



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

December 15, 2015

Regular Public Council Meeting 7:30 p.m.

**IN ATTENDANCE:**

Mayor	Moses Tucker
Deputy Mayor	Gavin Will
Councillors:	Joe Butler
	Dave Bartlett
	Norm Collins
	Aaron Facey
	Johnny Hanlon
Town Clerk	Judy Squires
Director of Recreation/Comm.Services	Dawn Sharpe
Planning Coordinator	Les Spurrell

Mayor Tucker called the meeting to order and welcomed the gallery of 14 persons (including 11 for presentations) in attendance.

**ADOPTION OF AGENDA**

Motion: Hanlon/Will  
2015-439 Resolved that the Agenda dated **December 15, 2015**, be adopted as circulated.  
Carried Unanimously

**PRESENTATIONS**

Councillor Facey and Director of Recreation & Community Services presented awards and congratulations to the following winners in the PCSP Christmas Parade float contest:  
Best Community Float – St. Lawrence Girl's Auxiliary (Rockefellers/New York)  
Best Business Float – Breakwater Books (Minions)  
Best Family Float – Ian Tucker Family (Thomas the Train)

**ADOPTION OF MINUTES**

Motion: Bartlett/Butler  
2015-440 Resolved that the minutes of **December 1, 2015** be adopted as circulated.  
Carried Unanimously

**BUSINESS ARISING**

Action item list was circulated by email to Council by the Town Manager prior to the meeting.

## COMMITTEE REPORTS

### Planning & Development Committee Report of December 8<sup>th</sup> presented by Clr. Collins as follows:

#### **1. 958-960 Indian Meal Line**

Motion: Collins/Will

2015-441 Resolved that the application to construct a single dwelling with subsidiary apartment at Civic # 958-960 Indian Meal Line be rejected as per Appendix A: Tabled Report.

Carried Unanimously

**For the record:** Mayor Tucker left the Council chambers due to conflict of interest for item 2 which is his own property and item 4 which is owned by a relative (brother) of his. Deputy Mayor Will chaired the Council meeting for the following two items:

#### **2. 311 Bennetts Road**

Motion: Collins/Butler

2015-442 Resolved that the application to demolish and construct a single dwelling at Civic # 311 Bennetts Road be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

#### **4. 485-487, 489 and 491 Old Broad Cove Road**

Motion: Collins/Bartlett

2015-443 Resolved that the application to subdivide property at Civics # 485-487, 489 & 491 Old Broad Cove Road be rejected as per Appendix A: Tabled Report.

Carried Unanimously

**For the record:** After the vote, Mayor Tucker returned to the Chambers and resumed as Chair for the remainder of the Council Meeting.

#### **3. 49-55 Beachy Cove Road**

Motion: Collins/Will

2015-444 Resolved that the application to subdivide property at Civic # 49-55 Beachy Cove Road be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

#### **5. 339 Tolt Road**

Motion Collins/Bartlett

2015-445 Resolved that the application to construct an accessory building at Civic #339 Tolt Road be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

**6. 432 Old Broad Cove Road**

Motion: Collins/Hanlon  
2015-446 Resolved that the application to rezone property at Civic #432 Old Broad Cove Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

**7. ERPA Notice of Appeal filed re 1047-1049 Indian Meal Line**

The Planning Department is in receipt of a notice from the Eastern Newfoundland Regional Appeal Board that an appeal has been filed against the rejection of a single dwelling at Civic # 1047-1049 Indian Meal Line on November 3<sup>rd</sup>, 2015.  
Item Submitted for Information. Staff has forwarded the requested information to the Board.

**8. ERPA Appeal Decision re 137 Beachy Cove Road**

The Planning Department is in receipt of a decision from the Eastern Newfoundland Regional Appeal Board regarding an appeal filed against the rejection of a residential subdivision at Civic # 137 Beachy Cove Road on June 2<sup>nd</sup>, 2015. The Board determined that the Town acted in good faith when considering this application pursuant to the Municipal Plan and Development Regulations 2014-2024 and ordered that Council's decision be confirmed.

