



TOWN OF PORTUGAL COVE-ST. PHILIP'S
May 3, 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 Ec. Dev/Marketing/Comm.	Jeff Lawlor
	Director of Financial Operations	Tony Pollard
	Planning & Dev. Coordinator	Les Spurrell
	Town Manager	Chris Milley
	Town Clerk	Judy Squires

Mayor Tucker called the meeting to order and welcomed the Council, staff and gallery of 13 persons in attendance.

ADOPTION OF AGENDA

Motion: Will/Bartlett
2016-103 Resolved that the Agenda dated **May 3, 2016**, be adopted as circulated.
Carried Unanimously

PRESENTATION/DELEGATIONS

The Director of Recreation & Community Services, Dawn Sharpe, introduced Mr. Randy Murphy and Ms. Madeline Florence, representatives of the East Coast Trail Association. Mr. Murphy, President of ECT and Mayor Tucker signed a Memorandum of Understanding between both parties to “formalize the relationship ...to mutually benefit both parties as they work together to ensure the sustainability of the East Coast Trail”.

ADOPTION OF MINUTES

Motion: Hanlon/Facey
2016-104 Resolved that the minutes of **April 19, 2016** be adopted as circulated.
Carried Unanimously

BUSINESS ARISING: The Mayor noted there is no Town Manager’s report for tonight’s meeting.

COMMITTEE REPORTS

Planning & Development Report – April 26, 2016, presented by Councillor Collins

1. 7 Oak Terrace – removed from report, applicant meeting with committee next week.

2. 24-32 Western Gully Road

Motion: Collins/Hanlon
2016-105 Resolved that the application to construct a dwelling extension at Civic # 24-32 Western Gully Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

3. 839-845 St. Thomas Line

Motion: Collins/Bartlett
2016-106 Resolved that the application for demolition and the construction of a dwelling extension at Civic # 839-845 St. Thomas Line be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

4. 5 Hammond Estates.

Motion: Collins/Butler
2016-107 Resolved that the application to construct an accessory building at Civic # 5 Hammond Estates be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

5. Municipal Recommendation Form/Crown Land

Motion: Collins/Facey
2016-108 Resolved that Council approve the Municipal Recommendation Form for Crown land located in the vicinity of Civic # 483 Bauline Line Extension for agricultural purposes (hay land) subject to approval of a Business Development Application by the Town.
Carried Unanimously

6. Notice of Appeal re 10-12 Hilltop Lane

The Planning Department is in receipt of a notice that an appeal has been filed against a Removal Order issued March 31st, 2016 to Civic # 10-12 Hilltop Lane concerning the construction of a dwelling extension which has been constructed larger than the conditions of a permit.
Item Submitted for Information. Staff will forward information requested to the Board.

7. 9 Kittiwake Place

Motion: Collins/Hanlon
2016-109 Resolved that Council approve the request for a 10.0% variance on the lot frontage requirement for Civic # 9 Kittiwake Place as per Appendix A: Tabled Report.
Carried Unanimously

8. Town of Torbay - Amendment

Motion: Collins/Bartlett
2016-110 Resolved that Council forward correspondence to the Town of Torbay stating that they have no concerns regarding a proposed amendment as per Appendix A: Tabled Report.
Carried Unanimously

9. Permit Stats: 24 permits issued from April 8th to April 21st, 2016 as per Appendix A: Tabled Report.

Recreation & Community Services Committee – April 26, 2016, presented by Clr. Facey

1. Rainbow Gully Soccer Field

The Recreation Committee and staff met with Brian Rice, President of the PCSP Minor Soccer Association and Regional Director for the Avalon with NLSA along with Doug Redmond, President of the NLSA. Discussions were held about the support that both of the organizations have for the expansion of Rainbow Gully Turf Field. They highlighted the fact that the community would have the opportunity to host Provincial and National tournaments, be a part of the St. John's Men's and Ladies leagues, the Masters League, exhibition games or even matches from the Senior League, and even the Canada Games. Both Mr. Rice and Mr. Redmond reiterated the fact that all of these additional groups would be a source of revenue for field rentals, gate and canteen revenue, as well as build a sense of pride and ownership with the home teams.

