



TOWN OF PORTUGAL COVE-ST. PHILIP'S

March 8, 2016

Regular Public Council Meeting 5:00 p.m.

IN ATTENDANCE:	Mayor	Moses Tucker
	Deputy Mayor	Gavin Will
	Councillors:	Dave Bartlett
		Joe Butler
		Norm Collins
		Aaron Facey
		Johnny Hanlon
	Director of Recreation & Comm.Serv.	Dawn Sharpe
	Director of Financial Operations	Tony Pollard
	Director of Public Works	Gail Tucker
	Planning & Dev. Coordinator	Les Spurrell
	Town Manager	Chris Milley
	Town Clerk	Judy Squires

Mayor Tucker called the meeting to order and welcomed the gallery of 7 persons in attendance.

ADOPTION OF AGENDA

Motion: Hanlon/Facey
2016-043 Resolved that the Agenda dated **March 8, 2016**, be adopted as circulated.
Carried Unanimously

ADOPTION OF MINUTES

Motion: Hanlon/Bartlett
2016-044 Resolved that the minutes of **February 23, 2016** be adopted as circulated.
Carried Unanimously

BUSINESS ARISING: The Town Manager reported:

1. No changes noted in Action item list since last meeting, updated list will be circulated for next meeting.
2. For the upcoming Multi-year capital works item under Admin Finance, worked with Dept. of Municipal Affairs and exp (consultants) gathering information for that item.
3. Bargaining unit ratified the union agreement which is coming forward tonight for Council's resolution.
4. There will be a Committee of the Whole meeting for Council only following the public session tonight.
5. Attended 'discovery' procedure hearings with lawyers representing our insurance company regarding an insurance claim (for flooding) by a resident.

COMMITTEE REPORTS

Planning & Development Report – March 1, 2016, presented by Councillor Collins

1. 11A Somertons Lane

Motion: Collins/Bartlett

2016-045 Resolved that the application to demolish and reconstruct half of a double dwelling at Civic # 11A Somerton's Lane be rejected as per Appendix A: Tabled Report.

Carried Unanimously

2. 369-375 Old Broad Cove Road

Motion: Collins/Will

2016-046 Resolved that the application to establish an office for a consulting business as a home occupation at Civic # 369-375 Old Broad Cove Road be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

3. 116-120 Bennetts Road

Motion: Collins/Butler

2016-047 Resolved that the application to construct an accessory building at Civic # 116-120 Bennetts Road be rejected as per Appendix A: Tabled Report.

Carried Unanimously

4. 32-34 Beaver Creek Road

Motion: Collins/Will

2016-048 Resolved that Council refuse the Municipal Recommendation Form for Crown land located at the end of Beaver Creek Road, near Civic # 32-34 Beaver Creek Road, for the purpose of residential development (single dwelling) as the land is zoned Recreational Open Space which does not permit residential development, and the land contains an area identified as a flood risk area.

Carried Unanimously

5. 34 Anglican Cemetery Road

Motion: Collins/Bartlett

2016-049 Resolved that Council refuse the Municipal Recommendation Form for Crown land located at Civic # 34 Anglican Cemetery Road for the purpose of removing an existing right-of-way as the land is a recognized right-of-way.

Carried Unanimously

Note: DM Will noted that committee discussed the issue of residents complaining about traffic. Councillor Collins stated the original permit for this house included the requirement for the r.o.w to remain open.

6. 23 Beachy Cove Road

Motion: Collins/Butler

2016-050 Resolved that Council refuse the Municipal Recommendation Form for Crown land located at Civic # 23 Beachy Cove Road for the purpose of residential development (subdivision) as the land applied for is identified within Schedule E: Environmental Protection overlay as having steep slopes and the land is partially zoned Rural which does not permit residential development.

Carried Unanimously

Note re item 6:

Councillor Facey inquired as to the process for Crown Land applications and was advised they go to Crown Lands first and they seek the zoning information from the Town.

Also, in reference to Councillor Hanlon's question regarding status of a parking lot on this land, Mayor Tucker advised that a parking lot is not part of this application.

7. Street Names for approval

Motion: Collins/Bartlett

2016-051 Resolved that the following street names be used within The Porches of St. Philip's Residential Subdivision:

- Markham Drive – Street 'A'
- Trosa Place – Street 'C'
- Papenburg Street – Street 'D'

Carried Unanimously

8. Notice of Appeal file against 958-960 Indian Meal Line

The Planning Department is in receipt of a notice from the Eastern Newfoundland Regional Appeal Board that an appeal filed against Council's decision to reject an application to construct a single dwelling at Civic # 958-960 Indian Meal Line will be heard by the Board on Wednesday, March 30th, 2016 at 11:00 am at the Capital Hotel, Kenmount Road, St. John's.

