



TOWN OF PORTUGAL COVE-ST. PHILIP'S
November 15, 2016, held at the Recreation Center

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
	Town Manager/Engineer	Chris Milley
	Director Public Works	Gail Tucker
	Director Ec. Dev., Marketing & Comm.	Jeff Lawlor
	Director of Financial Operations	Tony Pollard
	Planning Coordinator	Les Spurrell
	Town Clerk	Judy Squires

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

ADOPTION OF AGENDA

Motion: Will/Collins
2016-415 Resolved that the Agenda dated **November 15, 2016**, be adopted as circulated.
Carried Unanimously

ADOPTION OF MINUTES

Motion: Facey/Bartlett
2016-416 Resolved that the minutes of **November 1, 2016** be adopted as circulated.
Carried Unanimously

BUSINESS ARISING

The Town Manager advised there is no report for tonight's meeting and there were no questions arising from Council.

COMMITTEE REPORTS

Planning & Development Report of November 8, 2016 – presented by Clr. Collins

1. (a) Civic 167-169B Beachy Cove Road

Motion: Collins/Butler

2016-417 Resolved that the application for a subsidiary apartment at Civic # 167-169B Beachy Cove Road be granted approval in principle as per Appendix A: Tabled Report.

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

Note: Councillor Facey requested that P & D review and reconsider the penalties for persons not obtaining permits making them more robust. The Chair agreed to add it to the upcoming P & D meeting agenda.

2. Civic 107-109 Dogberry Hill Road

Motion: Collins/Bartlett

2016-418 Resolved that the application to construct an accessory building at Civic # 107-109 Dogberry Hill Road Extension be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

3. Civic 109-111 Windsor Heights

Motion: Collins/Bartlett

2016-419 Resolved that the application to construct an accessory building at Civic # 109-111 Windsor Heights be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

4. Civics 147-159 & 147-159A Bauline Line Extension

Motion: Collins/Will

2016-420 Resolved that the application to reconfigure property boundaries at Civics # 147-159 & 147-159A Bauline Line Extension be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

5. Civic 405-413 Old Broad Cove Road

Motion: Collins/Bartlett

2016-421 Resolved that Council allow development activity within a waterbody buffer at Civic # 405-413 Old Broad Cove Road related to the connection to municipal water infrastructure as per Appendix A: Tabled Report.

Carried Unanimously

6. Civic 182-184 Beachy Cove Road

Motion: Collins/Hanlon

2016-422 Resolved that the application to construct dwelling extensions and patios/decks at Civics # 182-194 Beachy Cove Road be granted approval in principle as per Appendix A: Tabled Report.

Carried Unanimously

7. Civic 344-346 Tolt Road

Motion: Collins/Butler
2016-423 Resolved that the application to construct a dwelling extension at Civics # 344-346 Tolt Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

8. Civic 37-39 Beaver Creek Road – appeal filed

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 reject an application to construct a single dwelling at Civic # 37-39 Beaver Creek Road.

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

9. Municipal Plan & Development Regulations Amendments

The Town, through a thorough review and working with the Town’s Municipal Plan & Development Regulations 2014-2024, has identified areas within the Plan and Regulations which require amendment in order to comply with Council’s vision or areas which contain typos, errors, or omissions. As a result, the Committee proposes an amendment to the Town’s Municipal Plan & Development Regulations 2014-2024 to address these concerns.

Motion: Collins/Bartlett
2016-424 Resolved that Council proceed with the Committees proposed amendments to the Town’s Municipal Plan & Development Regulations 2014-2024 resulting from a thorough review of the Plan & Regulations.
Carried Unanimously

Note: In response to Councillor Hanlon’s question, the P & D Coordinator confirmed that there is no backlot amendments included in this, it is just a cleanup (typos, errors, or omissions) as indicated.

10. Civic 1401-1417 Portugal Cove Road – Removal Order

Motion: Collins/Will
2016-425 Resolved that Council avail of the services of the Town’s Solicitor to perform work required in relation to a Removal Order (property cleanup) at Civic # 1401-1417 Portugal Cove Road.
Carried Unanimously

11. Civic 1494-1496 Thorburn Road – Stop Work Order

Motion: Collins/Will
2016-426 Resolved that Council issue a Stop Work Order for business activity (parking of buses) at Civic # 1494-1496 Thorburn Road which is being performed without a permit from the Town.
Carried Unanimously

12. Civic 1487A Thorburn Road

The Committee discussed buses parked at Civic # 1487A Thorburn Road in close proximity to the Broad Cove River. Also, concerns regarding the mechanical condition of these buses were discussed as the company owning the buses have been charged by Service NL (as per a News Release from Service NL dated October 28, 2016).

