



TOWN OF PORTUGAL COVE-ST. PHILIP'S
November 3, 2015

Regular Public Council Meeting 7:30 p.m.

IN ATTENDANCE:	Mayor	Moses Tucker
	Deputy Mayor	Gavin Will
	Councillors:	Dave Bartlett
		Norm Collins
		Aaron Facey
		Johnny Hanlon
	Director of Recreation & Comm. Serv.	Dawn Sharpe
	Director of Economic Development	Jeff Lawlor
	Director of Financial Operations	Tony Pollard
	Planning & Dev. Coordinator	Les Spurrell
	Town Clerk	Judy Squires

Mayor Tucker called the meeting to order and welcomed the gallery of 10 persons in attendance and noted regrets from Councillor Butler as well as Town Manager and Public Works Director.

ADOPTION OF AGENDA

Motion:	Hanlon/Facey
2015-390	Resolved that the Agenda dated November 3, 2015 , be adopted as circulated.
Carried	Unanimously

ADOPTION OF MINUTES

Motion:	Bartlett/Will
2015-391	Resolved that the minutes of October 20, 2015 be adopted as circulated.
Carried	Unanimously

BUSINESS ARISING No report from the Town Manager for tonight's meeting.

COMMITTEE REPORTS

Planning & Development Report of October 27, 2015 – presented by Councillor Collins

1. 117-119 Beachy Cove Road

Councillor Collins presented the item, however Deputy Mayor Will asked that the item be deferred at the request of the applicant and it was agreed by all to defer.

2. 39-81 Farm Road

Motion: Collins/Bartlett

2015-393 Resolved that the application to subdivide property and construct single dwellings at Civic # 39-81 Farm Road be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

3. 1777 Portugal Cove Road

Motion: Collins/Will

2015-394 Resolved that the application to construct a single dwelling at Civic # 1777 Portugal Cove Road be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

4. 1779-1781 Portugal Cove Road

Motion: Collins/Facey

2015-395 Resolved that the application to construct a single dwelling at Civic # 1779-1781 Portugal Cove Road be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

5. 1483-1485 Thorburn Road

Motion: Collins/Bartlett

2015-396 Resolved that the application to construct a single dwelling with subsidiary apartment at Civic # 1483-1485 Thorburn Road be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

6. 1047-1049 Indian Meal Line

Motion: Collins/Facey

2015-397 Resolved that the application to construct a single dwelling at Civic # 1047-1049 Indian Meal Line be rejected as per Appendix A: Tabled Report.

Carried Unanimously

7. 244 Bauline Line Extension

Motion: Collins/Hanlon
2015-398 Resolved that the application to construct an accessory building at Civic # 244 Bauline Line Extension be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

8. 1808 Portugal Cove Road

Motion: Collins/Will
2015-399 Resolved that the application to establish a shop (online specialty apparel sales) as a standalone business at Civic # 1808 Portugal Cove Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

9. 220-234 Dogberry Hill Road

Motion: Collins/Bartlett
2015-400 Resolved that the application to establish a personal service business (custom event merchandise) as a home occupation at Civic # 220-234 Dogberry Hill Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

10. Residential Subdivision 12-16B Mercers Road

The Planning Department is in receipt of a decision from the Eastern Newfoundland Regional Appeal Board regarding Council's decision to grant approval in principle to a fully-serviced residential subdivision at Civic # 12-16B Mercers Road. The Board ordered that Councils decision be vacated and that Council reconsider the application under the 2004 Town Plan.
Item submitted for information.

11. Appeal Board decision re 1777 & 1779-1781 Portugal Cove Road

The Planning Department is in receipt of a decision from the Eastern Newfoundland Regional Appeal Board regarding Council's decisions to reject applications for single dwellings at Civics # 1777 & 1779-1781 Portugal Cove Road. The Board ordered that Councils decision be vacated and that the applications be reconsidered under the 2000 Town Plan and Development Regulations.
Item submitted for information.

12. Appeal Board decision re 13 Emylia Place

The Planning Department is in receipt of a decision from the Eastern Newfoundland Regional Appeal Board regarding Council's decision to place a Removal Order on an accessory building at Civic # 13 Emylia Place which had been constructed without a permit from the Town. The Board ordered that Councils decision be confirmed.
Item submitted for information.

13. Purchase Notice

The Town is in receipt of a purchase notice from the owner of **Civics # 15-19, 15-33A, 21-25 & 27-33 Longmarsh Road** as a result of Council rejecting an application to amend the Town's Development Regulations (2014-2024) to allow for increased cul-de-sac length which is required to develop this property.