Item Submitted for Information.

9. Town of Flatrock amendment

Motion: Collins/Butler

2016-052 Resolved that Planning Staff forward correspondence to the Town of Flatrock stating that Council has no objections to the proposed amendment (re-designation of lands to coincide with changes to the draft Flatrock Municipal Plan and Development Regulations).

Carried Unanimously

10. Permit Stats:

There were twelve (12) permits issued from February 12th to February 25th, 2016 as per Appendix A: Tabled Report.

Recreation & Community Services Committee – March 1, 2016, presented by Clr. Facey

1. RNL AGM

Recreation Newfoundland and Labrador is hosting its Annual General Meeting in St. John's, May 26th - 28th. Three of the Recreation Staff will be registering for the conference and Recreation Committee members have also been given the opportunity to attend. Councillors will have to let Recreation Staff know by April 29th if they would like to attend.

2. Best of PCSP Community Awards

The Recreation Director, Dawn Sharpe and the Special Events Coordinator, Nick Miller attended the Annual Community Sector Council Volunteer Luncheon on Tuesday, March 1st. This year's theme is "The Many Faces of Volunteering". The Recreation Department and the EDMC Department will be working together to make this year's event the most successful to date. Recreation Committee discussed options for the guest speakers and we encourage Councillors to pass along any recommendations. It is important that all staff and council take an active role in promoting the nomination process to the community. Please do your part and nominate the people that make our community a better place to live.

3. Grants

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

Motion: Facey/Hanlon
2016-053 Resolved that the Town waive the Recreation Centre fee on Friday, May 27th for the **PCSP Lion's Club** fundraiser for Team Broken Earth 2016 Humanitarian Mission.
Carried Unanimously

Motion: Facey/Bartlett
2016-054 Resolved that the Town waive the Recreation Centre fee on Friday, April 22nd for **Rachel and Julianne's Special Project fundraiser (dance) for the Janeway Children's Hospital**.
Carried Unanimously

Motion: Facey/Hanlon
2016-055 Resolved that the Town donate \$200.00 to the **Northeast Eagles Atom "A"** Provincial Tournament March 31st to April 2nd at the Jack Byrne Arena. The Town will also advertise in the Tournament Booklet at a cost of \$100.00. Best of luck to all the teams.
Carried Unanimously

Added item:

A congratulatory letter will be sent by Mayor Tucker to Jessica Greeley (grade 8 student) who won a bronze medal for 3rd place in 100 meter snow-shoeing competition at the Special Olympics held in Corner Brook last week.

Public Works Committee – March 2, 2016 presented by Clr. Bartlett

1. Town Hall Lower Level Renovations – Tender (FMA 6920-01) Bid Approval

Nine (9) bids were received in response to the tender issued by the Town's prime consultant and architectural lead, Fougere Menchenton, for renovations to the lower level of the Town Hall. It is recommended that the contract for this work be awarded to the lowest, qualified bidder, Eastern Contractors Ltd. for a bid of \$318,964.62 plus HST (\$366,626.00 HST included). This amount is within budget and does not include furniture or high density (file) storage which will be let under a separate contract.

Motion: Bartlett/Facey
2016-056 Resolved that Council award the contract for the Town Hall lower level renovations to Eastern Contractors Ltd. at a bid of \$318,964.62 plus HST.
Carried Unanimously (*corrected Apr. 19, 2016 Motion#2016-100 to read \$366,626 HST included*).

Note: In response to DM Will's inquiry for highlights of the renovations, the Mayor noted the downstairs area has air quality and space maximization issues and the Director of Public Works noted the reconfiguration will provide a more customer friendly and better work space.

Economic Dev. Marketing & Communications Report – March 1, 2016 presented by Cllr. Butler

1. Business Retention and Expansion Report

A final report (tabled by Councillor Butler) summarizing the findings has been completed by the Provincial Department of Business, Tourism, Culture and Rural Development. The project concluded last year with six businesses being interviewed. The joint project with the Town was a great first step in providing a resource to the business community while identifying some of their needs and opportunities.

2. Agriculture Meeting

A meeting is planned for Thursday, March 24th with a number of farmers in the community to discuss how best to promote and encourage agriculture in the community.

3. Communications Coordinator

The job description and pay scale was reviewed by the committee. The Communications Coordinator is a budgeted item for this year and is a one year contractual position. The motion was put forward and discussed.

For the record: Councillor Hanlon wished to go on record inquiring whether there is a list of expectations that we can review at the end of the (contract) year to see if it meets objectives and stating his concern if we do not have deliverables.

