



**TOWN OF PORTUGAL COVE-ST. PHILIP'S**

August 25, 2015

Regular Public Council Meeting 7:30 p.m.

<b>IN ATTENDANCE:</b>	Mayor	Moses Tucker
	Deputy Mayor	Gavin Will
	Councillors:	Dave Bartlett
		Joe Butler (arrived at 8:20 pm approx.)
		Norm Collins
		Aaron Facey
		Johnny Hanlon
	Town Manager	Chris Milley
	Director of Financial Operations	Tony Pollard
	Director of Rec. & Comm. Services	Dawn Sharpe
Planning & Development Coordinator	Les Spurrell	
Town Clerk	Judy Squires	

Mayor Tucker called the meeting to order and welcomed the gallery of 10 persons in attendance for the meeting along with 11 others for the presentations.

**ADOPTION OF AGENDA**

Motion: Facey/Hanlon  
2015-291 Resolved that the Agenda dated **August 25, 2015**, be adopted as circulated.  
Carried Unanimously

**PRESENTATIONS**

**Garden Competition 2015** – Evan Murray (representing sponsor Murrays Garden Center and Agricultural Services who donated prizes), Councillor Facey and Director, Dawn, announced the awards and presented to those in attendance as follows:

Best Landscape Garden – winner Claudine Evely, runner up Lynn Green  
Best Maintained – winner Jim & Theresa McCarthy, runner up Carolyn Torraville  
Best Veggie/Fruit Garden – winner Catherine Bonney-Berzins, runner up Emma Housser  
People's Choice Awards – Stephen Outerbridge

Congratulations and appreciation for a successful event extended to all participants by Mayor Tucker and Mr. Murray as well as others in attendance.

### **ADOPTION OF MINUTES**

Motion: Will/Facey  
2015-292 Resolved that the minutes of **August 11, 2015** be adopted as circulated.  
Carried Unanimously

### **BUSINESS ARISING**

The Town Manager noted the Action item list updated to date of last meeting was circulated to Council for review and it contains 20 new items, and 15 remaining. He also noted the final Flood Risk Mapping was submitted last week and he has sent a message to and waiting to hear from the Dept. of Environment. The Town Manager also responded to questions arising regarding Princes Mountain Drive and Emberleys Road.

### **COMMITTEE REPORTS**

#### **Planning & Development Report of August 18, 2015 – presented by Councillor Collins**

##### **1. 98-100 Witch Hazel Road**

Motion: Collins/Hanlon  
2015-293 Resolved that the application to construct a single dwelling at Civic # 98-100 Witch Hazel Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

##### **2. 151-159 Tolt Road**

Motion: Collins/Bartlett  
2015-294 Resolved that the application to subdivide property and construct a single dwelling at Civic # 151-159 Tolt Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

##### **3. 115-117 Dogberry Hill Road**

Motion: Collins/Facey  
2015-295 Resolved that the application to demolish an existing accessory building, subdivide property, and construct a single dwelling at Civic # 115-117 Dogberry Hill Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

##### **4. 37 Knights Rest**

Motion: Collins/Bartlett  
2015-296 Resolved that the application to construct an accessory building at Civic # 37 Knights Rest be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

**5. 49-51 Tolt Road**

Motion: Collins/Hanlon  
2015-297 Resolved that the application to construct an accessory building at Civic # 49-51 Tolt Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

**6. 81-83 Woodland Drive**

Motion: Collins/Bartlett  
2015-298 Resolved that the application to construct an accessory building at Civic # 81-83 Woodland Drive be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

**7. 24 West Point Road**

Motion: Collins/Hanlon  
2015-299 Resolved that the application to construct a patio/deck and perform landscaping at Civic # 24 West Point Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

**8. 901-909 Thorburn Road**

As the Committee could not reach a consensus on a recommendation for the application to construct a diesel storage tank at Civic # 901-909 Thorburn Road, the Committee requests that this application be brought forward for discussion and decision at Council's meeting.