As the Town has been contacted numerous times regarding public safety and environmental concerns about the buses and as these buses may have mechanical issues, the Committee recommends the following Motion:

Motion: Collins/Butler
2016-427 Resolved that Council forward correspondence to the Ministers of Transportation and Works, **Environment and Conservation and Municipal Affairs** requesting the removal of buses parked at or around Civic # 1487A Thorburn Road to address the public safety and environmental concerns.
Carried For: Bartlett/Butler/Collins/Tucker/Will
Against: Facey/Hanlon

Note: Prior to the vote Councillors discussed the issue commenting on ownership of the land, the existing business operation, parking in the road reservation and the environmental concerns. A friendly amendment was agreed by consensus of all to add Environment and Conservation and Municipal Affairs to the letter.

13. Permit Stats

There were thirty seven (37) permits issued from October 21st to November 3rd, 2016 as per Appendix A: Tabled Report.

Recreation & Community Services Committee – November 8, 2016 presented by Clr. Facey:

1. Townsuite Facility Booking Software

The Recreation Department is working with Townsuite on the implementation stage of the new Facility Booking Software. Staff have provided Townsuite with details on our facilities and the Recreation Centre will be the facility used as a trial run with the new software. We hope this new online system will be available to users early January.

2. Framework for Recreation

The Recreation Department reviewed the “Framework for Recreation in Canada 2015, Pathways to Wellbeing” document. This document, “tabled” with this report, was a co-led initiative by Interprovincial Sport and Recreation Council and the Canadian Parks and Recreation Association. After reviewing the document, the committee would like to put forward the following recommendation:

Motion: Facey/Bartlett
2016-428 Resolved that the Town adopt the “Framework for Recreation in Canada 2015, Pathways to Wellbeing” as a guide to develop and prioritize the Recreation and Community Services Department initiatives.
Carried Unanimously

Note: It was noted this Framework deals with all facets of recreation , not just sports, and it is inclusive.

3. Budget

The Recreation Committee discussed the budget presentation that was made by the Director of Recreation on November 3rd. There has been additional information brought forward since the meeting regarding the soccer field expansion for Council to consider. Final decisions will not been made on the capital projects until the final draft of the budget is passed.

4. Lifestyle Centre Planning

The Recreation Committee discussed plans for the Lifestyle Centre. The committee would like to put forward the following recommendation:

- Motion: Facey/Hanlon
2016-429 Resolved that the Town contract Vigilant Management to begin the Lifecycle Planning step for the Lifestyle Centre.
- Carried For: Bartlett/ Collins/Facey/Hanlon/Tucker/Will
Against: Butler

Note: Councillor Facey tabled a document (prepared in 2015) outlining steps and advised that the approximate \$86,000 costing for this initial stage of planning is allocated in the budget and coming from the Recreation reserve fund (which the Director confirmed has approximately \$500,000 in it at this time). Prior to the vote, Councillors expressed their varying opinions on the need for this planning step.

5. Community Grants

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

- Motion: Facey/Hanlon
2016-430 Resolved that the Town waive the Recreation Centre rental fee for the PWC Girls Basketball Fundraiser dances on November 4th and November 18th.
- Carried Unanimously
- Motion: Facey/Bartlett
2016-431 Resolved that the Town donate \$1000 to the PWC Safe Grad Committee 2017.
- Carried Unanimously

Note: Councillor Bartlett noted that 130 of the 200 grads are from PCSP.

Public Works Committee Report for November 9, 2016 - Councillor Bartlett

1. Sewer Collection Treatment Options

As requested at Committee meeting of May 30, 2016, a review of options for mini sewer collection and treatment systems was conducted by our Manager, Water and Wastewater. Five systems were reviewed and a result of the findings showed that these systems have the potential for high maintenance requirements and it is recommended that the Town focus on expansion of its current system as opposed to the introduction of mini systems.