Councillor Facey noted the point of the one year contract is to justify expectations.
Councillor Bartlett noted that the detailed job description outlines overview of responsibilities and specific position duties and expectations.
Mayor Tucker noted the expectations would be tabled to support the motion.

Deputy Mayor Will proposed a friendly amendment and as there was not a consensus, the amendment was voted on as follows:

Amendment

Motion: Will/Hanlon
2016-058 Resolved that the words '*Furthermore, the position be reviewed in April 2017 following a performance evaluation report.*' be added to the main motion.
Carried For: Bartlett/Butler/Collins/Hanlon/Tucker/Will
Against: Facey (noting for the record, voting against as he felt it was 'overkill')

Main

Motion: Butler/Facey

2016-059 Resolved that the approval of the Communications Coordinator classification and that the position can now be filled. *Furthermore, the position be reviewed in April 2017 following a performance evaluation report.*

Carried. Unanimously

Other Items Discussed

4. Horizons Ad - We will be advertising again this year in the Horizons magazine produced by the Telegram.

5. Green Team – ACE is completing a green team application for this summer.

6. iPad Management and Sharepoint – Council will receive new iPads and Triware will be installing a number of applications including Sharepoint.

Note: Councillor Facey suggested that iPads be locked for business and not for personal use.

Added item:

Proposed Water Metering article in the town's Tickle Newsletter

Deputy Mayor Will referenced the statement in the newsletter that the project was 'going ahead' He stated that it is important to note that Council has not yet made an official decision and he would like it to be made abundantly clear that Council will make the decision once all the information comes together.

The Town Manager explained that any project, once it is identified, is 'going ahead' through the various steps in the process with a 'go or no go' to the next stage in the project.

Mayor Tucker advised that when all the information is collected, it will come to Council for a decision.

Deputy Mayor Will also pointed out that five months between the public meetings is a long wait. The Town Manager advised this item will be discussed at the Committee of the Whole meeting being held tonight.

Protective Services Committee – March 1, 2016 presented by Clr. Hanlon

1. Fire and Emergency Services (FES) updates

- The Chiefs presented a rough draft of the fireworks safety guidelines to the Committee. A draft of the layout and design will be reviewed at the next Committee meeting. The updated version of the Fire Department's Operating Policy was presented to the department membership at their last meeting and the Committee was given a copy for review as well.
- Firefighter Alfred Marshall has been tasked with mapping out and integrating training on the zodiac. It is to be used on inland waters only.
- The Open House and Bake Sale held during Winter Carnival was a booming success, it was very well attended.
- There had been some debate on the amount of training time required for authorization to drive vehicles during a response. The policy is a 4 hour minimum training requirement.

2. Commercial Vehicle Parking Regulations

The Committee discussed these regulations in terms that the RNC has authority to ticket any vehicle, including commercial vehicles, for violations to the Town's Snow Clearing Regulations. The Commercial Vehicle Parking Regulations can be added to the Highway Traffic Act at any time* to allow for ticketing.

(*with approval of the Minister)

Added item: Animal control

Deputy Mayor Will asked that the our regulations be looked at regarding keeping of chickens and other farm animals and that we establish some guidelines to let residents know what they can and cannot do. Councillor Hanlon noted that we mirror the provincial regulations for animal control. The Town Manager will look at animal regulations elsewhere and provide information on same.

Admin. and Finance Committee Report – March 1, 2016 presented by Deputy Mayor Will

1. Accounts for Payment

Motion: Will/Facey

2016-060 Resolved that Council pay Regular Accounts in the amount of \$39,363.97

Carried Unanimously

2. Correspondence – Murrays Gardens re commercial tax assessments

Committee reviewed the letter (tabled) requesting that Council explore ways to reduce the Town's expenditures and rescind the current commercial tax assessment for businesses for the current fiscal year. The Committee appreciates and welcomes the input and will continue to monitor tax assessments. The Director of Financial Operations will respond to Mr. Murray.

3. Correspondence – Murrays Gardens re Grand Concourse/bidding on town works

Committee reviewed and discussed Mr. Murray's letter (tabled) which offered comments on the bidding process and the Town's lack of support for local business. Councillor Butler presented a five page report (tabled) regarding the Grand Course Authority and Public Tendering prepared by Randy Simms, Political Assistant at the Government Members Office. The letter will be taken under advisement and the Town Manager will respond to Mr. Murray.

4. Correspondence – Dept. of Municipal Affairs re Capital Investment Plan Allocation Remaining

The letter (tabled) advises that the Town has \$891,304.60 remaining in the Gas Tax Allocations to March 2019. While the intention is that this funding be used for the 'connectivity plan', the Director of Financial Operations noted there is no plan in place yet for submission.

