



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

May 17, 2016

Regular Public Council Meeting 5:00 p.m.

<b>IN ATTENDANCE:</b>	Mayor	Moses Tucker
	Deputy Mayor	Gavin Will
	Councillors:	Dave Bartlett
		Joe Butler
		Norm Collins
		Aaron Facey
		Johnny Hanlon
		Chris Milley
	Town Manager	
	Director of Recreation and Community Services	Dawn Sharpe
Director of Financial Operations	Tony Pollard	
Director of Public Works	Gail Tucker	
Planning Coordinator	Les Spurrell	

Mayor Tucker called the meeting to order and welcomed the gallery of 11 persons in attendance.

**APPOINTMENT OF ACTING TOWN CLERK**

Motion: Will/Hanlon  
2016-124 Resolved that Tony Pollard be appointed the Acting/Town Clerk for the meeting of May 17, 2016.  
Carried Unanimously

**ADOPTION OF AGENDA**

Motion: Facey/Bartlett  
2016-125 Resolved that the Agenda dated **May 17, 2016**, be adopted as circulated.  
Carried Unanimously

**ADOPTION OF MINUTES**

Motion: Will/Bartlett  
2016-126 Resolved that the minutes of **May 3, 2016** be adopted as circulated.  
Carried Unanimously

## **BUSINESS ARISING**

The Town Manager presented his report as follows:

### **1. Action Items**

Action list has not been updated since the April 19, 2016 council meeting. I will endeavor to update it prior to the next council meeting.

### **2. Emergency Expenditure**

As a result of recent water system problems I had to authorize, with council knowledge, the expenditure of an amount over staff limits that I deemed necessary to meet an emergency situation. I am using this opportunity to report this emergency expenditure in accordance with s 58.(2) of the Municipalities Act. The expenditure is coming up later in the Public Works Committee report in order for Council to ratify this decision.

### **3. Water Metering Feasibility and Fee Structure Study**

On the heels of the adoption of the Water Metering Project Charter at the last council meeting, I met with the preferred consultant and the project managers on May 5<sup>th</sup> to refine their proposal to match the expected deliverables laid out in the charter. The final proposal was sent to council for their review and comment. The topic of hiring the consultant on the basis of this proposal is coming up later in the council meeting under new business.

### **4. Maggies Place Development Plan**

At the last Committee of the Whole meeting, the council discussed the proposal by Tract Consulting to create a development plan for the area around Maggie Place that includes the municipally owned land as well as AG zoned land released from ADA control and eligible for rezoning. I had worked with Tract Consulting over the last two weeks to try and get a proposal put together that was aligned with the expectations of council. As was reported in my April 19<sup>th</sup> Town Manager's Report the intention was to bring a final proposal forward tonight to be the basis of a motion to hire. We were unable to get a copy of the final proposal in time for council's review so I believe the hiring is being removed from tonight's agenda, to be revisited at the next council meeting.

**For the Record:** Further to item 4, Councillor Collins declared a potential conflict of interest with regards to Maggies Place as a family member owns property bordering on some of the property and ask for a Council ruling on conflict.

Councillor Collins left the chambers and the following was put forward after Council's discussion on the matter :

Motion: Facey/Bartlett  
2016-127 Resolved that Council agrees that Councillor Collins is not in conflict on matters concerning 'Maggies Place Development' concept plan.  
Carried Unanimously

**For the Record:** At Councillor Hanlon's request, it was clarified that 'Maggies Place Development' refers to the whole area being developed, not just the Town land. (Cont'd)

Councillor Collins returned to the Council meeting and was advised by the Mayor for the purpose and discussion and review of the concept for planning purposes in that area he is not in conflict, however when the matter of 'zoning' for that area arises, that will require reconsideration.

## COMMITTEE REPORTS

### Planning & Development Report of May 10, 2016 – presented by Councillor Collins

#### **1. 34A Johnathan Heights – Rezoning**

Motion: Collins/Will  
2016-127 Resolved that the application to rezone property at Civic # 34A Johnathan Heights be rejected as per Appendix A: Tabled Report.  
Carried Unanimously

#### **2. 7 Oak Terrance – Single Dwelling**

Motion: Collins/Bartlett  
2016-128 Resolved that the application to construct a single dwelling at Civic # 7 Oak Terrace be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

#### **3. 19 Mitchells Road – Accessory Building Extension**

Motion: Collins/Hanlon  
2016-129 Resolved that the application for an accessory building extension at Civic # 19 Mitchells Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

#### **4. 36-38 & 40 Beachy Cove Road – Shoreline Stabilization**

Motion: Collins/Butler  
2016-130 Resolved that application to perform shoreline stabilization at Civics # 36-38 & 40 Beachy Cove Road be granted approval in principle as per Appendix A: Tabled Report.  
Carried Unanimously

#### **5. Eastern Newfoundland Regional Appeal Board – Decision of Appeal**

The Planning Department is in receipt of a decision from the Eastern Newfoundland Regional Appeal Board resulting from an appeal regarding Civic # 59 Dawn Allen Road. The Board concluded that the appeal matter is not subject to appeal under section 42 (1) of the *Urban and Rural Planning Act, 2000*, and the Board dismissed the appeal.