Motion: Collins/Will  
2015-300 Resolved that the application for Civic # 901-909 Thorburn Road be granted approval in principle, permitting the installation of a diesel storage tank as an extension of an existing commercial business. Approval in principle is subject to approval from the City of St. John's.  
Carried Unanimously

Note: All Council members individually expressed their support for this application.

**9. 1250-1264 Portugal Cove Road**

The Planning Department is in receipt of correspondence and a petition resulting from a public notice sent to area property owners regarding a proposed residential subdivision at Civic # 1250-1264 Portugal Cove Road in accordance with Plan Policy SD-5 (Public Input). This property is currently undergoing rezoning from Agriculture to Residential.

The Committee reviewed the correspondence submitted and advises Staff to respond to the residents. The Committee does not feel that the contents of the correspondence received are substantial enough (in relation to the Town's Municipal Plan and Development Regulations) to recommend rejection of the application. The Committee requests that the correspondence received be tabled at Council's meeting.

**10. 39-81 Farm Road**

The Planning Department is in receipt of correspondence resulting from a public notice sent to area property owners regarding a proposal to subdivide property at Civic # 39-81 Farm Road to create thirteen (13) infill lots in accordance with Plan Policy SD-5 (Public Input).

The Committee reviewed the correspondence submitted and advises Staff to respond to the residents. The Committee does not feel that the contents of the correspondence received are substantial enough (in relation to the Town's Municipal Plan and Development Regulations) to recommend rejection of the application. The Committee requests that the correspondence received be tabled at Council's meeting.

**Note:** Following the presentation of items 9 and 10, Deputy Mayor Will expressed his opinion that the tabled documents referenced were redacted contrary to the newly adopted legislation and this was the responsibility of the Town Clerk.

In response to comments made, the Town Clerk respectfully requested of the Mayor that the meeting go in-camera in order to discuss the issue. The gallery were asked to leave the chambers. and Council/Staff went into closed session at 8:00 pm.

The Public Council meeting resumed at 8:30 pm.

**11. Development Regulations Amendment No. 2 - adoption**

A public consultation notice was published in The Telegram for Development Regulations Amendment No. 2, 2015 and concluded on August 13<sup>th</sup>, 2015. The purpose of the proposed amendment is to bring forward standards and conditions that existed in the previous Regulations that the Town would like to form part of the Town's Development Regulations (2014-2024). The Town did not receive any written submissions resulting from the public consultation process.

Motion: Collins/Hanlon  
2015-301 Resolved that Council adopt Development Regulations Amendment No. 2, 2015, and forward the documents to the Department of Municipal and Intergovernmental Affairs for Registration, as per the Urban and Rural Planning Act, 2000.

Carried Unanimously

**12. 1477-1485 Thorburn Road**

Motion: Collins/Bartlett  
2015-302 Resolved that the request to refine the Environmental Protection Map within Schedule E: Environmental Protection Overlay in the area of Civic # 1477-1485 Thorburn Road be approved. Approval shall be in full compliance with the Town's Municipal Plan and Development Regulations and all other regulatory bodies of government, specifically Schedule E: Environmental Protection Overlay.

Carried Unanimously

**13. 137 Beachy Cove Road – Purchase Notice**

The Town has received a Purchase Notice, pursuant to Section 96 (2) of the Urban and Rural Planning Act, from the property owner of Civic # 137 Beachy Cove Road. The property owner states that the Purchase Notice was served as a result of the application to develop the property being rejected by Council at a public meeting held on June 2<sup>nd</sup>, 2015.

Staff advised the Committee that the documentation requested by the Department of Municipal and Intergovernmental Affairs has been couriered to the Department.

Item submitted for information.