**9. Amendment re sidewalks – Thorburn Woods (Summerwood Place)**

Motion: Collins/Will  
2015-447 Resolved that further to **Motion # 2014-340**, wherein Council determined that "sidewalk be required from the intersection of Summerwood Place and Dogberry Hill Road Extension along the odd side of Summerwood Place to the upper side of an intersection with a future right-of-way" and that "the Developer must provide cash to the Town in the value of the required sidewalk not installed (as per the Final Engineering Drawings)"; furthermore, that Council **amend the above Motion** to read as follows: "sidewalk be required from the intersection of Summerwood Place and Dogberry Hill Road Extension along the odd side of Summerwood Place to the lower side of an intersection with a future right-of-way. The Developer must provide cash to the Town in the value of the required sidewalk not installed along the odd side of Summerwood Place from the intersection with a future right-of-way to Civic # 21 Summerwood Place (Lot # 69 inclusive)."  
Carried Unanimously

**For the record:** It was agreed that it be noted on record that property owners (who extended their lawns beyond their boundary and onto the right of way owned by the Town where the sidewalk would have gone) are responsible for repairing any damages to that area which may result from snow-clearing operations. The Town would not be responsible for the repairs.

**10. Refinement request for Environmental Protection Map**

Motion: Collins/Will  
2015-448 Resolved that the request to refine the Environmental Protection Map within Schedule E: Environmental Protection Overlay in the area of Civics # 1526-1530, 1532, and 1534-1536 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

**11. Permits Issued Stats:** 23 permits issued from November 20<sup>th</sup> to December 3<sup>rd</sup>, 2015.

**Recreation & Community Services Committee of December 8<sup>th</sup> presented by Clr. Facey as follows:**

**1. Christmas Events**

The Recreation Department was very pleased with the success levels for the Christmas Events that took place over the last couple of weeks. The Lighting of the Christmas Tree Ceremony with the illuminated fireworks had great reviews by all spectators. It certainly stepped the event up a level and it was a great way to kick off our festivities. Following that event everyone went in the Recreation Centre for the judging of the Gingerbread Decorating Contest. There were seven entries into the event and the Gingerbread houses were above and beyond what you can imagine.

**The winners of the event were:**

**Adult Division** Sarah Bonnell  
**Family Division** Young Family (Runner up – Bantleman Family)

Saturday, December 5<sup>th</sup> the Town hosted the Breakfast with Santa at the Royal Canadian Legion in Portugal Cove. There were approximately 210 people in attendance for this event. It was amazing to see all the kids with all their excitement for Santa. Thanks to the Mayor and Councillors who came up and assisted with the event. Special thanks to the Legion for their cooperation as always.

Sunday, December 6<sup>th</sup> was the Annual Christmas Parade. This parade was the most successful parade that the Town has hosted. With over 23 entries of floats, bands, dancers, and walking participant groups, it was very well received by the spectators. There were a couple of growing pains that the staff has noted and will improve for next year. Staff engaged a few spectators to judge the entries and select the winners in the following categories.

**The winners in each category were:**

**Best Community Float** St. Lawrence Girls Auxiliary (Rockefellers)  
**Best Business Float** Breakwater Pharmacy (Minions)  
**Best Family Float** Tucker Family (Thomas the Train)

A special thanks to all those that volunteered and/or participated in the parade has been distributed by emails, facebook, and website. We would like to give a big shout out to Santa, for all his time that he volunteers for the Town in the month of December. Thanks so much!

**2. Grand Concourse Authority board appointment**

The Town of Portugal Cove – St. Philip’s has been a member of the Grand Concourse for a few years now. Dawn Sharpe, Director of Recreation and Community Services was a Director at Large on the GCA Board of Directors for the past year. However at the most recent board meeting on Thursday, December 3<sup>rd</sup> she accepted the appointment of Vice Chair on the Board of GCA. Congratulations Dawn!

**For the record:** Councillor Hanlon left the chambers for following item #3 for conflict of interest reasons. (It was noted family members are on the committee.)

### 3. Donations:

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

Motion: Collins/Will  
2015-449 Resolved that the Town donate \$1000 to the PWC Safe Grad Committee. Committee noted that over 60% of the population of PWC is residents of our community and it is great for us to show our support for them.

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

Note: in response to questions arising it was noted that the funds are available in the grant budget. They are being used toward hosting a movie to allow grads to stay safely in one location as part of the 'safe-grad' event and a majority of the students are from PCSP.