Item submitted for information.

**6. Eastern Newfoundland Regional Appeal Board – Notice of Appeal**

The Planning Department is in receipt of a notice from the Eastern Newfoundland Regional Appeal Board that an appeal has been filed against Council's decision to issue a Removal Order against an accessory building under construction at Civic # 16-18 Dawn Allen Road without a permit from the Town.

Item submitted for information. Staff will forward information requested to the Board.

**7. Refinement to Schedule E: Environmental Protection Overlay Map**

Motion: Collins/Bartlett

2016-131 Resolved that the requests to refine the Environmental Protection Overlay Map within Schedule C: Environmental Protection Overlay in the areas of Civic # 1335-1343 Thorburn Road and Civic # 1047-1049 Indian Meal Line be approved as per Appendix A: Tabled Report.

Carried Unanimously

**8. There were twenty-five (25) permits issued from April 22<sup>nd</sup> to May 5<sup>th</sup>, 2016 as per Appendix A: Tabled Report.**

**Recreation & Community Services Committee Report of May 10, 2016 – presented by Councillor Facey**

**1. Sports Coordinator**

The Recreation Committee is pleased to announce that Mr. Nick Miller has been hired as the Sports Coordinator for a one year contract starting on Monday, August 29<sup>th</sup>. The goals for this position will be defined in the contract and they will be reviewed at the end of the one year placement. The Department is looking forward to this new position and welcome Mr. Miller to his new role.

**2. Canada Summer Jobs**

The Town of Portugal Cove – St. Philip's has been allocated 6 Canada Summer Jobs Positions with the Federal Employment and Social Development grant program. These positions will assist with the hiring of the positions for the Summer Programs staff. The total funding that will be received for these positions is \$7720.00.

**3. Community Grants**

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

Motion: Facey/Bartlett

2016-132 Resolved that the Town donate \$250.00 to the Royal Canadian Legion Branch 10 Men's Dart Team who travelled to St. John, NB May 6<sup>th</sup> -8<sup>th</sup> for Nationals.

Carried Unanimously

Motion: Facey/Hanlon  
2016-133 Resolved that the Town donate \$100.00 to Kyle Spurrell who will be travelling to St. John, NB in July for Under 14 National Basketball Championships.  
Carried Unanimously

**Public Works Committee Report of May 11, 2016 - presented by Councillor Bartlett**

**1. Connectivity Plan Phase 1 (Thorburn Road to Dogberry Hill Road)**

Vigilant Management presented to Committee on pedestrian connectivity options from the area of the new school along Thorburn Road to Dogberry Hill Road and then along Dogberry Hill Road to the intersection with Dogberry Hill Road Extension. Committee provided staff with the direction to move forward in discussing options with the provincial Department of Transportation and Works as Thorburn Road is provincially owned and maintained. Staff will report back to Committee on these discussions at a later date.

**2. Water Consumption Reporting**

The Manager of Water and Waste Water presented the water consumption report for the period January to April 2016. Consumption continues to show monthly year-over-year decreases between 2015 and 2016.

**3. Pressure Reducing Chamber Repairs**

Rodco Mechanical has been contracted to undertake repairs at the pressure reducing chamber near Anglican Cemetery Road. A mechanical malfunction resulted in one side of the chamber being shut down. Emergency upgrades were identified and, at the recommendation of the Town's engineering consultants, Rodco Mechanical was engaged to order parts and complete the work.

Motion: Bartlett/Collins  
2016-134 Resolved that the contract with Rodco Mechanical (2014) Ltd., to undertake emergency upgrades to the Pressure Reducing Chamber near Anglican Cemetery Road, be approved at a cost of \$41,245 taxes included.  
Carried Unanimously

**4. Ice Control Materials 2016-2017**

Staff advised Committee that notification was received from the provincial central purchasing agency that orders for road salt for the 2016-2017 winter season were due. The supplier held its pricing from the previous year at \$102.90/tonne +HST. An order for 1,250 tonnes of salt, consistent with the volume ordered in the prior year, was placed for the 2016-2017 winter season.