**14. Stage IIA Murrays Pond Residential Subdivision**

Motion: Collins/Will

2015-303 Resolved that Council avail of the services of the Town’s Solicitor to perform work required in relation to the acquisition of Stage IIA of the Murray’s Pond Residential Subdivision.

Carried Unanimously

**15. Removal Order**

Motion: Collins/Bartlett

2015-304 Resolved that Council issue a Removal Order for civic #1487A Thorburn Road for existing objects, vehicles, and trailers which are in a wrecked, discarded, and/or abandoned condition, all existing general household and construction-related debris, refuse, litter, and garbage, and an existing tandem truck which is not associated with an existing commercial operation off Thorburn Road.

Carried Unanimously

**Note:** Councillor Facey asked that a civic address be inserted in the motion. It was clarified by the Planning and Development Coordinator that area in question is located in the vicinity of where school buses are parked on Thorburn Road (near St. Thomas Line intersection).

**16. Permit Stats** - There were eighteen (18) permits issued from July 31<sup>st</sup> to August 13<sup>th</sup>, 2015.

**Note:** At this point in the meeting the Mayor advised that the outcome of the in-camera session is that the issue of redacting will go back to the next Administration and Finance Committee meeting; and that Deputy Mayor Will has agreed to assist with training for staff.

**Recreation /Community Services Committee – August 19<sup>th</sup>, presented by Councillor Facey**

**1. Killick Coast Games**

The Killick Coast Games were hosted at Voisey’s Brook Park from July 26<sup>th</sup> - 31<sup>st</sup>. There were over 500 athletes, coaches and volunteers who took part daily in the activities. The recent upgrade of the park and the amenities assisted in making the games a huge success. The Town handed the flag over to Logy Bay – Middle Cove – Outer Cove for the 2016 games.

## 2. Garden Competition

This year the Town partnered with Murray's Garden Centre to host the event, which took place from July 14<sup>th</sup> – 17<sup>th</sup>. Town staff along with experts from Murray's viewed a total of 18 properties. Judging was done based on categories and criteria. Pictures of the event will be placed in the next edition of the newsletter.

## 3. Portugal Cove End of Season Regatta

The Portugal Cove Regatta Committee presented a plaque to the Town for its continued service and dedicated over the last 10 years to their event. This year's event went smoothly and the committee will once again work with Recreation Staff for next year's event.

### Public Works Committee Report of August 19, 2015 - presented by Councillor Bartlett

#### 1. Tender – New Sanitation Truck PCSP-2015-005

A Tender bid was received for one new sanitation truck from Saunders Equipment Ltd. They were the only bidder and met all tender specs. This item is a budgeted item for 2015.

Motion: Dave/Collins

2015-305 Resolved that the New Sanitation Truck tender PCSP-2015-005 be awarded to Saunders Equipment Ltd. at a price of \$226,125 plus HST.

Carried Unanimously

#### 2. Tender – One Single Axle Plow Salt/Sand Dump Truck PCSP-2015-002

Committee was provided with information on three bids for one single axle plow salt/sand dump truck. The lowest bid was received from Royal Freightliner and all tender specs are met. This item is a budgeted item for 2015.

Motion: Bartlett/Facey

2015-306 Resolved the Single Axle Plow Salt/Sand Dump Truck tender PCSP-2015-002 be awarded to Royal Freightliner at a price of \$197,636 plus HST.

Carried Unanimously

For the Record: After questions arising from Councillor Facey, Mayor Tucker asked that the record show that Councillor Facey was satisfied with the specs of the vehicle.

#### 3. Other Items Discussed:

- **Driver Feedback Signs** – feedback from residents have been positive thus far. Data will periodically be retrieved and shared with the Royal Newfoundland Constabulary for enforcement purpose.
- **Ditching** – is scheduled to commence in the late fall.
- **Nearys Pond Road** – asphalt has deteriorated in many areas and should be assessed for repair as a 2016 budgeted item.
- **Legion Road Speeding** – consideration will be given to placing the digital feedback sign in this area to collect data in an effort to determine whether a speed hump is required.

