



TOWN OF PORTUGAL COVE-ST. PHILIP'S

July 14, 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	Chris Milley
	Acting/Town Clerk	Heather Coughlan
	Director of Financial Operations	Tony Pollard
	Director of Economic Development, Marketing and Communications Planning Coordinator	Jeff Lawlor Les Spurrell

Mayor Tucker called the meeting to order and welcomed the gallery of 6 persons in attendance.

APPOINTMENT OF ACTING TOWN CLERK

Motion: Bartlett/Collins
2015-229 Resolved that Heather Coughlan be appointed the Acting/Town Clerk for the meeting of July 14, 2015.
Carried Unanimously

ADOPTION OF AGENDA

Motion: Facey/Hanlon
2015-230 Resolved that the Agenda dated **July 14, 2015**, be adopted as circulated.
Carried Unanimously

ADOPTION OF MINUTES

Motion: Will/Butler
2015-231 Resolved that the minutes of **June 30, 2015** be adopted as circulated.
Carried Unanimously

BUSINESS ARISING

The Town Manager reported the Action Items list was circulated to Council with 3 new items, 8 completed items and 13 remaining in progress. A draft of the Flood Risk Mapping Study was received for review, any comments should be forwarded as soon as possible. We met with the Project Managers for the Water and Sewer Projects and the Skinners Road portion should be completed this year. A preliminary schedule has been set up for the Water Metering project and meters are scheduled to be installed in the fall.

COMMITTEE REPORTS

Planning & Development Report of July 7, 2015 – presented by Councillor Collins

1. 6-18 Joyce Crescent – Single Dwelling & Accessory Building

Motion: Collins/Will
2015-232 Resolved that the application to construct a single dwelling and accessory building at Civic # 6-18 Joyce Crescent be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

2. 13-17 Legion Road – Subdivide Property

Motion: Collins/Bartlett
2015-233 Resolved that the application to subdivide property at Civic # 13-17 Legion Road be granted approval in principle as per Appendix A: Tabled Report.
Carried For: Bartlett/Butler/Collins/Facey/Tucker/Will
Against: Hanlon

During the discussion period, it was asked if any portion of the subdivision falls under discretionary use. There is a 10% variance on one lot, which was advertised in the immediate area. Apartments were not included in these permits, they would have to be applied for separately.

Councilor Facey noted that he was present for the Committee's discussion of this item.

3. 1027 Thorburn Road – Accessory Building

Motion: Collins/Butler
2015-234 Resolved that the application to construct an accessory building at Civic # 1027 Thorburn Road be rejected as per Appendix A: Tabled Report.
Defeated For: Bartlett/Collins
Against: Butler/Facey/Hanlon/Tucker/Will

4. 207-211 Tuckers Hill Road – Single Dwelling

- A. Motion: Collins/Butler
2015-235 Resolved that Council 'lift' the 'Stop Work Order' (Motion # 2013-366-12) that was placed on site preparation work in the form of clearing, grubbing, backfilling, and excavation related to the construction of a single dwelling without a permit at Civic # 207-211 Tuckers Hill Road, on September 26th, 2013.
Carried Unanimously

- B. Motion: Collins/Facey
2015-236 Resolved that the application to construct a single dwelling at Civic # 207-211 Tuckers Hill Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

Note: Councilor Hanlon left the Council Chambers for the following motion due to a possible conflict of interest.

5. 173-175 Beachy Cove Road – Accessory Building

- Motion: Collins/Facey
2015-237 Resolved that the application to construct an accessory building at Civic # 173-175 Beachy Cove Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

Note: Councilor Hanlon returned to the Council Chambers.

6. 38-40 Chesley Van Heights – Accessory Building

- Motion: Collins/Bartlett
2015-238 Resolved that the application to construct an accessory building at Civic # 38-40 Chesley Van Heights be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

7. 10 Franklyn Place – Accessory Building

- Motion: Collins/Hanlon
2015-239 Resolved that the application to construct an accessory building at Civic # 10 Franklyn Place be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

8. 11 Beachy Cove Road – Commercial Renovations & Patio/Decks

- Motion: Collins/Hanlon
2015-240 Resolved that the application to construct commercial renovations and patios/decks at Civic # 11 Beachy Cove Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

Council discussed the penalties involved in work beyond what is allowed in a permit. It was suggested that policy updates may be needed to prevent this in the future. It was agreed to bring this policy and others to the next Committee of the Whole meeting.