2. Loop Drive Traffic Issues

Following further review and giving consideration to the routing of traffic in adjacent roads, Committee's final recommendation is that the direction of traffic on Loop Drive be reverted to two-way traffic. Signage will be required and communication to residents shall be provided.

- Motion: Bartlett/Collins
2016-432 Resolved that the direction of traffic on Loop Drive be reverted to two-way traffic **with no left turn traffic on lower west end of Loop Drive (closest to Ferry Terminal).**
- Carried Unanimously

Note: Various Councillors spoke to this issue and Deputy Mayor Will proposed a friendly amendment which was agreed to by all to add wording 'with no left turn...Terminal) as noted above.

3. Newbury Street Traffic Issues

As follow-up to the meeting with residents of Newbury Street, the following update was provided. Speed limit signs have been installed; signage limiting heavy equipment has been installed; Driver feedback signs have been ordered and installation will occur in the spring of 2017; Line Painting will be take place in 2017 and rumble strip options will be investigated.

Note: Deputy Mayor Will extended congratulations to Committee and Public Works staff on resolving this issue.

Economic Development, Marketing & Communications – Nov. 9, 2016 presented by Clr. Butler

1. ACOA and Provincial Funding

The committee discussed some projects for next year and the potential for funding. The Director of Economic Development will be assessing various options and will report to council.

2. Demographic and Perception Survey

The Mayor will be on hand to launch the results of the survey at a joint press conference with our regional partners on December 7th at St. John's City Hall.

3. Budget Consultations

The draft budget meeting will take place 7:00pm on Wednesday, November 23rd at Murrays Pond Fishing and Country Club. On Tuesday, November 22nd we will also have a special social media event where residents can ask the Mayor questions on the draft budget directly via social media.

4. Community Garden Funding

As previously reported the Town applied for funding through TD Banks Green Fund. We have received confirmation that it has passed the initial screening phase and a formal application is now being requested.

5. Tourism Destination Development Plan

The finalized Northeast Avalon Tourism Destination Development Plan has been released. As members of the steering committee we will now be involved in the planning and execution of the various priorities and recommendations within the region.

https://hnl.ca/wp-content/uploads/2014/10/TDVAA-NEA-Final-Report_Sept2016.pdf

Items added at Council meeting:

6. ACE Committee – Councillor Butler extended thanks and appreciation to Sue Willis who is now finished as Chair of ACE and noted that Dick Whitaker is now acting Chair of the committee.

7. Housing Initiative – Mayor Tucker advised he will have a list of names prepared for the next Council meeting for the membership of the new Special/Ad Hoc committee being established for this purpose. He will serve on this committee along with representatives of other service groups.

Protective Services Committee Report – November 9, 2016 presented by Clr. Hanlon

1. FES Updates

- The Chiefs identified the need to acquire fire hose and fittings and provided detailed information on the rationale for the purchase. Existing funds have been identified.

Motion: Hanlon/Facey
2016-433 Resolved that the Town acquire the identified fire hose and fittings for a total cost of \$13,096.98 plus HST.
Carried Unanimously

- The Chiefs identified a necessary retrofit for the portable tank on Engine 2 and provided detailed information on the rationale for the purchase. The installation will be done onsite and will result in Engine 2 being removed from service for approximately a day to a day and a half. Accommodations for calls during this time period will be made prior to taking Engine 2 out of service. Existing funds have been identified.

Motion: Hanlon/Bartlett
2016-434 Resolved that the Town proceed with the retrofit installation of an electric/hydraulic lowering system for the portable tank on Engine 2 for a total acquisition and installation cost of \$8282.13 plus HST.
Carried Unanimously

- The regional training initiative is now complete and the working group led by Firefighter Mandy Young is preparing a debrief report which will be shared with the Committee. There were 95 participants in total from 12 different departments.
- The Committee further discussed the idea of a regional tanker to be available to all Northeast Avalon communities. The Mayor will bring this to the agenda of the next NEA Mayors meeting.
- The Committee commended the budget presentation given by Deputy Chief Sharpe and requested further costing details on the suggested initiatives.

Note: Mayor Tucker added that he and Killick Coast Mayors met with Fire Chiefs and discussed the proposal for the training facility being considered by Municipal Affairs and FES. More information will come to a future meeting including costing. He asked that this item be placed on the next Protective Services agenda for discussion.