**For the record:** After the vote, Councillor Hanlon returned for the remainder of the Council meeting.

### **Public Works Committee Report of December 9<sup>th</sup> presented by Councillor Bartlett as follows:**

#### **1. Connectivity Plan - Update**

Staff provided Committee with an update on the connectivity plan for Thorburn Road to Dogberry Hill Road. Town staff met with Vigilant Management who are preparing a project plan to outline the required steps and scope of the project as well as associated project management fees. The agreed upon approach involves Vigilant identifying a phased concept, engaging an engineering firm for design and tender preparation, and contracting for construction. Topographical survey will be collected and analyzed to inform the concept proposed. The initial project plan is expected on December 18, 2015 for presentation to Committee in the New Year.

#### **2. Light Duty Vehicle Truck Purchase**

As per the 2016 budget, two (2) ½ tonne pick-up trucks will be purchased through the provincial Light Duty Vehicle Purchase Program. The order is being placed now as there is 120 days lead time to delivery. The expenditure will occur in 2016.

Motion: Bartlett/Facey  
2015-450 Resolved that two (2) new ½ tonne pick-up trucks be purchased through the Light Duty Vehicle Purchase Program from General Motors of Canada Limited for a total cost of \$64,125 + HST and environmental fee (\$28,359 per truck plus HST and environmental fee).

Carried Unanimously

#### **Other Items Discussed:**

- Thorburn Road Sanitary Sewer Project – Asphalt Recapping: this item was revisited by Committee with a decision made to place as an agenda item for the next Committee of Whole meeting.

- 2015 Carry Forward Items: The list of action items resulting from Committee meetings was reviewed. Of the 51 items on the list for 2015, only 5 remain on the list for carry forward to 2016.
- Town Hall Renovations: Lower level final drawings are near complete; tender package will be ready for advertising in January 2016 with commencement anticipated in the second quarter of 2016. There will be some minor renovations in the upper level of Town Hall early in the New Year to accommodate office movements.
- Water & Wastewater Equipment, Treatment & Transportation Show: One of the Town's Water & Wastewater Operators will be attending this educational conference and trade show in February 2016; this conference was budgeted for 2016 and will provide valuable training opportunities otherwise not available locally.
- Tender for the replacement of the (GMC) 5500 Salt/Sand Truck has been let. The tender was advertised on December 5, 2015 and closed December 14, 2015.

**Economic Development, Marketing & Communications Report of December 9<sup>th</sup> presented by Clr. Joe Butler as follows:**

**1. Tourism Development Plan**

The committee was updated on the progress of the plan which was started almost a year ago by the Province. The Northeast Avalon is the last in the province to be completed. The Town of PCSP sits on the steering committee along with the Economic Developers from neighboring communities and Destination St. John's. The plan is expected to be completed on March 31<sup>st</sup>. A public meeting will take place in mid-January for our region.

**2. Regional Demographic and Perceptions Survey**

The final version of the questions were shared with the committee. The project, which is a partnership between St. John's, PCSP, Paradise, Torbay and CBS will start in January and be completed in March.

Note: Councillor Facey noted that the Town will get a lot of info about residents and how we compare to other communities. This info will be very helpful in planning for our town.

**3. Agriculture Community**

In keeping with the commitment that Council has expressed with the 2016 Budget a meeting is being planned with the Agriculture community in late February to explore how best to promote and encourage farming in PCSP.

**4. ACOA Funding**

We have yet to receive an update from ACOA regarding our application for Rainbow Gully Field. The Director of Economic Development is meeting with our ACOA representative to discuss its status and other Placebuilder initiatives.

**5. Harris Centre Regional Workshop**

The Director of Economic Development was invited to join the planning committee for the workshop that will take place in the region in March. The event will feature three topics for working groups and will bring together academics, community leaders and experts in each of the topics.

## **6. Water Metering Project**

There is a public meeting being planned in January on the water metering project.

### **Protective Services Committee Report for– presented by Councillor Hanlon**

#### **1. FES Updates**

The Department honorariums are tabulated and have been processed. The information used to calculate the amounts and the final totals have been distributed to the membership at their request. To date, the feedback has been positive.

Snow tires have been installed on the vehicles and the all seasons removed from the new truck have been delivered to the Public Works Department for use on fleet vehicles.

The Committee held a lengthy discussion around the recommendation as provided by the co-chiefs to hire paid members within the department. Alternative options were discussed as well as comparisons of structure in comparable municipalities departments.

Note: Following his report, Councilor Hanlon requested that this be addressed as a priority item and Mayor Tucker noted it will be the first item on the agenda for the next Committee of the Whole meeting in the New Year.