2. Grants

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

Motion: Facey/Bartlett
2016-111 Resolved that the Town waive the Recreation Centre fee on Sunday, May 29th for a fund-raiser event for **Daniel Vey for his Beaumont Hamel PWC School Trip to France.**
Carried Unanimously

Motion: Facey/Hanlon
2016-112 Resolved that the Town waive the Recreation Centre fee on Friday, May 28th for Dana Tucker to host a fund-raiser event for **Mr. Richard Squires to travel to Halifax for a liver transplant.**
Carried Unanimously

Motion: Facey/Bartlett
2016-113 Resolved that the Town waive the Recreation Centre fee on Wednesday, May 4th for a **Beachy Cove Elementary Parent Meeting.**
Carried Unanimously

Motion: Facey/Hanlon
2016-114 Resolved that the Town donate \$150.00 to the **Beachy Cove Elementary Boys Grade 6 Basketball Team** to assist with the tournament that they hosted at BCE April 22nd-24th.
Carried Unanimously

Motion: Facey/Bartlett
2016-115 Resolved that the Town donate \$100.00 to **Mrs. Sandra Squires towards her travels to Richmond, BC** in
June as a member of the **Provincial NL Ladies Dart Team**.
Carried Unanimously

Motion: Facey/Hanlon
2016-116 Resolved that the Town discount the rental fee of the Voisey's Brook Softball Field for \$200.00 for the
weekend of June 17th – 19th for the **Quinlans Men's Softball Team Annual fund-raiser for slo-pitch
Nationals in Niagara Falls in July**. Be advised that the \$100 fee for the hut will be applied.
Carried Unanimously

Motion: Facey/Bartlett
2016-117 Resolved that the Town discount the rental fee of the Voisey's Brook Softball Field for \$200.00 for the
weekend of June 24th – 26th for the **Royal Chaos Mixed Softball Team fund-raiser for slo-pitch Nationals in
Niagara Falls in July**. Be advised that the \$100 fee for the hut will be applied.
Carried Unanimously

Note: in response to Deputy Mayor Will's questions, it was clarified Quinlans and Chaos are local teams.

Public Works Committee – April 27, 2016 presented by Clr. Bartlett

1. Multi-Materials Stewardship Board (MMSB) Indiscriminate Dumping Surveillance Assistance Program

Staff investigated the Indiscriminate Dumping Surveillance Assistance Program offered through the MMSB. At this time a proposal will not be put forward as it has been determined that the Town does not have adequate enforcement resources necessary to fulfill the requirements of this program. Information will be retained for future consideration.

2. Waste Management Audit

In conjunction with the Multi-Materials Stewardship Board, Public Works will be conducting a Waste Management Audit during the first week of June for the purpose of understanding waste management practices within the Town and identifying opportunities to enhance recycling practices.

3. Salt / Sand Storage – Portugal Cove Marina

Committee was advised that staff will be investigating security options for the Town's salt/sand pile located on the Portugal Cove wharf. An anonymous report has recently been received of the removal of material from the site by unauthorized personnel. This has been an ongoing concern relative to this location. Until such time as a suitable new location can be established, staff will look at implementing means by which to deter future such activity. Residents are reminded this material is owned by the Town and is not for personal use. Any unauthorized removal is subject to investigation by the proper authorities.

DISCUSSION ITEMS

- 1.** Committee were advised of recent improvements to the Town's **tendering process**. Enforcement of late penalty fees on two recent equipment contracts resulted in savings of approximately \$32,000.
- 2. Connectivity Plan Phase 1** (Thorburn Road to Dogberry Hill Road) – Vigilant Management will be requested to present on the draft Connectivity Plan Phase 1 report at the next Public Works Committee meeting scheduled for May 11, 2016.