**Economic Development, Marketing & Communications – August 19, 2015, presented by Councillor Butler**

**1. Tickle Swim for Mental Health**

The tickle swim went off on Wednesday, August 19. Due to the winds it started in Portugal Cove and finished on Bell Island. It was a great success with record participants and dollars raised.

**2. Metrobus Survey**

The survey to determine community interest for a permanent bus service in Portugal Cove – St. Philip's will go live on September 1<sup>st</sup>.

**3. Green Team**

The Green Team concludes their work on Friday, August 21<sup>st</sup>. The final report will be submitted on the completion date. We would like to thank the Conservation Corps and our Green Team participants, Robyn Knight, team leader and Becky Mercer, Madison Hearn, and Alex Hayward.

**4. Best of PCSP Awards and Summit**

The Awards and Summit will take place on November 18<sup>th</sup> at Murrays Pond Country and Fishing Club. Nominations will open on September 1.

**5. Website Update**

The development of new website is on schedule. The framework for the site will be shared at the next committee meeting.

**Protective Services Committee – August 18, 2015 presented by Councillor Hanlon**

**1. FES Updates**

- Things are status quo in the Fire Hall.
- Hydrant Program is underway, formal status update to come.
- Firefighter Training Ground minor repairs have been completed and site has been cleaned up.
- The trucks can now negotiate the Millers Road Bridge.
- Chiefs are currently working on Standard Operating Guidelines for vehicle accidents/incidents, not as a result of an incident but as mitigation tool.
- The convention is in Gander this year in October, the call is out to membership for interest.
- There is a possible recruitment drive planned for the fall.
- The annual Firefighter's Ball is scheduled for September 19<sup>th</sup>.

**2. Noise Regulations – Animal Control/Welfare Regulations**

The Committee will review the provincial Animal Regulations to ensure resident concerns are covered.

### **3. Police Patrols – Illegal Vehicle Traffic**

Deputy Mayor will contact RNC Municipal Liaison for further information on recreational vehicle concerns. Residents are asked to report any criminal activity to the RNC.

### **4. Security Patrols**

Frequent, random security patrols have begun throughout the park facilities. Residents are still asked to report any suspicious activity to the RNC non-emergency number 729-8000 or to call the Town with any information that may be of assistance.

### **5. Speed Limit Policy Review**

The Town Manager will proceed with the Advanced Road Network Plan which will include a speed limit review. This study has been planned for in the budget. Request for Proposals will go out shortly.

## **Admin. and Finance Committee Report of August 18, 2015 presented by Deputy Mayor Will**

### **1. Accounts for Payment**

Motion: Will/Hanlon  
2015-307 Resolved that the accounts for payment in the amount of \$29,824.00 for Regular accounts be approved for payment.  
Carried Unanimously

### **2. Correspondence – Dept. of Municipal and Intergovernmental Affairs**

Further to the April 29, 2015 announcement by MIGA of the Departments new Community Sustainability Partnership with municipalities, correspondence was received providing further guidance on the accountability measures. The Director of Financial Operations advised that he has been in contact with the Department and this correspondence is for informational purposes.

### **3. Proposed Resolution for MNL Convention**

Councillor Butler put forward the idea of bringing a resolution to MNL regarding a ban on plastic bags. Committee all agreed that this would be worthwhile and Councillor Butler with the assistance of Heather Coughlan will put together the resolution for presentation under New Business at the August 25<sup>th</sup> Council meeting for submission to MNL prior to the deadline date.

### **4. Carried forward items**

Several carried forward items were discussed with updates as follows:

**Water metering** - The Director of Ec. Dev., Marketing and Communications is preparing the letter for circulation regarding the water metering project.

**Maggies Place** - a Committee of the Whole meeting is being planned to discuss the purchase and sale agreement for property at Maggies Place.