### **Admin. and Finance Committee Report of December 8th - presented by Deputy Mayor Will**

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

Motion: Will/Collins  
2015-451 Resolved that Council pay Regular Accounts in the amount of \$87,860.33 and Capital Accounts in the amount of \$19,071.78 for a total of \$106,932.11  
Carried Unanimously

#### **2. Schedule of Meetings**

Committee discussed and agreed that committee meetings will commence on January 5<sup>th</sup> and therefore council meetings take place as follows:

Motion: Will/Facey  
2015-452 Resolved that Council meetings for 2016 be held every second Tuesday commencing on January 12<sup>th</sup> and that public notice be posted on the Town's website.  
Carried Unanimously

Note: Councillor Facey requested that the meeting time be reconsidered to start possibly at 4:30 or 5:00 pm. The Mayor placed this item on the next Committee of the Whole agenda for discussion.

**3. Funds received from sale of land for new school**

The Director of Financial Operations advised that the funds received in 2015 needed to be re-allocated from the general account to a reserve account as follows:

- Motion: Will/Hanlon  
2015-453 Resolved that the sum of \$559,000 received from the Department of Education, Government of Newfoundland & Labrador, from the sale of Town land for location of the new school be allocated to the Infrastructure Reserve Fund.  
Carried Unanimously

**4. Debt Management Plan**

Committee briefly discussed the need to look at policy and/or legislation which would put a mechanism in place to secure the reserve and debt management initiatives arising from the upcoming Asset Management Plan. Further research will be conducted and the Deputy Mayor will bring this item to the next Committee of the Whole Council meeting for consideration.

**5. Millers Road Bridge - update on costs**

The Director of Financial Operations completed a review and determined that the approved cost of \$283,131 plus PST required adjustment and put forward the following for committee's consideration:

- Motion: Will/Hanlon  
2015-454 Resolved that further to a review of costings for Millers Road Bridge replacement, that Motion #2015-386 be rescinded and furthermore, that Council approve the expenditure of \$301,597.92 plus PST for this project.  
Carried Unanimously

**6. Maggies Place – update on purchase of land**

The Town Manager advised that the vendor's lawyer has requested a further week to conclude title documentation and the matter should close in the near future.

**7. Union Negotiations**

The Town Manager advised that negotiations are continuing and the next date is set for December 16<sup>th</sup> for the Town's response to the bargaining unit.

**8. Year-end staff appreciation**

- Motion: Will/Facey  
2015-455 Resolved that, as per past practice, that Council approve payment of the year-end staff appreciation for 2015.  
Carried Unanimously

**For the record:** Councillor Butler abstained from voting on the following item.

**9. Conference request**

Deputy Mayor Will presented a request from Councillor Butler to attend the following conference:



Motion: Will/Collins  
2015-456 Resolved that Council approve Councillor Butler's request to attend the FCM's 2016 Sustainable Communities Conference being held in Ottawa February 9<sup>th</sup>-11<sup>th</sup>, 2016.  
Carried Unanimously

**10. Water Metering**

The Town Manager met with Vigilant Project Management on Dec. 7<sup>th</sup> and reviewed the project plan for the public meeting. The suggested changes to the plan will be finalized and the meeting for residents is being planned for mid-January.

**11. Standing Offer for services**

Vigilant Project Management asked that we consider a standing offer agreement for one year for services under \$5,000 based on an hourly rate. The purpose would be to eliminate the need of issuing a contract for each individual service. As there is no urgency in this matter, committee requested that the Town Manager research this further and bring the information to the Committee of the Whole Council meeting on January 11, 2016.

**CORRESPONDENCE**

(a) City of St. John's re Motorcycle Noise – referred to Protective Services Committee

**NEW/GENERAL/ UNFINISHED**

**(a) New Business item: presented by Admin Finance Chair – Deputy Mayor Will**

**Appointment of Assessment Review Commissioner:**

Motion: Will/Facey  
2015-457 Resolved that the Mr. Tom Strickland of Business Logistics be appointed as the Assessment Review Commissioner for the Town of Portugal Cove-St. Philip's for the year 2016.  
Carried Unanimously

**(b) New Business item presented by Councillor Dave Bartlett**

**Purchase of salt/sand truck**

Two (2) bids were received in response to the Tender PCSP-2015-007 for the purchase of one (1) new

2016 single axle 4x4 salt/sand plow truck to replace the current GMC 5500 in fleet. This replacement is a budgeted item. Bids were received from:

1. Royal Garage Limited for a 2016 Dodge Ram 5500 - \$96, 209.56 plus HST; and
2. Avalon Ford Sales 1996 Limited for a 2016 Ford F550 - \$98,895.00 plus HST

Motion: Bartlett/Collins  
2015-458 Resolved that the Town provide approval for the purchase of a 2016 Dodge Ram 5500 from the lowest, qualified bidder, Royal Garage Limited, at a cost of \$96,209.56 plus HST.  
Carried Unanimously

**ADJOURNMENT**

Motion: Facey/Collins  
2015-459 Resolved that this meeting be adjourned. Time 8:35p.m.  
Carried Unanimously

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Moses Tucker, Mayor

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Judy Squires, Town Clerk

**Attached: Appendix A**

**Appendix A: Tabled Report  
December 8<sup>th</sup>, 2015**

**Applications:**

Item # 1:

**Civic # 958-960 Indian Meal Line  
Single Dwelling with Subsidiary Apartment  
Zoning: Mixed Use (MIX) - Unserviced**

**The Committee recommends that the application to construct a single dwelling with subsidiary apartment at Civic # 958-960 Indian Meal Line be rejected as the application proposes to develop within an area identified as having steep slopes which is not in accordance with Development Regulation 64 (Site Suitability) and Schedule E: Environmental Protection Overlay.**

The administrator recommended that this application be rejected.

Item # 2:

**Civic # 311 Bennetts Road  
Demolish & Construct Single Dwelling  
Zoning: Residential Medium Density (RMD) - Unserviced**

**The Committee recommends that the application for Civic # 311 Bennetts Road be granted approval in principle, permitting the demolition and 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, Development Regulation 49(1), (2) and (3b) (Non-Conforming Use).**

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

Item # 3:

**Civic # 49-55 Beachy Cove Road  
Subdivide Property  
Zoning: Traditional Community (TC) - Serviced**

**The Committee recommends that the application for Civic # 49-55 Beachy Cove Road be granted approval in principle, permitting the subdivision of property.**

The administrator recommended that this application be rejected as the proposal would not eliminate an existing non-conformity on the property.

Item # 4:

**Civic # 485-487, 489 & 491 Old Broad Cove Road  
Subdivide Property  
Zoning: Residential Medium Density & Mixed Use (RMD & MIX) - Unserviced**

The Committee recommends that the application to subdivide property at Civics # 485-487, 489 & 491 Old Broad Cove Road be rejected as the property is not a legally existing non-conformity in accordance with Development Regulation 49 (1) (Non-Conforming Use), the property contains more than one residence which does not comply with Schedule C: General Provision # 3 (Principle Building Per Lot), and the proposed property configuration does not comply with Development Regulation 46 (1) (Lot Area), Schedule C: Residential Medium Density with respect to lot area, and Schedule C: Mixed Use with respect to lot area, lot frontage, front yard (minimum and maximum) and side yard.

The administrator recommended that this application be rejected.

Item # 5:

**Civic # 339 Tolt Road  
Accessory Building  
Zoning: Residential Medium Density (RMD) - Unserviced**

The Committee recommends that the application for Civic # 339 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.

Item # 6:

**Civic # 432 Old Broad Cove Road  
Rezoning  
Zoning: Mixed Use, Residential Low Density & Agriculture (MIX, RLD & AG) - Semi-Serviced**

The Committee recommends that the application for Civic # 432 Old Broad Cove Road be granted approval in principle, permitting rezoning of property from Agriculture to Residential for a proposed residential subdivision. Approval in principle is subject to the submission and approval of a subdivision application which shall provide a connection between Old Broad Cove Road and Johnathan Heights, and include an area dedicated to affordable housing, which shall include

**housing for seniors, to Council's satisfaction. Approval in principle shall be in full compliance with the Town's Municipal Plan and Development Regulations, all other regulatory bodies of government, and a Motion of Council on November 18<sup>th</sup>, 2014 which allows Council to "consider any applications for rezoning that are currently under review or applications that will integrate or round-out existing developed areas**

**to eliminate dead-end roads that have been developed in a haphazard fashion by extending them into loop roads (sections of the municipality that lack street connectivity), or to address local services and amenities."**

The administrator recommended that this application be rejected as the overall intent of the Town's Municipal Plan is to protect agricultural lands from conflicting uses of land.