Item submitted for information. The Committee requests that this correspondence be tabled at Council's meeting.

14. 1481 Thorburn Road

Motion: Collins/Bartlett
2015-401 Resolved that the request to add a subsidiary apartment to a single dwelling previously granted approval in principle at Civic # 1481 Thorburn Road be granted as per Appendix A: Tabled Report.
Carried Unanimously

15. Notice of Appeal Hearings

The Planning Department is in receipt of a notice from the Eastern Newfoundland Regional Appeal Board that the following appeals will be heard on Friday, November 27th, 2015 beginning at 9:15 am at the Holiday Inn Hotel, Portugal Cove Road.

- Council's refusal of a fully-serviced residential subdivision at **Civic # 137 Beachy Cove Road**, and;
- Council's refusal of a patio/deck and swimming pool at **Civic # 22 West Point Road**.

Item submitted for information.

Note: the Mayor noted, while there has not been any official notification received he understands that the 137 Beachy Cove Road hearing is deferred until the new year at the applicants request.

16. 942-944 St. Thomas Line

Motion: Collins/Will
2015-402 Resolved that Council avail of the services of the Town's Solicitor to perform work required in relation to a Removal Order (property clean-up) against Civic # 942-944 St. Thomas Line.
Carried Unanimously

The Committee advises Staff to correspond with the property owner regarding the reinstatement of site work completed upon their property in relation to the construction of an accessory building.

17. 935-947 St. Thomas Line

Motion: Collins/Hanlon
2015-403 Resolved that Council avail of the services of the Town’s Solicitor to perform work required in relation to a Stop Work Order against backfilling activity at Civic # 935-947 St. Thomas Line.
Carried Unanimously

18. Permit Stats: There were 23 permits issued from October 9th to October 22nd, 2015.

Recreation & Community Services Committee – October 27, 2015 presented by Councillor Facey

1. Meeting with NL Rugby Rep

The Recreation Committee met with Mr. Simon Banks, the Technical Director with the NL Rugby Association. Mr. Banks is also with the Dogs Rugby team, Rugby Canada, and the Canadian Sports Centre. Discussions were held about the cost to expand the Rainbow Gully Field Turf and a proposal to Rugby for possible partnership. Recreation Director will discuss with the Director of Finance the figures to present to the group. Note that other groups will be proposed for funding options as well.

2. Budget

The Recreation Committee discussed the items that the Recreation Director presented to Council for approval. The Recreation Department will be taking an active approach to secure as much funding as possible through maximizing of our facilities rentals, grants, sponsorship, partnership, and advertising. It is the goal for the recreation team to try and recovery as much of its operating budget as possible.

3. Skateboard Equipment

The Recreation Director obtained information on the piece of equipment that was needed in the Rainbow Gully Skateboard Park to complete the circuit of the layout. The Committee would like to make the following recommendation:

Motion: Facey/Hanlon
2015-404 Resolved that the Town purchase a Quarter Pipe from the Canadian Ramp Company for the amount of \$24,840.71 + taxes as per a budget item.
Carried Unanimously

4. Donation

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

Motion: Facey/Hanlon
2015-405 Resolved that the Town waive the rental fee of the Recreation Centre for Dana Metcalfe, owner/operator of Salt for a Halloween fund-raiser for the Vera Perlin Society on Friday, Oct 30th.
Carried Unanimously

Note of thanks:

Councillor Facey wished to publicly acknowledge and thank the Clarke family for holding their 16th annual Hallowe'en 'Haunted House' at the garage on their property.

The event was attended by 370 people and raised over \$3000 for the Vera Perlin Society for which the Clarke family has a personal connection. Everyone is encouraged to attend this amazing event in the future. An article will be included in the town's Tickle newsletter to acknowledge their efforts.

Motion: Facey/Bartlett
2015-406 Resolved that the Town waive the rental fee of the St. Philip's Mixed Slo-Pitch Softball League fund-raiser event for New Years. Proceeds from this event will go towards new safety equipment for the league as well as a contribution to the local JumpStart Chapter.
Carried Unanimously

Public Works Committee – October 29, 2015 presented by Councillor Bartlett

1. Road Shouldering Quotes

Seven (7) quotes were received for road shouldering repair work on select areas of Kings Hill Road, Cayman Drive, Knapps Road and Farm Road. The lowest, qualified bidder is Chris Squires Enterprise Ltd.