9. 20-30 Coadys Road – Business (Child Care)

Motion: Collins/Will
2015-241 Resolved that the application to establish a child care business from within a place of worship at Civic # 20-30 Coadys Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

It was noted that the Admin. and Finance Committee discussed the taxation of a business located within a place of worship. The applicant is renting the space only for an after school care program.

10. 839-845 St. Thomas Line – Business (Medical & Professional)

Motion: Collins/Hanlon
2015-242 Resolved that the application to establish a medical and professional business (sign production) as a home occupation at Civic # 839-845 St. Thomas Line be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

Clarification was made as to the nature of the business.

11. 102-162 Witch Hazel Road – Agriculture (Greenhouses)

Motion: Collins/Butler
2015-243 Resolved that the application to perform excavation work and construct greenhouses for agricultural purposes at Civic # 102-162 Witch Hazel Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

Clarification was made that the permit was for more than one greenhouse.

12. 8A Lees Place – request to Extend Approval in Principle

Motion: Collins/Will
2015-244 Resolved that the request to extend the approval in principle for the construction of a single dwelling at Civic # 8A Lees Place for an additional year be granted.
Carried Unanimously

13. Municipal Plan Amendment No. 1, 2015, Development Regulations Amendment No. 1, 2015, and St. John's Urban Region Regional Plan Amendment (Windsor Heights)

The Town is in receipt of correspondence from stakeholders of the St. John's Urban Region Regional Plan resulting from 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).

Motion: Collins/Bartlett
2015-245 Resolved that the consultation results and draft planning documents for St. John's Urban Region Regional Plan Amendment, Municipal Plan Amendment No. 1, 2015, and Development Regulations Amendment No. 1, 2015 (Windsor Heights) be forwarded to the Department of Municipal Affairs for Provincial Review and release as per Section 15 (Review of Plan) of the Urban and Rural Planning Act, 2000.
Carried Unanimously

14. Eastern Newfoundland Regional Appeal Board – Appeal Decisions

The Planning Department is in receipt of appeal decisions from the Eastern Newfoundland Regional Appeal Board the confirmed the following decisions of Council:

- Rejection of an application to construct an accessory building extension at Civic # 109-113 Bennetts Road, and;
- Approval in principle of an application to demolish a former place of worship at Civic # 20-30 Coadys Road (2 appeals).

Item Submitted for Information. The Committee requests that the appeal decisions be tabled at Council's meeting.

15. 563 Old Broad Cove Road – Accessory Building

Motion: Collins/Facey
2015-246 Resolved that Motion # 2015-217 and # 2015-218 from the Council Meeting of June 30th, 2015 be amended to correct the civic address of Civic # 536 Old Broad Cove Road to read Civic # 563 Old Broad Cove Road for both Motions.
Carried Unanimously

16. Staff Approval of Home-Based Businesses

Motion: Collins/Facey
2015-247 Resolved that in order to expedite the processing of applications for Home Occupations (Home-Based Businesses), that Council delegate their discretion to grant approval in principle to these applications to the Town Manager only when the proposal complies with the Town's Municipal Plan and its Development Regulations and conditions.
Carried Unanimously

17. There were twenty-two (22) permits issued from June 19th to July 2nd, 2015.

Recreation /Lifestyle Committee Report of July 7, 2015 – presented by Councillor Facey

1. Football Newfoundland and Labrador

Recreation Committee met with the President of Football Newfoundland and Labrador to discuss future plans of the program in the Community. This program has seen growth over the past 3 years from 75 to over 200 participants. We hope to continue with our relationship with this organization as it continues to grow.

The Committee Chair noted that this group is in an infancy stage and we are working with them as they progress. They are now a certified league which will give individuals involved in the group the availability of potential scholarships.

2. Naming of Voisey’s Brook Softball Field

Recreation Director met with the Director of EDMC to discuss the public engagement strategy for the naming of the Voisey’s Brook Softball Field. Further information will be brought to the committee as the process moves forward

3. Request for Usage of Town Tent

Recreation Committee discussed the usage of the Town Tent by an organization in the City of St. John’s. The Recreation Department would be willing to loan out the tent with the stipulation that the tent must be set up and disassembled by the Town Staff. The cost affiliated with this would be the responsibility of the group wanting to use the tent. The Recreation Department will develop a rental policy for the Town Tent for future usage.