**Other Items Discussed**

Digital radar feedback sign data was shared with Committee for first four months 2016; data remains consistent with previous report. Mini-sewer systems were discussed – Manager, Water & Waste Water will review system options and prepare a report for Committee for future discussion. Road upgrades in

the Hardings Hill area, resulting from a prior year multi-year capital works project, has resulted in accessibility issues for a property owner in the area. Committee provided direction for Public Works to grind down the curb at this property.

**Economic Development, Marketing & Communications Report for May 11, 2016 – presented by Councilor Butler**

**1. Advisory Committee on the Environment (ACE)**

ACE is working with the Recreation Department to coordinate this year's community clean up being held on Saturday, May 28<sup>th</sup>.

Unfortunately, due to personal reasons, James Blackmore has resigned from the committee. He has expressed his appreciation for the appointment and will consider rejoining in the future.

**2. Communications Coordinator**

We are pleased to announce that Jacqueline Clarke has been hired for the position. She will start the one year contractual position on Tuesday, May 24<sup>th</sup>.

**3. Town Centre *Placebuilder***

A proposal will be submitted at the next committee meeting for review. The proposal will outline the potential next step in planning for the development of the Town Centre.

**4. Demographics and Perception Survey**

The regional survey, which was started in January by Newfoundland and Labrador Stats Agency, will be completed by the end of the month. The regional partners are now looking at the next phase of the study, with the Harris Centre providing a customized report that will interpret the data and provide even greater information for decision making and planning.

**5. UMC and Urban Summit**

The Director of Economic Development will attend the next Urban Municipalities Caucus in Clareville June 16-18. In addition an Urban Summit is being planned by MNL and the Economic Developers Association of Newfoundland and Labrador for this fall. As President of the association the Director is on the planning committee for this event that will take place in St. John's.

**Protective Services Committee Report for May 10, 2016 – presented by Councillor Hanlon**

**1. FES Updates**

- Recruits are now all active and the chiefs propose to place all nine (9) on the responding list as of May 23<sup>rd</sup>.

- FES Fire School starts May 28<sup>th</sup> and there are 9 members scheduled to attend.

- A new pump primer has arrived for Engine 1 and will be installed. The fuel tank may be in need of replacement.

- The annual inspection of Beachy Cove Elementary school is scheduled for end of May / early June.

- Applications for the deputy chief position are scheduled to be reviewed once Co-Chief Murphy returns.

## **2. Speed Limit Policy**

The Committee reviewed the revised version of the proposed Speed Limit Policy and a copy will be circulated to all members of Council prior to the next Council meeting. Further to the previous Notice of Motion regarding the Speed Limit Policy, the following motion is being put forward:

Motion: Hanlon/Bartlett  
2016-135 Resolved that Council adopt the new Speed Limit Policy.  
Carried Unanimously

Provided the previous motion to adopt the Speed Limit Policy is passed, the following motion is also being put forward:

Motion: Hanlon/Collins  
2016-136 Resolved that the Town Manager provide the Department of Transportation Works with the newly adopted Speed Limit Policy and request from the Department the rationale used to impose the recent speed limit change along Beachy Cove Road and Tuckers Hill Road.  
Carried Unanimously

## **3. VFD Response Statistics**

The Committee reviewed the statistics gathered from all PCSP Fire Department calls for 2014 and 2015.

### **Admin. and Finance Committee Report of May 10, 2016 - presented by Deputy Mayor Will**

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

Motion: Will/Facey  
2016-137 Resolved that Council pay Regular Accounts in the amount of \$11,856.90 and Capital Accounts in the amount of \$32,062.62 for a total of \$43,919.52.  
Carried Unanimously

#### **2. 2015 Audit**

The Director of Financial Operations reviewed the document with committee and responded to questions and/or comments arising.

Motion: Will/Butler  
2016-138 Resolved that Council adopt the 2015 audited financial statements prepared by Byron D. Smith Chartered Accounts.  
Carried Unanimously

**3. 2016 Tax Recovery Plan**

The Director of Financial Operations reviewed the document (tabled) with committee and responded to questions and/or comments arising. It is noted that this document is required by the province for the Community Sustainability Partnership agreement.