Economic Dev. Marketing & Communications Report – April 27, 2016 presented by Clr. Butler

1. Environmental Fair

There was an update to the progress of the Environmental Fair that will take place on Saturday, April 30th.

Update: Councillor Butler noted this event which was organized by ACE with tremendous support by staff Jeff Lawlor and Julie Pomeroy. It was very successful and attended by over 300 people of all ages. The local Lions Club raised almost \$200 from a canteen. CBC On the Go was there and did some interviews with good follow-up in their program. The Tucker Farm was also recognized for receiving the Century Farm Award from the Agricultural History Society.

Deputy Mayor Will also recognized and thanked Sue Willis of ACE for her contribution to this event.

2. Rainbow Gully Field Expansion

The Director of Economic Development is working with ACOA reps to examine the current funding proposal submitted last year. The potential field expansion was discussed with the committee. A package is being prepared with a new summary of costs and potential revenue for Council's review.

3. Town Centre

The committee was briefed on the Placebuilder identified, and proposed, Town Centre. The project was discussed with the land owner/developer on Portugal Cove Rd last week. We are currently exploring the possibility of doing a comprehensive detailed design for the area. Council will be updated on potential options to move the project forward in the coming weeks.

Protective Services Committee – no committee meeting held/no report

The Town Manager advised that the Speed Limit Policy was intended to come forward at the end of this meeting for adoption; however it has been deferred to the next Council meeting.

It was also noted by Deputy Mayor Will that Beachy Cove Elementary students wrote the Minister of Transportation about the lack of good signage and new signs were put in place this week. Councillor Hanlon noted that there were two different speed limits on these signs.

Admin. and Finance Committee Report – April 26, 2016 presented by Deputy Mayor Will

1. Meeting with Michael Murray, President of Murray's and Timothy Murray, landscape architect of Murray's Landscape Services Ltd.

As a follow up to recent correspondence between the Town and Murray's, a meeting with the committee was arranged.

Committee members and staff responded to questions and concerns put forward. Discussion primarily centered around the awarding of contracts and included points such as: value and quality of work for money paid, awarding contracts based on a scorecard and not necessarily on lowest price, developing specifications or RFPs versus bidding, design-build options, and the Town's relationship with Grand Concourse Authority. It was also suggested that the Town subscribe to "National Landscape Standard" as a benchmark for projects.

The Town Manager will check with the City of Mount Pearl and the City of St. John's to see what they are doing in terms of what information they collect and how they arrive at their decisions (respecting landscaping projects) and he will bring this information back to committee for consideration.

2. Accounts for Payment

Motion: Will/Facey
2016-118 Resolved that Council pay Regular Accounts in the amount of \$86,784.00 and Capital Accounts in the amount of \$60,623.37 for a total of \$147,407.37.
Carried Unanimously

3. Tax account discussion – property i.d. 142-207

Deputy Mayor Will was contacted by a resident requesting that outstanding water and sewer taxes owing on a property for a second unit be removed. Committee discussed the particulars of the charges and it was also noted that this issue was addressed previously (motion 2012-304). Committee agreed that the request be denied and Deputy Mayor Will agreed to contact the resident.

4. Carried forward item – Asset Management Plan

The Director of Financial Operations noted he is working on revised figures and requested that a 'working group' meet to look at the plan. A meeting is scheduled for 10:00 a.m. Tuesday May 4th for Admin Finance Committee members and other Councillors interested in attending.

Note: Working group met, it should be ready for next Council meeting.

Additional items added at the committee meeting as follows:

5. Adoption of Water Metering Charter

Motion: Will/Facey
2016-119 Resolved that Council approve the adoption of the 'Water Metering Charter' and that the Mayor and Town Manager sign the document on behalf of the Town.
Carried. For: Bartlett, Butler, Collins, Facey, Tucker, Will
Against: Hanlon

Note: It was clarified by the Town Manager that this document describes the project as a recognizable project which may or may not proceed and the Mayor added it follows a set of procedures that includes 'go' or no-go' steps.