4. Donation

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

Motion: Facey/Hanlon

2015-248 Resolved that the Town discount the rental fee of the Voisey’s Brook Softball Field for \$200.00 for the weekend of July 10th for the St. John’s Minor Peewee AAA Baseball Team. Be advised that the \$100 fee for the hut will be applied.

Carried Unanimously

Council discussed how applicants must meet certain criteria to be considered for a discount of the fee, as does this group/event.

Public Works Committee Report of July 8, 2015 - presented by Councillor Bartlett

1. Tender – Line Striping Machine PCSP-2015-004

Tender bids were received for a ride-on Line Striping Machine from S&S Supply and Dulux Paints. The bids were reviewed and the lowest bid from S&S Supply meets tender specs. This item is a budgeted item for 2015.

Motion: Bartlett/Collins
2015-249 Resolved that the Line Striping Machine tender PCSP-2015-004 be awarded to S&S Supply at a price of \$12,917.50 plus HST.
Carried Unanimously

Councillor Bartlett noted that this machine is badly needed as the current piece of equipment is hard shape. The new equipment will help to speed up the process. The average life span of this kind of equipment is approximately 10 years.

Councillor Collins offered to research the costs of contracting out this kind of work.

2. Tender – Water & Wastewater Cube Van PCSP-2015-003

A tender was issued for the purchase of a cube van for use in the Town's water and wastewater operations. One bid was received in response to the tender for a 2016 Ford E450 Cutaway with 14' Cube. The bid meets the Town's requirements. This item is a budgeted item for 2015 as per the Town's vehicle replacement schedule.

Motion: Bartlett/Will
2015-250 Resolved that the Cube Van tender PCSP-2015-003 be awarded to Avalon Ford Sales 1996 Limited for a price of \$53,602.00 plus HST.
Carried Unanimously

This cube van will be in addition to the current van, as opposed to a replacement.

3. Portugal Cove Road – Water Run Off

The issue of stormwater run-off on Portugal Cove Road in the area between Neary's Pond Road and Drover Heights was discussed with Committee as a result of a resident request that the individual's concerns be brought to the attention of Committee members. Committee asked that a letter be drafted for signature by the Committee Chair and forwarded to the provincial Minister of Transportation and Works outlining the steps undertaken by the Town and requesting action on this issue as ownership and maintenance of the road rests with the provincial department.

4. Millers Road Bridge Update

Staff updated Committee that communication was delivered to the residents of Millers Road, Connatti Place and Lees Place related to the replacement of the Millers Road Bridge. The option of receiving updates via email was offered to residents. The scheduled date for installation has

been moved to July 20 and is dependent on weather conditions. The fabricated steel has been shipped for galvanization.

Other Items Discussed

- Line Painting: line painting is underway with the expectation for completion within two weeks, weather depending
- Speed Humps: Staff is working with the provincial Department of Transportation and Works to incorporate the placement of permanent speed humps into a contract awarded by the province to Weirs Construction. Staff is awaiting information on cost and timelines.
- Site Lines St. Thomas Line and Dogberry Hill Road: Concerns identified by a resident related to sight lines at this intersection will be forwarded to Transportation and Works.
- Digital Speed Signs: Installation of the digital speeds signs is scheduled once line painting is completed.
- Mobile Digital Sign: Committee requested the placement of the Town's mobile digital sign on Thorburn Road in the area of Bennett's Road to collect traffic volume data for sharing with the provincial Department of Transportation and Works.

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

Protective Services Committee Report for July 7, 2015 – presented by Councillor Hanlon

1. FES Updates – Acquisition of Hi-Volume Hose and Associated Hydrant and Truck Fittings

On May 29, 2015 the town received approval from the Dept. of Justice and Public Safety, for cost shared funding for the acquisition of 700 ft. of 4" hi-volume hose and the associated hydrant gate valve and truck intake valve. Correspondence was officially presented to the Town on July 1, 2015 by Minister Brazil.

This acquisition provides the hi-volume hose and hardware to outfit Engine 1 and in particular, improves the Fire Departments capability to transfer higher volumes of water to emergency scenes, either from hydrants or static sources.

The Fire Department sought quotes from local suppliers in March and submitted the same to FES-NL with our application for funding at that time. We are most recently advised that there is a switch in suppliers for the fittings and factory based increases. The total increase in funding, over that initially acquired in March quotes, and approved by Justice and Public Safety, is \$495.00 + HST.

The total acquisition cost now will be \$10,670.00 + HST. Recoverable funding from the Dept. of Justice and Public Safety will be \$7692.30.