Motion: Will/Facey  
2016-139 Resolved that Council adopt the 2016 Tax Recovery Plan.  
Carried Unanimously

**4. Carried Forward Item – Infrastructure & Asset Management Plans**

Committee discussed the necessity for the infrastructure plan to include reserves for replacing existing infrastructure and long term planning for future infrastructure. Discussion included the idea put forward by Deputy Mayor Will, as it is not now required, of registering plans and the protection of reserve funds.

The Director of Financial Operations will look into what the other provinces are doing in terms of guidelines for operation and protection of reserves and bring that information back to committee.

**5. Disposal of Vehicles/Units**

The Director of Financial Operations advised that several units have been replaced with new units and several units require disposal by public auction.

Motion: Will/Hanlon  
2016-140 Resolved that Council dispose of the following by public auction:  
- Unit 17 – 2006 Chevrolet C5500 4x4 with 9' blade and tailgate salt/sand spreader  
- Unit 19 – 2005 International 7400 Single Axle Dump 4x4 with 10' blade and wing and salt/sand side dump (this truck is not able to start as starter not working)  
- Unit 11 – 2007 GMC Sierra  
- Unit 16 – 2009 GMC Savana  
- Graco Line Lazer 3900 Paint Machine  
Carried Unanimously

**CORRESPONDENCE**

- (a) **Municipal Assessment Agency – Clar Simmons Scholarship Award**  
Information on the qualifications for the scholarship.



**NEW/GENERAL/ UNFINISHED**

**(a) Universal Water Metering Feasibility and Fee Study – From Administration and Finance Committee as presented by Deputy Mayor Will**

The Town Manager has been working with the preferred consultant to develop a scope of work that will meet with the requirements and goals of the Water Metering project as outlined in the Project Charter. Two previous draft versions of the consultant’s proposal were distributed to council for review and comment. The consultant’s last proposal that is recommended for adoption by the Town Manager has been circulated to council prior to the May 17, 2016 council meeting. The document proposes to complete a feasibility study in the first phase of their work and to develop detailed rate models in the second phase if Council decides to proceed with the water metering project based on the findings of the feasibility study.

The proposal has been tabled.

Therefore:

Motion: Will/Butler

2016-141 Resolved that the Town enter into a contract with G. A. Isenor Consulting Limited for the completion of feasibility and fee study work for the Universal Water Metering Project in accordance with the details and terms included in their tabled proposal.

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

**For the record:** In reference to the above item, Councillor Hanlon asked to add a comment to be brought forward for follow-up. He asked, that when we are deciding on the water meters, that we consider what the maximum sustained pressure is that can be accepted by the meters as it relates to the pressure issue that we had here in the Town last week. That may determine the different type of meter (needed) depending on pressure throughout the Town. The Mayor noted that this comment be recorded in the minutes and will be considered in the decision making process.

**(b) Sue Willis application (Anglican Cemetery Road Ext.)**

The Mayor introduced the above item noting that the applicant asked that the original approval for a building extension for an apartment and a business permit, be issued separately as the business portion was not moving ahead at this time and the apartment was needed.

A lengthy discussion took place and Councillors not on the Planning and Development Committee asked that this issue be reconsidered at another committee meeting as there was not enough information and weren’t given sufficient notice to consider the item at this meeting.

The Town Manager explained that the apartment permit on its own would be non-compliant and that the business portion was necessary to make the application compliant. There was also a matter of ownership and/or transfer of land to the Town which may impact the conditional approval.

The Town Manager and Planning & Development Coordinator were directed to investigate the ownership issue and if the Town owns the land and there is no problem, issue the permit. Otherwise the issue will go back to the Committee (Planning and/or Committee of the Whole) for further discussion and consideration.

**(c) Recreation items**

The Director of Recreation & Community Services made Council aware of two items:

- 1. The Town borrowed a ‘Hippo Camp’ (inclusion equipment) from the City of St. John’s to use at Voisey’s Brook Park for a student event. The inclusion cart allows transportation on trails for persons with accessibility issues. The cart is on hand tonight for viewing and it is hoped that Council will be interested in purchasing one in the future for use in our Town. The City rents theirs out with the signing of waivers with the rental agreement.
- 2. On-line registration for programs and other e-services is now available as part of the Town Suite accounting software. Residents were supplied with an access code with the property tax invoices to be used to sign up for e-services. Non-property owners have the option of signing in as a guest.