For the Record:

Prior to the next item being presented, Deputy Mayor Will declared a potential conflict of interest in reference to an upcoming item for proposed road work on Nearys Pond Road. He stated that he is a resident of Nearys Pond Road and has a business there and asked for a decision of Council on whether or not he would be in conflict.

For the Record: Deputy Mayor Will left the Council chambers at 6:10 pm.

Mayor Tucker and Councillors discussed the potential for conflict and put forward the following:

Motion:	Collins/Hanlon
2016-061	Resolved that Deputy Mayor Will is in potential conflict of interest in the matter of road reconstruction for Nearys Pond Road.
Carried	Unanimously

It was furthermore discussed as this is a three part item, that the Deputy Mayor is permitted to return to the chambers to discuss and vote on the first motion (Part A) and second motion (Part B) and will be asked to leave for the third portion (Part C) which concerns Nearys Pond Road.

For the Record: Deputy Mayor Will returned to the Council chambers at 6:15 pm.

Councillor Butler read the following preamble and motion together prior to discussion:

5. Added item: Multi-Year Capital Works Projects update

Multi-Year Capital Works Projects update

The status and possible cost recovery options of the current Multi-Year capital works projects were discussed at the February 23 Committee of the Whole meeting. The discussion was brought to the Admin Finance Committee for further discussion and decision on what direction to take. The Committee of the Whole and Admin/Finance Committee both agreed that they would recommend deferring the current list of MYCW projects until there is a greater need by the residents for them to be completed and they are economically more feasible. In turn the committees agreed that they would recommend applying to divert the remaining MYCW funds to projects that will give benefit to a greater number of residents and would allow for more acceptable cost recovery models. The committees chose to apply for funding to service the land that the Municipal Depot is planned to be built on. Servicing the land would be the first step in the development of a new depot. In order to service the land, properties along Meadow Heights would also be fully serviced with sewer and water (from an existing transmission main) so would also be included in the funding application. The Admin Finance Committee discussed adding another high priority project identified in the Asset Management Plan. The project that was considered is the upgrading and paving Neary's Pond Road from Round Pond Road to the end of Neary's Pond Road.

The following resolutions are being proposed.

Part (A)

- Motion: Butler/Hanlon
2016-062 Resolved that the Multi-Year Capital Works projects for water servicing of Skinners Road and water and sewer servicing of Drovers Heights, Franklyn Place, and Indian Meal Line be deferred for future consideration and that the remaining project funds be released for ***potential*** reallocation to alternate capital works projects.
- Carried Unanimously

Following reading of the motion:

Councillors provided individual commentary regarding their support for this decision. Councillor Facey suggested as a friendly amendment and it was the consensus of all that the word 'potential' be added to the motion.

Note from Admin/Finance: The current projects will be deferred as soon as all the design work and tender documents have been completed and approved so that they will be quickly ready for tender when the need arises. The cost of engineering these projects will come off of the funding total that is available for reallocation.

Part (B)

- Motion: Butler/Hanlon
2016-063 Resolved that the Town apply to reallocate a portion of the remaining available 2014-2017 Multi-Year Capital Works funding to provide water and sewer services to Meadow Heights and the Town owned property on Maggies Place for the purpose of servicing the future site of a new Municipal Depot.
- Carried Unanimously

Note: Councillor Collins expressed his concern regarding the costs to Meadow Heights. In response to Deputy Mayor Will's inquiry, the Town Manager advised there are currently approximately 8 services on Meadow Heights and the proposal is to install up to 24. The Town Manager and Mayor provided comment regarding servicing costs.

For the record from Admin and Finance:

Deputy Mayor Will excused himself from the A&F Committee meeting due to potential conflict as soon as Neary's Pond Road was raised as a possible project as he is a resident of this road.

For the Record: Deputy Mayor Will left the Council chambers at 6:33 pm for conflict of interest as per the above motion (2016-061).

Part (C)

- Motion: Butler/Collins
2016-064 Resolved that the Town apply to reallocate a portion of the remaining available 2014-2017 Multi-Year Capital Works funding to upgrade and repave Neary's Pond Road from Round Pond Road to the end of Neary's Pond Road.
- Carried Unanimously

For the Record from Admin Finance: Deputy Mayor Will returned to the committee meeting.

For the Record: Deputy Mayor Will returned to the Council chambers at 6:35 pm.

