Committee concurred with the response provided to the property owner.
Driver Feedback Signs/Speed Signs: Locations have been determined for the placement of six (6) radar speed signs. Five of the six locations are on provincially-owned roads. The signs are expected to be erected within the next few weeks once permission is granted from the provincial Department of Transportation and Works.

- Speed humps: Requests for quotes for the installation of permanent speed humps have been distributed.
- Graymans Beard: this item is carried forward as it is still under review by staff. Public Works staff have consulted with the Fire Chiefs and no special arrangements are required from a Fire Department perspective for this area. Staff is investigating land ownership and will report back to Committee.

Deputy Mayor Will asked for clarification on the data collection periods for comparison and staff answered that the periods are for three months prior compared to three months current. He also inquired about the land ownership issue with Graymans Beard, and it was indicated that the issue is around the entrance or gate where the rocks had been placed and subsequently moved by someone other than the town.

Economic Development, Marketing & Communications Report – no meeting held.

Protective Services Committee Report for June 9, 2015 – presented by Councillor Hanlon

1. FES Updates

- Fire School was fully attended and went well. Thanks to Council for their support.
- North East Avalon Chiefs met to discuss support, interoperability, and cooperation between municipalities. They are drafting a letter to FES-NL regarding the HazMat trailers positioned throughout the province.
- The new truck is in service and a core group of members are fully trained at FES-NL level.
- Other vehicles are due for inspections and will be shifted out for this purpose in the coming weeks.
- May have other towns interested in the old truck, chiefs will investigate and make recommendations.
- New seven (7) recruits have completed training and are now assigned to crews.

2. Draft Noise Regulations

A copy of the draft Noise Regulations were circulated to all members. A Notice of Motion to adopt these new regulations will be presented at the next Council meeting.

3. Security Patrol Costing

The Committee discussed one quote for patrol costing and are in the process of obtaining quotes from other sources as well.

4. Fire Commissioner Review of Open Air Burning Regulations

The Town Manager met with the Fire Commissioner regarding his review of the Town's recently adopted Open Air Fire Burning Regulations. The Fire Commissioner's overall comments were positive, and the Committee reviewed the recommendations.

5. **ACE Recommendations**

Copies of the Advisory Committee on the Environment recommendations in regards to pesticide use were presented to the Committee. They will be reviewed for further discussion at the next Committee meeting.

6. **SafePCSP**

The Committee met with members of the SafePCSP community group. All agreed that communication needs to be improved through electronic means between the Committee and the group so both are aware of current pedestrian safety initiatives. The monetary portion of the international Safe School Zone award recently won by the SafePCSP group for the creation of a safe walking zone in the vicinity of Beachy Cove School will be used to develop a plan for vehicle and pedestrian safety improvements at the school. This will involve parties from the school, school board, RNC and the Town.

The group also asked for Town support for extra patrols from the RNC. The RNC advised the best way to increase presence is to promote residents report speeding drivers to the RNC directly through their non-emergency line, call 729-8000. This will be featured in the next edition of the Tickle newsletter.

Councilor Hanlon noted that the award won by the SafePCSP group was quite an accomplishment as it was international, especially for such a newly established group. He noted that the group members deserve a lot of recognition for this.

Deputy Mayor Will attended a meeting with the Department of Transportation, SafePCSP and members of the school at Beachy Cove Elementary and a committee has been struck to work together to improve pedestrian safety around the school. Mayor Tucker noted that the Department of Transportation has made it known that improvements to the shoulders and ditches in the school area are coming this year.

Mayor Tucker asked questions about the additional quotes for Security Patrol Costing. Councilor Hanlon explained that the Committee had contacted the Commissionaires for the first quote. He also noted that if the Commissionaire's were selected there was an additional benefit as their resources support veterans. Councilor Hanlon noted that it was time to start patrolling our parks as they are a significant investment that needs to be protected.