**ADJOURNMENT**

Motion:	Will/Bartlett
2016-142	Resolved that this meeting be adjourned.
Carried	Unanimously

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Moses Tucker, Mayor

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Tony Pollard, Acting Town Clerk

## Appendix A: Tabled Report

May 10<sup>th</sup>, 2016

### Applications:

Item # 1:

**Civic # 34A Johnathan Heights**

**Rezoning**

**Zoning: Residential Low Density & Agriculture (RLD & AG) - Unserviced**

The Committee recommends that the application to rezone property at Civic # 34A Johnathan Heights to Residential for the potential development of a semi-serviced residential subdivision be rejected as the application does not propose to eliminate any dead-end roads developed in a haphazard fashion or address local services and amenities which is contrary to a Motion of Council on November 18<sup>th</sup>, 2014 (Motion 2014-386).

The Administrator recommended that this application be rejected.

Item # 2:

**Civic # 7 Oak Terrace**

**Single Dwelling**

**Zoning: Residential Medium Density (RMD) - Serviced**

The Committee recommends that the application for Civic # 7 Oak Terrace be granted approval in principle, permitting the construction of a single dwelling with a 10.0 % variance on the required distance between the proposed dwelling and an existing dwelling. The 10.0 % variance will result in a distance between dwellings of 3.15 m as opposed to the minimum of 3.5 m. 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 11 (Variances), Development Regulation 12 (Notice of Variance), and Schedule C: Residential Medium Density.

The Administrator recommended that Council use their discretion to grant this application approval in principle.

Item # 3:

**Civic # 19 Mitchells Road**

**Accessory Building Extension**

**Zoning: Traditional Community (TC) - Serviced**

**The Committee recommends that the application for Civic # 19 Mitchells Road be granted approval in principle, permitting the construction of an extension to an existing 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), Development Regulation 49 (Non-Conforming Use), and Schedule C: Traditional Community.**

The Administrator recommended that Council use their discretion to grant this application approval in principle.

Item # 4:

**Civic # 36-38 & 40 Beachy Cove Road**

**Shoreline Stabilization**

**Zoning: Traditional Community (TC) - Serviced**

**The Committee recommends that the application for Civics # 36-38 & 40 Beachy Cove Road be granted approval in principle, permitting shoreline stabilization. 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 (Non-Conforming Use) and Schedule E: Environmental Protection Overlay Condition # 1 (Coastlines).**

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

**Discussion:**

Item # 7:

**Refinement to Schedule E: Environmental Protection Overlay**

**The Committee recommends that the requests to refine the Environmental Protection Map within Schedule E: Environmental Protection Overlay in the areas of Civic # 1335-1343 Thorburn Road and Civic # 1047-1049 Indian Meal Line 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.**

**Permits Issued:**

Item # 8:

#	Permit	Issued Date	Civic #	Street Name	Permit Type
1	16-098	04/22/2016	45	Peggy Deane Drive	Test Holes
2	16-099	04/26/2016	52	Peggy Deane Drive	Test Holes
3	16-100	04/26/2016	1404-1434	Portugal Cove Road	Site Preparation
4	16-101	04/26/2016	640-642	Old Broad Cove Road	Test Holes
5	16-102	04/26/2016	7	Farm Road	Patio/Deck
6	16-103	04/27/2016	6	Eileen Place	Occupancy
7	16-104	04/27/2016	124-126	Old Broad Cove Road	Site Preparation
8	16-105	04/27/2016	1332	Thorburn Road	Accessory Building & Patio/Deck
9	16-106	04/28/2016	7	Eileen Place	Occupancy
10	16-107	04/28/2016	45	Peggy Deane Drive	Site Preparation
11	16-108	04/28/2016	277-281	Old Broad Cove Road	Test Holes
12	16-109	04/29/2016	303-305	Bauline Line Extension	Accessory Building
13	16-110	05/02/2016	18	River Front Drive	Accessory Building
14	16-111	05/02/2016	103	Skinnners Road	Site Preparation
15	16-112	05/03/2016	7	Kittiwake Place	Site Preparation
16	16-113	05/03/2016	12	Kittiwake Place	Test Holes
17	16-114	05/03/2016	10	Belbins Road	Demolition

18	16-115	05/03/2016	10	Belbins Road	Site Preparation
19	16-115	05/03/2016	16-18	Pine Bud Place	Accessory Building
20	16-116	05/03/2016	16-18	Pine Bud Place	Demolition
21	16-117	05/04/2016	244	Bauline Line Extension	Site Preparation
22	16-118	05/04/2016	29	Megan Ridge Drive	Accessory Building
23	16-119	05/04/2016	212-214	Dogberry Hill Road	Patio/Deck Replacement
24	16-120	05/04/2016	12	River Front Drive	Occupancy
25	16-121	05/05/2016	30-32	Thorpes Road	Demolish & Reconstruct Patio/Deck