**Budget** - Committee discussed various aspects and expectations for the budget including setting up a meeting for Council to meet with a representative from the Municipal Assessment Agency to get a clearer understanding of the 2016 assessments. Staff were also asked to prepare historical reports on some operational aspects of the budget including staffing.

Note: After discussing time and date options for the next Committee of the Whole meeting for Council, it was agreed that it take place on Thursday August 27<sup>th</sup> immediately following the strategic planning session tentatively scheduled to end at approximately 6:30. The Town Clerk will contact the Municipal Assessment Agency to make arrangements for them to attend this session.

## **CORRESPONDENCE**

- (a) **Office of the Premier** – A Population Growth Strategy (for resident’s info)
- (b) **Dress for the Cause** – Breast Cancer research

## **NEW/GENERAL/ UNFINISHED**

- (a) **Proclamations:** Prostate Cancer Awareness Month  
Arthritis Awareness Month

Mayor Tucker presented and signed both proclamations for the month of September

### **8 (b) NEW BUSINESS ITEM re MNL Resolution:**

Presented by Councilor Joe Butler - Economic Development, Marketing and Communications Committee Chair

Motion: Butler/Facey  
2015-308 Resolved that the following draft resolution be forwarded to MNL for inclusion at the 2015 MNL Convention:

#### **Title: Ban on Single-Use Plastic Bags**

In an effort to keep Newfoundland and Labrador as pristine as our award winning tourism ads portray our beautiful province.

*WHERE AS*, in 2007 Leaf Rapids, Manitoba (population 500) was the first municipality in Canada to ban single-use plastic shopping bags, thus inspiring many others to follow including the State of California (40 million population) and recently close to home, Fogo Island (population 2400)

*WHERE AS*, all together this helps to keep millions of plastic bags out of our landfills, towns, forests and oceans.

*BE IT RESOLVED*, that MNL request the Province of Newfoundland and Labrador prohibit all retail stores from providing customers with single-use plastic carry out (shopping) bags EXCEPT those which are compostable, biodegradable, or photodegradable.

Carried Unanimously

#### **ADJOURNMENT**

Motion: Facey/Collins  
2015-309 Resolved that this meeting be adjourned. Time 9:25 p.m.  
Carried Unanimously

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Moses Tucker, Mayor

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Judy Squires, Town Clerk

Attachment: Appendix A Tabled Report

**Appendix A: Tabled Report  
August 18<sup>th</sup>, 2015**

**Applications:**

Item # 1:

**Civic # 98-100 Witch Hazel Road  
Single Dwelling  
Zoning: Agriculture (AG) - Unserviced**

**The Committee recommends that the application for Civic # 98-100 Witch Hazel Road be granted approval in principle, permitting the construction of a single dwelling. 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-1 (Land Uses), Development Regulation 33 (Notice of Application), Development Regulation 102 (Discretionary Uses), Development Regulation 38 (2) (Accesses and Service Streets), Development Regulation 68 (Line of Vision at Intersections), Schedule C: General Provision # 8 (a) (Agriculture Buffer), and Schedule C: Agriculture.**

The Administrator recommended that this application be rejected.

Item # 2:

**Civic # 151-159 Tolt Road  
Subdivide Property & Construct Single Dwelling  
Zoning: Residential Medium Density & Residential Development Scheme Area (RMD & RDSA) - Unserviced**

**The Committee recommends that the application for Civic # 151-159 Tolt Road be granted approval in principle, permitting the subdivision of property and construction of a single dwelling. Approval in principle is subject to a 10.0 % variance on the front yard for the proposed dwelling which will increase the maximum front yard from 32 m to 35.2 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 Medium Density.**

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

Item # 3:

**Civic # 115-117 Dogberry Hill Road  
Demolish Accessory Building, Subdivide Property & Construct Single Dwelling  
Zoning: Residential Medium Density (RMD) - Unserviced**