Admin. and Finance Committee Report of June 9, 2015 - presented by Deputy Mayor Will

1. Accounts for Payment

Motion: Will/Collins
2015-202 Resolved that Council pay Regular Accounts in the amount of \$25,085.56 and Capital Accounts in the amount of \$351,940.80 for a total of \$377,026.36.
Carried Unanimously

2. Gas Tax Update

Final approval for go ahead for the Asset Management Plan was received from the Gas Tax Secretariat and plan details will now be finalized with KPMG. Also as a result of recent discussions the Town has received a quote for the development and facilitation of a Strategic Plan. This plan is eligible for funding under Gas Tax Funding and as such.

Motion: Will/Butler
2015-203 Resolved that the Town submit a Capital Investment Plan to the Gas Tax Secretariat for completion of a Strategic Plan in the amount of \$20,000 plus related travel costs and taxes as per the Quote from KPMG.
Carried Unanimously

Further to this motion:

Motion: Will/Hanlon
2015-204 Resolved that, subject to approval from the Gas Tax Secretariat, Council engage KPMG to complete the Strategic Plan for the sum of \$20,000 plus travel costs and applicable taxes.
Carried Unanimously

3. Appointment of Auditors

Motion: Will/Bartlett
2015-205 Resolved that the town engage the services of Byron Smith, Chartered Accountant, to perform the audit for the towns fiscal year ending December 31st, 2015.
Carried Unanimously

4. Tax Account Adjustments

Resulting from legal advice the following adjustments are required:

Motion: Will/Collins
2015-206 Resolved that the Account MURPE003 in the amount of \$1203.26, Account BRIDD006 in the amount of \$7,011.75 and Account B-L..001 In the amount of \$2,215.75 be written off as uncollectible amounts.
Carried Unanimously

5. Donation

Motion: Will/Butler
2015-207 Resolved that a donation of \$100 be given to Sandra Squires to support her as she travels to St. Catherines Ontario to represent Newfoundland and Labrador at a National Dart Tournament.
Carried Unanimously

6. Various Discussions

The committee discussed as well progress on the water meter pilot project, contract negotiations and water and sewer taxation as it relates to some special circumstances.

CORRESPONDENCE

(a) Dept. of Municipal and Intergovernmental Affairs – Community Sustainability Partnership

Council acknowledged the receipt of a cover letter from the Department of Municipal and Intergovernmental Affairs regarding their review of the provincial-municipal framework with the recent Budget 2015 announcement of a Community Sustainability Partnership. This letter and the complete report will be brought to the next Admin. and Finance Committee meeting. The Director of Financial Operations will circulate the complete report to all members of Council.

NEW/GENERAL/ UNFINISHED

(a) Letter from Farm Road Resident

Deputy Mayor Will tabled a redacted letter from a resident of Farm Road concerned about the high cost of their taxes and lack of sidewalk in front of their home. Mayor Tucker gave a response that every resident of the town is treated exactly the same and that taxes are based on assessed property value which is reflective of the assessed value of infrastructure available. Any increase in infrastructure, such as sidewalks, would have to mean an increase in property value and therefore an increase in taxes.

(b) Stewardship Agreement Signing

The signing event is scheduled for Friday June 19, 2015, at Voisey's Brook Park for 11:15am. Ministers Crummell and Brazil will be in attendance. This Agreement has been in the works for more than 3 years so we are very much looking forward to this event.

(c) Old Church Appeal

The Appeal for the Old Church is also scheduled for the morning of Friday June 19th at 9:15am and the Mayor and Councilor Bartlett are attending for a portion of the proceedings.

(d) FCM Conference

The Mayor attended the Federation of Canadian Municipalities Conference in Edmonton recently and noted the great attendance from members across Canada. He has brought back a lot of literature and information on some pertinent items for the town and will share with all members. He noted the impressive Fire Cadet Training which engages teens and puts them through firefighter training as a valuable and character building exercise.