Motion: Hanlon/Facey
2015-251 Resolved that further to the Department of Justice and Public Safety's approval for cost shared funding, that the Town proceed to acquire 700 ft. of hi-volume hose, hydrant gate valve and truck intake valve for a total cost of acquisition of \$10,670.00 + HST.
Carried Unanimously

2. Security Patrol Costing

The Committee reviewed the current quotes on hand and agreed to seek further quotes prior to making any decision.

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

1. Accounts for Payment

Motion: Will/Butler
2015-252 Resolved that Council pay Regular Accounts in the amount of \$38,220.23.
Carried Unanimously

2. Tax Recovery Plan

As a follow up to the auditor's letter, the Director of Financial Operations presented the Tax Recovery Plan prepared by the Accounting Technician. Committee reviewed the document and the statistics provided for informational purposes.

3. Day Care Business

Committee discussed the issue of business taxes relating to an application for a proposed day care at the Anglican Church Parish Hall on Coadys Road. Staff will look into the how the taxes are to be applied for this business and further advise committee.

4. Carried Forward Items

Committee reviewed the ongoing items and were updated accordingly.

CORRESPONDENCE

(a) **Bell Island Gala**

The Bell Island Gala is taking place Saturday July 25th, 2015, please expect that there will be an increase in traffic throughout Portugal Cove Road and the area around on the ferry terminal on that day.

NEW/GENERAL/ UNFINISHED

(a) Heritage Tax Incentive Program for New Business Policy

At the Economic Development, Marketing and Communications Committee meeting of June 24th the idea of a tax incentive to encourage potential purchasers for the SUF Hall Building was discussed. This policy led to a greater discussion on heritage and business in Portugal Cove- St. Philip's. A policy has subsequently been created with the intent to encourage the preservation and/or enhancement of heritage in our traditional community zones through a tax incentive supporting new business in the community. There was no committee meeting this week but the policy has been shared with Council for review and input.

The policy outlines the details of a tax incentive program that will give a three year tax break on any new business in the traditional community zone that maintains or enhances the heritage in the community by either renovating an existing structure or building a new one.

Motion: Butler/Facey

2015-253 Resolved that Council adopt the Heritage Tax Incentive Program for New Business Policy as tabled, provided that it is not implemented until such time as the Heritage Guidelines have been reviewed and adopted by Council.

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

There was much discussion around whether or not to withdraw this motion and put it back through the Economic Development Committee, however the consensus was to vote on the motion as presented with the addition of a friendly amendment to delay implementation. The Heritage Guidelines will be circulated to all of Council and brought to the next Committee meeting for review.

(b) Killick Coast Games Honourary Patrons

The Recreation Department has requested submissions for consideration to be Honourary Patrons during the Opening Ceremonies of the Killick Coast Games as hosted by Portugal Cove – St. Philip's this year. Please submit any names you have to the Recreation Department by Friday July 17th, 2015.

(c) Voisey's Brook Park Congratulations

Council noted the numerous positive comments they have received regarding the newly renovated facility of Voisey's Brook Park, not only from residents but also from people and groups outside the community. Acknowledgement was given to previous Councils for their hard work in this project and also to the Recreation staff. As well, congratulations was given to Dawn Sharpe, the Director of Recreation and Community Services for her "unparalleled commitment" to the community and to Recreation. Congratulations was also given to Grand Concourse for a job well done.

ADJOURNMENT

Motion: Will/Collins
2015-254 Resolved that this meeting be adjourned. Time 9:00p.m.
Carried Unanimously

Moses Tucker, Mayor

Heather Coughlan, Acting Town Clerk

Appendix A: Tabled Report

July 7th, 2015

Applications:

Item # 1:

Civic # 6-18 Joyce Crescent

Single Dwelling & Accessory Building

Zoning: Residential Low Density (RLD) - Unserviced

The Committee recommends that the application for Civic # 6-18 Joyce Crescent be granted approval in principle, permitting the construction of a single dwelling and accessory building. Approval in principle is subject to the acquisition of additional property to comply with the minimum lot area requirement as per Schedule C: Residential Medium Density.

Item # 2:

Civic # 13-17 Legion Road

Subdivide Property

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

The Committee recommends that the application for Civic # 13-17 Legion Road be granted approval in principle, permitting the subdivision of property. Approval in principle is subject to a 10.0 % variance on the frontage for one (1) of the proposed lots which will decrease the minimum frontage from 23 m to 20.7 m in accordance with General Regulations 11 (Variances) and 12 (Notice of Variance). Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically General Regulation 11 (Variances), General Regulation 12 (Notice of Variance), and Schedule C: Residential Low Density.