**The Committee recommends that the application for Civic # 115-117 Dogberry Hill Road be granted approval in principle, permitting the demolition of an existing accessory building, subdivision of property, and construction of a single dwelling. Approval in principle is subject to the conveyance of a parcel of land to the Town at the front of the existing parcel (at the Developers expense). Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically Schedule C: Residential Medium Density.**

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

Item # 4:

**Civic # 37 Knights Rest  
Accessory Building  
Zoning: Residential Medium Density (RMD) - Unserviced**

**The Committee recommends that the application for Civic # 37 Knights Rest 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.**

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

Item # 5:

**Civic # 49-51 Tolt Road  
Accessory Building  
Zoning: Residential Medium Density & Residential Development Scheme Area (RMD & RDSA) - Unserviced**

**The Committee recommends that the application for Civic # 49-51 Tolt 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.**

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

Item # 6:

**Civic # 81-83 Woodland Drive  
Accessory Building  
Zoning: Residential Low Density (RMD) - Unserviced**

**The Committee recommends that the application for Civic # 81-83 Woodland Drive 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 Low Density.**

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

Item # 7:

**Civic # 24 West Point Road  
Patio\Deck & Landscaping  
Zoning: Traditional Community (TC) - Serviced**

**The Committee recommends that the application for Civic # 24 West Point Road be granted approval in principle, permitting the construction of a patio/deck and perform landscaping.**

Item # 8:

**Civic # 901-909 Thorburn Road  
Diesel Storage Tank  
Zoning: Protected Watershed (PW) - Unserviced**

Technical Information:

Applicant is proposing to install an above ground double-walled diesel storage tank with a storage capacity of 10,000 US gallon and a footprint of 24 m<sup>2</sup> (258.6 ft<sup>2</sup>) as an extension of an existing commercial business (Service Station/Convenience Store) on property that measures approximately 1814.8 m<sup>2</sup> (0.45 ac).

Areas of Consideration:

- Applicant has provided a Layer of Protection analysis (LOPA) report from a Professional Engineer stating that the potential for fuel leaks from the proposed tank may only occur every 33,000 years;
- The property is non-conforming with respect to the Use (Service Station/Convenience Store);
- Complies with Development Regulation 49 (1) (Non-Conforming Use);
- Does not comply with Development Standard 49 (3g) (Non-Conforming Use) which states that where a building, structure or development does not meet the development standards included in development regulations, the building,

- structure or development shall not be expanded if the expansion would increase the non-conformity, and an expansion must comply with the development standards applicable to that building, structure or development;
- Must comply with Development Regulation 57 (Service Stations) which states that the following requirements shall apply to all proposed service stations:
  - All gasoline pumps shall be located on pump islands designed for such purpose, and to which automobiles may gain access from either side.
  - Pump islands shall be set back at least 4 metres (13.1 feet) from the front lot line.
  - Accesses shall not be less than 7 metres (22.9 feet) wide and shall be clearly marked, and where a service station is located on a corner lot, the minimum distance between an access and the intersection of street lines at the junction shall be 10 metres (32.8 feet) and the lot line between entrances shall be clearly indicated.
- Convenience Store and Service Station are not listed as Permitted or Discretionary Uses within Schedule C: Protected Watershed;
- Does not comply with Plan Policy PW-6 (Protected Watershed) which states that Council shall not consider, support or permit any form of urban land development proposed to be located within the Watershed Protection Areas;
- Schedule C: Protected Watershed Condition # 1 (Development Approval), which states that where the Windsor Lake Protected Water Supply Area falls within the Town's boundary, no development activity shall be undertaken without additionally the referral for comment and receipt of approval from the City of St. John's;
- Requires approval from the Department of Environment and Conservation;
- This application was referred to the City of St. John's on August 3<sup>rd</sup>, 2015. The Town has not yet received a response, and;
- **Administrator recommends that this application be rejected.**