Motion: Bartlett/Collins
2015-407 Resolved that the Fall 2015 contract for Road Shouldering Repair work be awarded to Chris Squires Enterprise Ltd. with a material cost of \$13.00 per ton (+HST) and placement cost of \$2.75 per meter (+HST).
Carried Unanimously

2. Permanent Speed Hump Quote

The Town received a quote from Mercer's Paving Inc. to install seven (7) permanent speed humps in the areas of Dogberry Hill Road, Kings Hill Road, Windsor Heights and Tolt Road.

Motion: Bartlett/Facey
2015-408 Resolved that Mercer's Paving be contracted for the installation of permanent speed humps at a cost of \$18,900 +HST.
Carried Unanimously

3. Regional Water Authority Correspondence – Extension to Robert E. Howlett Memorial Drive Project

Committee was presented with correspondence from the City of St. John's which was copied to the Regional Water Authority Committee members regarding the provincial government's proposed extension to the Robert E. Howlett Memorial Drive highway. The City outlined its concerns related to the route of the highway and its impact on the Bay Bulls Big Pond watershed boundary. The correspondence is tabled as part of this report.

4. Occupational Health & Safety Inspections

During the month of October, two worksite inspections were randomly conducted by a provincial Occupational Health and Safety Inspector. The inspections were completed on the Town's garbage collection and ditching operations. Employees, equipment and procedures involved with both inspections were noted to be fully compliant with health and safety requirements and no directives were issued.

Other Items Discussed: Correspondence from the contractor involved with the Thorburn Road sanitary sewer project (2014) was reviewed and referred to a future Committee meeting as further information was needed from the Town Manager/Engineer. Committee requested that a connectivity plan for the roads, in particular the Dogberry Hill Road area, surrounding the new school being constructed on Thorburn Road be actioned immediately. Staff committed to discussing the issue with the Town Manager and Recreation Director and report back on a plan for next steps.

Economic Development, Marketing & Communications Report – no meeting/no report

Protective Services Committee – October 27, 2015 presented by Councillor Hanlon

1. FES Updates

- The Committee will arrange a meeting with the Chiefs to discuss the status of the Department.
- The Chiefs have had no issue with fumes or exhaust in Fire Hall on Thorburn Road. They see no requirement for the installation of a vehicle exhaust system.
- In preparation for the Millers Road Bridge work, the truck will be placed inside the area for response during the identified time periods.
- No major updates at this time from the Department.

2. Disposal of Assets

The Chiefs have brought forward a list of items no longer of use to the Department that require disposal. The Town Manager is researching the proper method for each item.

3. Firefighter Training Building

The Committee discussed a possible collaborative venture for a Firefighter Training Building and the considerations for an ideal location of this type of facility. The Committee agreed it would support the idea as a joint venture involving the Towns of Portugal Cove-St. Philip's, Torbay and Pouch Cove.

4. Speed Limit Policy

A copy of the comprehensive Speed Limit Policy prepared has been circulated to all Committee members and the Town Manager will continue to work on an effective implementation plan.

5. Commercial Vehicle Parking Regulations

Some minor revisions in terminology are being made to the Commercial Vehicle Parking Regulations and the revised copy will be circulated to all of Council. A motion to adopt the regulations will be brought forward to the next Council meeting.

Note: The Regulations are ready for presentation at the end of this meeting under new business. In response to a question regarding ticketing, Councillor Hanlon noted we are still seeking clarification.

Admin. and Finance Committee Report of October 27, 2015 - presented by DM Will

1. Accounts for Payment

Motion: Will/Collins
2015-409 Resolved that the accounts be approved for payment in the amount of \$46,876.06 for Regular accounts and \$50,567.50 for Capital Accounts for a total of \$97,443.56
Carried Unanimously

2. Carried forward items discussed:

Water Metering:

The Town Manager provided a verbal summary of the investigation into the option of providing water meters to all the serviced homes in the community instead of a pilot project for only 100. Committee discussed various aspects of the project at length including cost recovery, billing/meter reading options, life of meters/replacement costs etc. and it was agreed that the Town Manager meet with the consultant, Vigilant Management, to obtain more costing details including operational and maintenance costs for future budget purposes. It is expected that installs won't commence until summer or fall of next year and in the meantime detailed information will be provided to residents on the project prior to start up. As this is a long term investment that will give residents the benefit of monitoring their water usage to control the costs in their own homes with the potential to reduce water consumption and provide environmental benefits for the Town, committee agreed that it would be in the best interest to move ahead with the full project than a pilot project, and therefore makes the following recommendation.

Motion: Will/Facey
2015-410 Resolved that the Town change the scope of the water metering project management contract with Vigilant Management to reflect a town wide water meter implementation plan. The professional rates for project management services from Vigilant will remain the same however the total project management costs are expected to increase with the level of effort required for the larger project.
Carried Unanimously

Note: Councillor Facey noted that while we are the last province in Canada to implement water metering, we are the first town in the province to do so.