(e) **Busfest**

Deputy Mayor Will also noted that Busfest is scheduled for the morning of Friday June 19th. This is an event to raise public awareness on public transportation in partnership with Metrobus, Happy City and the Towns of PCSP and Wabana. The bus will travel from the ferry terminal to the university center making several stops along the way and returning in the afternoon. It is scheduled for four runs and there will be entertainment on board and coffee.

AGENDA ITEMS/ NOTICE OF MOTION

(f) **Notice of Motion – as presented by Councilor Johnny Hanlon**

The Protective Services Committee is giving notice that a motion to adopt the Noise Regulations, 2015 will be brought forward to the Council meeting of June 30, 2015. The draft regulations will be circulated to all of Council for their review and consideration prior to the June 30th meeting.

The Town Manager asked that any comments please be submitted in time for the Protective Services Committee meeting scheduled for Tuesday evening at 5:30pm.

ADJOURNMENT

Motion:	Hanlon/Collins
2015-208	Resolved that this meeting be adjourned. Time 8:31p.m.
Carried	Unanimously

Moses Tucker, Mayor

Heather Coughlan, Acting Town Clerk

Attached: Appendix A

**Appendix A: Tabled Report
June 9th, 2015**

Item # 1
Civic # 92-100 Witch Hazel Road
Subdivide Property
Zoning: Agriculture (AG) - Unserviced

Motion: The Committee recommends that the application for Civic # 92-100 Witch Hazel Road be granted approval in principle, permitting the subdivision of property. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government.

Item # 2
Civic # 627-629 Indian Meal Line
Rezoning
Zoning: Residential Rural & Agriculture (RR & AG) - Unserviced

Motion: The Committee recommends that the application for Civic # 627-629 Indian Meal Line be granted approval in principle, permitting rezoning of property from Agriculture to Residential for potential development of a residential subdivision. Approval in principle is subject to approval from the Department of Natural Resources. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations, and all other regulatory bodies of government.

The Administrator recommends that this application be considered in accordance with a Motion of Council on November 18th, 2014 regarding rezoning of land for the purpose of subdivision developments.

Item # 4
Civic # 71-75 Skinners Road
Accessory Building
Zoning: Residential Medium Density (RMD) - Unserviced

Motion: The Committee recommends that the application for Civic # 71-75 Skinners Road be granted approval in principle, permitting the construction of an accessory building.

The Administrator recommends that this application be rejected.

Item # 5

Civic # 1397D Portugal Cove Road

Accessory Building

Zoning: Agriculture (AG) - Unserviced

Motion: The Committee recommends that the application for Civic # 1397D Portugal Cove Road be granted approval in principle, permitting the demolition and reconstruction of a commercial 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.

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

Item # 6

Civic # 28-32 Princes Mountain Drive

Accessory Building

Zoning: Residential Medium Density (RMD) - Unserviced

Motion: The Committee recommends that the application for Civic # 28-32 Princes Mountain Drive be granted approval in principle, permitting the demolition and construction of an accessory building.

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

Item # 7

Civic # 563 Old Broad Cove Road

Accessory Building

Zoning: Residential Medium Density (RMD) - Unserviced

Motion: The Committee recommends that the application to construct an accessory building at Civic # 563 Old Broad Cove Road be rejected as the application is contrary to the Town's Municipal Plan & Development Regulations as the proposed structure is proposed to be located in front of the building line which is contrary to Development Regulation 39 (2) (Accessory Buildings) and Schedule C: Residential Medium Density Condition # 1 (e) (Accessory Buildings).

The Administrator recommends that this application be rejected.

Item # 8

Civic # 1027 Thorburn Road

Accessory Building

Zoning: Protected Watershed (PW) - Unserviced

Motion: The Committee recommends that the application to construct an accessory building at Civic # 1027 Thorburn Road be rejected as the application is contrary to the Town's Municipal Plan & Development Regulations as the proposed structure would be located within the Protected Watershed zone line which is contrary to Plan Policy PW-6 (Protected Watershed) and as the application was rejected by the City of St. John's in which approval is required as per Schedule C: Protected Watershed Condition # 1 (Development Approval).

The Administrator recommends that this application be rejected.