6. Franklyn Place – letter re water and sewer

The Town Manager received correspondence from a property owner who is upset that the water and sewer services are not being installed on Franklyn Place at this time. Committee discussed and agreed that the Town Manager respond to the writer; he will acknowledge her concerns.

7. Review of Capital Projects

Committee discussed the various projects and relating funding arrangements.

The Town Manager will be meeting with Municipal Affairs prior to the Council meeting and he will circulate info to Council along with proposed recommendations for Council's consideration for approval.

Update from meeting held preceding Council meeting of May 3rd:

Committee of the Whole discussed the ongoing Multi-Year Capital Works application process for re-allocating funds.

As a result of feedback from the Dept. of Municipal Affairs and new cost estimates for the projects submitted for reallocation approval, it was decided it best to use remaining MYCW funding to replace the Spurrells Road Bridge. Therefore,

Motion: Will/Hanlon
2016-120 Resolved that, further to Motions 2016-063 and 2016-064, the Town apply to reallocate a portion of the remaining available 2014-2017 Multi-Year Capital Works Funding to replace Spurrells Road Bridge.
Carried Unanimously

CORRESPONDENCE

(a) Minster of Fisheries – acknowledgement of April 7th letter re LIFO

(b) Bell Aliant – response to PCSP letter re community calling plan charges

Mayor Tucker provided background information regarding the \$2.50 monthly charge to residents which has been ongoing for approximately 20 years and Council expressed disagreement with the response from Bell Aliant. Support for the Mayor's continued efforts to have this fee eliminated is acknowledged as follows:

Motion: Will/Hanlon
2016-121 Resolved that Mayor Tucker follow up on correspondence received from Bell Aliant regarding the community calling plan charges.
Carried Unanimously

(c) Volunteer Awards night comments

Mayor Tucker acknowledged the Thank You card received from the local women's institute group which was sent to the Town in response to their receiving the Volunteer Group of the Year Award.

The Director of Recreation & Community Services acknowledged a thank you note from mom of Nathan Chaulk (Youth of the Year) expressing their appreciation on facilities/event being 'inclusive'.

(d) Card from Beachy Cove Elementary

Mayor Tucker was invited to attend a breakfast at Beachy Cove Elementary and received a "Volunteers are Nice" card from student Alisa Kelly expressing gratitude for all volunteers.

NEW/GENERAL/ UNFINISHED BUSINESS - none

AGENDA ITEMS

(a) Open Air Fire Regulations 2015 – Adoption

Further to a review by the Department of Municipal Affairs, Protective Services Committee submits the following:

Motion: Hanlon/Collins
2016-122 Resolved that the Town of Portugal Cove-St. Philip’s adopt the Open Air Fire Regulations 2015.
Carried Unanimously

(b) Speed Limit Policy

As previously noted in these minutes, the Speed Limit Policy is deferred.

ADJOURNMENT

Motion: Will/Collins
2016-123 Resolved that this meeting be adjourned. 5 :50 p.m.
Carried Unanimously

Moses Tucker, Mayor

Judy Squires, Town Clerk

Attachment: Appendix A of Planning & Development Report

**Appendix A: Tabled Report
April 26th, 2016**

Applications:

Item # 1: **Civic # 7 Oak Terrace**

Single Dwelling

Zoning: Residential Medium Density (RMD) - Serviced

Removed from report

Item # 2: **Civic # 24-32 Western Gully Road**

Dwelling Extension

Zoning: Residential Medium Density (RMD) - Serviced

The Committee recommends that the application for Civic # 24-32 Western Gully Road be granted approval in principle, permitting the construction of a dwelling extension. No development activity is permitted within the identified Flood Risk Area. Approval in principle is subject to approval from Fisheries and Oceans Canada.

The Administrator recommended that this application be rejected as the application does not comply with the Town's Municipal Plan & Development Regulations, specifically Development Regulation 49 (3f) (Non-Conforming Use) which states that where the non-conformance is with respect to the standards included in these Regulations, shall not be expanded if the expansion would increase the non-conformity, and Development Regulation 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.