CORRESPONDENCE None for this meeting

NEW/GENERAL/ UNFINISHED BUSINESS

(1) New Business from Public Works Department to be presented by Councillor Bartlett:

ORDERS TO REPAIR:

Further to investigation by staff of the Public Works Department, it has been confirmed that the following properties have a cross-connection between storm sewer and sanitary sewer lines. As this is in contravention of the Town's Water and Sewer Regulations, Development Regulations and National Building Code of Canada 2010 as specified in the Order, the following recommendations are being put forward:

Motion: Bartlett/Facey
2015-411 Resolved that pursuant to Section 404 (1) (b) (i) and (ii) of the Municipalities Act and Section 3 (7) of the Town's Water and Sewer Regulations, that an 'Order to Repair' be issued to the property owner of **civic #8 Golden Dawn Drive** to have the confirmed cross-connection rectified.

Carried Unanimously

Motion: Bartlett/Hanlon
2015-412 Resolved that pursuant to Section 404 (1) (b) (i) and (ii) of the Municipalities Act and Section 3 (7) of the Town's Water and Sewer Regulations, that an 'Order to Repair' be issued to the property owner of **civic #11 Golden Dawn Drive** to have the confirmed cross-connection rectified.

Carried Unanimously

Motion: Bartlett/Facey
2015-413 Resolved that pursuant to Section 404 (1) (b) (i) and (ii) of the Municipalities Act and Section 3 (7) of the Town's Water and Sewer Regulations, that an 'Order to Repair' be issued to the property owner of **civic #20 Golden Dawn Drive** to have the confirmed cross-connection rectified.

Carried Unanimously

(2) Communities for Veterans Foundation - Ride across Canada

Deputy Mayor advised this event will be taking place at the Royal Canadian Legion tomorrow at 4 pm. and your support and donations would be appreciated.

(3) Public Tendering

Councillor Hanlon inquired as to whether or not there was any provision in the Tendering Act to allow us to award to tenders to local businesses and not necessarily the lowest bidder so that the community can benefit. The Director of Financial Operations while there is no provision for same he will determine what options are available.

NOTICE OF MOTION

Presented by Councilor Johnny Hanlon, Chair of Protective Services Committee:

Further to the previous Notice of Motion regarding the Commercial Vehicle Parking Regulations, 2015, the following motion is being put forward:

Motion: Hanlon/Will
2015-414 Resolved that Council adopt the Portugal Cove-St. Philip's Commercial Vehicle Parking Regulations, 2015 and that in accordance with Section 413 (2) forward the adopted Regulations to the Minister of Municipal and Intergovernmental Affairs.
Carried Unanimously

ADJOURNMENT

Motion: Will/Collins
2015-415 Resolved that this meeting be adjourned. 8:25 p.m.
Carried Unanimously

Moses Tucker, Mayor

Judy Squires, Town Clerk

Attachment: Appendix A of Planning & Development Report

**Appendix A: Tabled Report
October 27th, 2015**

Applications:

Item # 1: Civic # 117-119 Beachy Cove Road

Subdivide Property & Construct Apartment Building

**Zoning: Residential Medium Density & Traditional Community (RMD & TC) -
Served**

Item deferred at request of the applicant.

Item # 2: Civic # 39-81 Farm Road

Subdivide Property & Construct Single Dwellings

Zoning: Residential Low Density (RLD) - Unserved

The Committee recommends that the application for Civic # 39-81 Farm Road be granted approval in principle, permitting the subdivision of property into thirteen fully-served building lots and the construction of single dwellings on these lots. Approval in principle is subject to the extension of municipal water and sewer services and upgrading of Farm Road to Town standards along the entire frontage of the proposed lots. Approval in principle is also subject to approval from the Department of Natural Resources as the property is located within an Operations Confinement Buffer. 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 Policies GL-1, GL-3 & GL-6 (General Layout Policies), Plan Policy SD-5 (Public Input), Plan Policy SD-7 (Open Space Dedications), Plan Policy RES-11 (Servicing New Residential Subdivision Development), Plan Policies T-10 & T-13 (Local Roads), Development Regulation 81 (3) (Served to be Provided), Development Regulation 83 (Permit to Subdivide Subject to Conditions), Development Regulation 88 (Land for Public Open Space), Development Regulation 90 (Subdivision Design Standards), Schedule C: General Provision # 8 (c) (Agriculture Buffer), and Schedule C: Residential Low Density.