Deputy Mayor Will presented the remainder of the Admin/Finance report as follows:

6. Professional Municipal Administrators Conference donation

Motion: Will Hanlon
2016-065 Resolved that the Town donate \$100.00 to the 44th 2016 Annual PMA Convention and Trade Show being held at the Holiday Inn in St. John's April 20-22nd.
Carried Unanimously

7. James Hiscock Memorial Scholarship

The MNL scholarship valued at \$500 honors the first president of Municipalities Newfoundland and Labrador established in 1951 and is open to children/wards of any municipal Council member or any municipal employee. Circulated for info.

CORRESPONDENCE (a) Proclamation 'Purple Day for Epilepsy – March 26th' Read and signed by Mayor

NEW/GENERAL/ UNFINISHED BUSINESS

The following new business was presented by Deputy Mayor Will

1. NAPE Union Agreement – June 1, 2015 to May 31, 2019

The Town Manager advised Council that the bargaining unit met on March 3, 2016, and ratified to accept the terms of the (four year) union agreement. A copy of the contract and changes were provided to Council for their review, comments and/or acceptance.

Motion: Will/Facey
2016-066 Resolved that the Town accept the tentative Nape Collective Agreement dated June 1, 2015 to May 31, 2019 which was ratified by the bargaining unit on March 3, 2016.
Carried Unanimously

2. International Women's Day

Deputy Mayor Will noted today is being celebrated as International Women's Day to recognize the economic and social equality of women. He suggested that more women be encouraged to participate in local politics and that we could host a public forum and invite former women councillors to speak.

ADJOURNMENT

Motion: Will/Collins
2016-067 Resolved that this meeting be adjourned. 6:50 p.m.
Carried Unanimously

Moses Tucker, Mayor

Judy Squires, Town Clerk

Attachment: Appendix A of Planning & Development Report

**Appendix A: Tabled Report
March 1st, 2016**

Applications:

Item # 1:

**Civic # 11A Somerton's Lane
Demolish & Reconstruct Half of Double Dwelling
Zoning: Traditional Community (TC) - Serviced**

The Committee recommends that the application to demolish and reconstruct half of a double dwelling at Civic # 11A Somerton's Lane be rejected as the proposed expansion of the dwelling unit would be increasing the non-conformity, which is not compliant with the development standards and would be located within an area identified as a watercourse buffer and having steep slopes which does not comply with Development Regulation 49 (Non-Conforming Use), Schedule C: Traditional Community, and Schedule E: Environmental Protection Overlay, and the Town has not received information requested from the applicant within eight weeks which is not in compliance with Development Regulation 19 (Deferment of Application).

The Administrator recommended that this application be rejected.

Item # 2:

**Civic # 369-375 Old Broad Cove Road
Business (Office)
Zoning: Mixed Use (MIX) - Semi-Serviced**

The Committee recommends that the application for Civic # 369-375 Old Broad Cove Road be granted approval in principle, permitting the establishment of an office for a consulting business 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, Development Regulation 33 (Notice of Application), Development Regulation 102 (Discretionary Uses), Schedule C: Mixed Use, and Schedule D: Off Street Parking Requirements.

Item # 3:

**Civic # 116-120 Bennetts Road
Accessory Building
Zoning: Protected Watershed (PW) - Unserviced**

The Committee recommends that the application to construct an accessory building at Civic # 116-120 Bennetts Road be rejected as development within the watershed is not compliant with Plan Policy PW-6 (Protected Watershed), this development increases

the non-conformity which does not comply with Development Regulation 49 (Non-Conforming Use), and the development was rejected by the City of St. John's for which approval from the City is required by Schedule C: Watershed.

The Administrator recommended that this application be rejected.

Permits Issued:

Item # 10:

#	Permit	Issued Date	Civic #	Street Name	Permit Type
1	16-030	02/16/2016	1288	Thorburn Road	Occupancy
2	16-031	02/17/2016	1483-1485	Thorburn Road	Accessory Building
3	16-032	02/17/2016	13	White Ash Drive	Accessory Building
4	16-033	02/17/2016	65-67	Woodland Drive	Accessory Building
5	16-034	02/17/2016	4	Dogberry Hill Road Ext.	Accessory Building
6	16-035	02/18/2016	36	Megan Ridge Drive	Occupancy
7	16-036	02/18/2016	457	Dogberry Hill Road	Residential Subdivision
8	16-037	02/19/2016	77	Tuckers Hill Road	Business
9	16-038	02/22/2016	1481	Thorburn Road	Occupancy
10	16-039	02/23/2016	1	Oak Terrace	Accessory Building
11	16-040	02/23/2016	1	Oak Terrace	Finish Basement
12	16-041	02/25/2016	166-170	Nearys Pond Road	Site Preparation