Item # 3:

Civic # 1027 Thorburn Road

Accessory Building

Zoning: Protected Watershed (PW) - Unserviced

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 Regulation as the application was rejected by the City of St. John's as per Schedule C: Protected Watershed.

The Administrator recommended that this application be rejected.

Item # 4:

Civic # 207-211 Tuckers Hill Road

Single Dwelling

Zoning: Residential Medium Density (RMD) - Unserviced

- B. The Committee recommends that the application for Civic # 207-211 Tuckers Hill Road be granted approval in principle, permitting the construction of a single dwelling. Approval in principle is subject to the submission of a suitability and compaction report on imported soil on the property completed by a qualified professional. 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 GE-7 (Protection of Environmentally Sensitive Areas), Plan Policy RES-20 (Watercourse and Wetland Protection), Development Regulation 70 (Soil Removal and Deposit and Site Grading), Schedule C: Residential Medium Density, and Schedule E: Environmental Protection Overlay.**

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

Item # 5:

Civic # 173-175 Beachy Cove Road

Accessory Building

Zoning: Residential Medium Density (RMD) - Serviced

The Committee recommends that the application for Civic # 173-175 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 Regulation 39 (Accessory Buildings) and Schedule C: Residential Medium Density Condition # 1 (Accessory Buildings).

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

Item # 6:

Civic # 38-40 Chesley-Van Heights

Accessory Building

Zoning: Residential Low Density (RLD) - Unserviced

The Committee recommends that the application for Civic # 38-40 Chesley-Van Heights be granted approval in principle, permitting the construction of an accessory building. Approval in principle shall be in full compliance with the Town's

**Development Regulation 39 (Accessory Buildings) and Schedule C: Residential Low Density
Condition # 1 (Accessory Buildings).**

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

Item # 7:

Civic # 10 Franklyn Place

Accessory Building

Zoning: Residential Medium Density (RMD) - Unserviced

The Committee recommends that the application for Civic # 10 Franklyn Place 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 Regulation 39 (Accessory Buildings) and Schedule C: Residential Medium Density Condition # 1 (Accessory Buildings).

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

Item # 8:

Civic # 11 Beachy Cove Road

Commercial Renovations & Patio/Decks

Zoning: Traditional Community (TC) - Serviced

The Committee recommends that the application for Civic # 11 Beachy Cove Road be granted approval in principle, permitting the construction of commercial renovations and patios/decks. Approval in principle is subject to the submission and acceptance of a parking plan and approval from Service NL.

The Administrator recommended that this application be rejected.

Item # 9:

Civic # 20-30 Coadys Road

Business (Child Care)

Zoning: Traditional Community (TC) - Serviced

The Committee recommends that the application for Civic # 20-30 Coadys Road be granted approval in principle, permitting the establishment of a child care business from within a place of worship. Approval in principle is subject to approval from Service NL and Family and Child Care Connections. 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 TC-2 (Land Uses), Development Regulation 33 (Notice

Page 15 of 15 July 14, 2015 Council Minutes

of Application), Development Regulation 102 (Discretionary Uses), Schedule C: Traditional Community, and Schedule D: Off Street Parking Requirements.

Item # 10:

Civic # 839-845 St. Thomas Line

Business (Medical & Professional)

Zoning: Residential Medium Density (RMD) - Unserviced

The Committee recommends that the application for Civic # 839-845 St. Thomas Line be granted approval in principle, permitting the establishment of a medical and professional business (small scale sign production) as a home occupation. 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 RES-4 (Residential Policies), Development Regulation 33 (Notice of Application), Development Regulation 102 (Discretionary Uses), Schedule C: Residential Medium Density, and Schedule D: Off Street Parking Requirements.

Item # 11:

Civic # 102-162 Witch Hazel Road

Agriculture (Greenhouse)

Zoning: Agriculture (AG) -Unserviced

The Committee recommends that the application for Civic # 102-162 Witch Hazel Road be granted approval in principle, permitting excavation activity and the construction of a greenhouse for agricultural purposes. 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, specifically Plan Policy AG-3 and AG-4 (Land Uses), Development Regulation 70 (Soil Removal and Deposit and Site Grading), and Schedule C: Agriculture.

The Administrator recommended that this application be granted approval in principle