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

Item # 3: Civic # 1777 Portugal Cove Road

Single Dwelling

Zoning: Mixed Use & Heritage Community (MIX & HC) - Served

The Committee recommends that the application for Civic # 1777 Portugal Cove Road be granted approval in principle, permitting the construction of a single dwelling. Approval in principle is subject to the completion of site restoration work at Civic #

1771 Portugal Cove Road to the rear of Civics # 1775 & 1777 Portugal Cove Road prior to the issuance of permits for development at Civic # 1777 Portugal Cove Road. Approval in principle is also subject to the submission of financial provisions to the Town to ensure that site reinstatement is completed to the satisfaction of the Town in accordance with Development Regulation 14 (Financial Guarantees by Developer). Approval in principle is also subject to approval from the Department of Natural Resources (Mineral Lands Division). Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations (1994-2004), in accordance with a decision of the Eastern Newfoundland Regional Appeal Board, and all other regulatory bodies of government, specifically, Schedule C: Mixed Use.

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

Item # 4: Civic # 1779-1781 Portugal Cove Road

Single Dwelling

Zoning: Mixed Use & Heritage Community (MIX & HC) - Serviced

The Committee recommends that the application for Civic # 1779-1781 Portugal Cove Road be granted approval in principle, permitting the construction of a single dwelling. Approval in principle is subject to approval from the Department of Natural Resources (Mineral Lands Division), and the Department of Municipal and Intergovernmental Affairs (Crown Lands) if work is required to be completed on Crown land adjacent to this property. Approval in principle is also subject to the submission of financial provisions to the Town to ensure that site reinstatement is completed to the satisfaction of the Town in accordance with Development Regulation 14 (Financial Guarantees by Developer). Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations (1994-2004), in accordance with a decision of the Eastern Newfoundland Regional Appeal Board, and all other regulatory bodies of government, specifically, Schedule C: Heritage Community.

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

Item # 5: Civic # 1483-1485 Thorburn Road

Single Dwelling with Subsidiary Apartment

Zoning: Traditional Community (TC) - Serviced

The Committee recommends that the application for Civic # 1483-1485 Thorburn Road be granted approval in principle, permitting the construction of a single dwelling with subsidiary apartment. Approval in principle is subject to a 10% variance on the rear yard requirement which will decrease the minimum rear yard from 9 m to 8.1 m in accordance with Development Regulation 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, Plan Policy TC-2 (Land Uses), Development Regulation 11 (Variances), Development Regulation 12 (Notice of Variance), Development Regulation 33 (Notice of Application), Development Regulation 60 (Subsidiary Apartments), Development Regulation 102 (Discretionary Uses), Schedule C: Traditional Community, and Schedule D: Off-Street Parking Requirements.

Item # 6: Civic # 1047-1049 Indian Meal Line
Single Dwelling
Zoning: Mixed Use (MIX) - Unserviced

The Committee recommends that the application to construct a single dwelling at Civic # 1047-1049 Indian Meal Line be rejected as the application proposes to develop within an area identified as having steep slopes in accordance with Schedule E: Environmental Protection Overlay.

The Administrator recommended that this application be rejected.

Item # 7: Civic # 244 Bauline Line Extension
Accessory Building
Zoning: Residential Low Density (RLD) - Unserviced

The Committee recommends that the application for Civic # 244 Bauline Line Extension 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.

Item # 8: Civic # 1808 Portugal Cove Road
Business (Shop)
Zoning: Traditional Community (TC) -Serviced

The Committee recommends that the application for Civic # 1808 Portugal Cove Road be granted approval in principle, permitting the establishment of a shop (online specialty apparel sales) as a stand-alone business. 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 Policies TC-1 & TC-2 (Land Uses), Development Regulation 33 (Notice of Application), Development Regulation 102 (Discretionary Uses), Schedule C: Traditional Community, and Schedule D: Off-Street Parking Requirements.

**Item # 9: Civic # 220-234 Dogberry Hill Road
Business (Personal Service)
Zoning: Residential Medium Density (RMD) - Unserviced**

The Committee recommends that the application for Civic # 220-234 Dogberry Hill Road be granted approval in principle, permitting the establishment of a personal service business (custom event merchandise) 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.

Correspondence:

Item # 14: Civic # 1481 Thorburn Road - Subsidiary Apartment

The Committee recommends that the request to add a subsidiary apartment to a single dwelling previously granted approval in principle at Civic # 1481 Thorburn Road be granted. 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 of Application), Development Regulation 60 (Subsidiary Apartments), Development Regulation 102 (Discretionary Uses), Schedule C: Traditional Community, and Schedule D: Off-Street Parking Requirements.