Item # 3: **Civic # 839-845 St. Thomas Line**

Demolition & Dwelling Extension

Zoning: Residential Medium Density (RMD) - Unserviced

The Committee recommends that the application for Civic # 839-845 St. Thomas Line be granted approval in principle, permitting the construction of a dwelling extension.

The Administrator recommended that this application be rejected as the application does not comply with the Town's Municipal Plan & Development Regulations, specifically Development Regulation 49 (3e) (Non-Conforming Use) which states that a non-conforming building, structure or development under the Act that is allowed to continue under Regulation 49(1) may have the existing building extended by approval of Council where, in Council's opinion, the extension is not more than 50% of the existing building.

Item # 4: Civic # 5 Hammond Estates
Accessory Building
Zoning: Residential Low Density (RLD) - Unserviced

The Committee recommends that the application for Civic # 5 Hammond Estates 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 Council should use their discretion to grant approval in principle to this application.

Correspondence:

Item # 7:

Motion: The Committee recommends that the request for a 10.0% variance on lot frontage for Civic # 9 Kittiwake Place be granted. The 10.0% variance will result in a lot frontage of 27 m as opposed to the minimum of 30 m. Approval shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically Development Regulation 11 (Variances) and Development Regulation 12 (Notice of Variance).

Item # 8:

The Planning Department is in receipt of a letter from the Town of Torbay proposing to amend the St. John's Urban Region Regional Plan in order to coincide with changes to the draft Torbay Municipal Plan and Development Regulations 2015-2025 which is currently before the Minister of Municipal Affairs for statutory provincial review. This amendment involves the re-designation of lands from Restricted Development to Urban Development, from Public Open Space to Urban Development, and from Rural to Urban Development.

Motion: The Committee recommends that Council forward correspondence to the Town of Torbay stating that they have no concerns regarding the proposed amendment.

Permits Issued:

Item # 9:

#	Permit	Issued Date	Civic #	Street Name	Permit Type
1	16-074	04/08/2016	108	Beachy Cove Road	Patio/Deck
2	16-075	04/08/2016	24	Megan Ridge Drive	Site Preparation
3	16-076	04/08/2016	1313	Thorburn Road	Weeping Tile Replacement
4	16-077	04/12/2016	2-8	Murphy's Lane	Demolition
5	16-078	04/12/2016	2-8	Murphy's Lane	Accessory Building
6	16-079	04/13/2016	28-30	Jera Street	Test Holes
7	16-080	04/15/2016	37	Knights Rest	Accessory Building
8	16-081	04/15/2016	2-4	Lees Place	Accessory Building
9	16-082	04/15/2016	55-63	Jera Street	Single Dwelling
10	16-083	04/19/2016	24	Megan Ridge Drive	Single Dwelling
11	16-084	04/19/2016	46-48	Woodland Drive	Patio/Deck Extension
12	16-085	04/19/2016	1220-1224	Thorburn Road	Single Dwelling
13	16-086	04/19/2016	1220-1224	Thorburn Road	Water Stub
14	16-087	04/19/2016	1220-1224	Thorburn Road	Accessory Building
15	16-088	04/19/2016	28-30	Jera Street	Site Preparation
16	16-089	04/19/2016	6	Megan Ridge Drive	Single Dwelling
17	16-090	04/19/2016	1	Sparta Place	Site Preparation
18	16-091	04/19/2016	3	Sparta Place	Site Preparation
19	16-092	04/19/2016	10	Sparta Place	Site Preparation
20	16-093	04/19/2016	64-68	Meadow Heights	Single Dwelling
21	16-094	04/19/2016	64-68	Meadow Heights	Water Connection
22	16-095	04/19/2016	10	Sparta Place	Test Holes
23	16-096	04/21/2016	14	River Front Drive	Occupancy
24	16-097	04/21/2016	181-183	Old Broad Cove Road	Single Dwelling