2. Municipal Enforcement Service Providers

The Committee discussed the legislative portion of this process considering the potential service providers we can utilize. The Town Manager is now identifying next steps including narrowing down the contract details to find the best possible option for our purposes.

Note: Councillor Hanlon added that we are looking to possibly partner with Town of Torbay with respect to the legislative side of this as they are looking for the same services.

3. SafePCSP

The Deputy Mayor met with members of the SafePCSP community group and reviewed their current initiatives including the school zone line painting in front of Beachy Cove Elementary.

Motion: Hanlon/Bartlett
2016-435 Resolved that the Town proceed with the school zone line painting in front of Beachy Cove Elementary as soon as possible.
Carried Unanimously

Admin. and Finance Committee Report of November 8, 2016 presented by Deputy Mayor Will

1. Accounts for Payment

Motion: Will/Butler
2016-436 Resolved that Council approve payment of regular accounts in the amount of \$40,678.48 and capital accounts in the amount of \$51,743.79 for a total of \$92,422.27
Carried Unanimously

2. Water Metering Project change order

The Town Manager circulated a change order covering additions to the Scope of Work for the Water Metering Project. The change is to provide support for the Feasibility and Water Rate Studies and the extra work to apply for funding and meet funding project needs. This change means the projected costs are still within the project budget. Committee discussed and put forward the following:

Motion: Will/Butler
2016-437 Resolved that Council approve Change Notice #1 prepared by Vigilant Management for Water Metering Project #1516 **in the amount of \$11,500 plus HST for a total of \$13,282.50.**
Carried For: Bartlett /Butler/Collins/Facey/ Tucker/Will
Against: Hanlon

3. Flood Risk Mapping

On July 16, 2013 Council put forward a motion (2013-252) to engage the services of engineering consultants to review issues along Portugal Cove Road and recommend a solution to rectify the ongoing flooding issues.

In 2014, the province moved forward with a project to complete a study to provide greater detail flood risk mapping for our Town as a result of a request the Town placed several years prior. As a result, subsequent to the above motion, on May 6, 2014, Council put forward another motion (2014-125) to delay engaging the services of engineering consultants until the data and maps from the Province's flood risk mapping study became available.

Data from the Province's Climate Change/Flood Risk Mapping Study project shows that there are low probabilities of flooding and liabilities for the Town. Based on that Committee puts forward the following:

Motion: Will/Butler
2016-438 Resolved that Council rescind Motion #2013-252 and Motion #2014-125.
Carried Unanimously

Carried Forward and other items:

Committee held general discussion on several items including:

- Options for the \$80,000 'under budget' funds from Spurrells Road Bridge to be used on projects which are over budget
- Sidewalks/need to obtain costing estimates and look at road reservations for several areas of the Town
- Affordable Housing/ Mayor to look into setting up a Special Committee for same
- Grand Concourse/the Town Manager updated Committee on the process used by the City of Mount Pearl when using Grand Concourse for their projects
- 163 Witch Hazel Road/Crown Land application process underway to acquire this property for potential use as a Community Garden for the Town

CORRESPONDENCE None for this meeting

NEW/GENERAL BUSINESS None for this meeting

ADJOURNMENT:

Motion: Facey/Will
2016-439 Resolved that this meeting be adjourned at 6:25 pm.
Carried Unanimously

Moses G. Tucker, Mayor

Judy Squires, Town Clerk

Attachment: P & D, Appendix 'A'

**Appendix A: Tabled Report
November 8th, 2016**

Applications:

**Item # 1: Civic # 167-169B Beachy Cove Road
Subsidiary Apartment
Zoning: Residential Medium Density (RMD) – Serviced**

The Committee recommends that the application for Civic # 167-169B Beachy Cove Road be granted approval in principle, permitting a subsidiary apartment. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically Plan Policy RES-1 (Land Uses), Development Regulation 33 (Notice of Application), Development Regulation 49 (Non-Conforming Use), Development Regulation 60 (Subsidiary Apartments), Development Regulation 102 (Discretionary Uses), Schedule C: Residential Medium Density, and Schedule D: Off-Street Parking Requirements.

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

**Item # 2: Civic # 107-109 Dogberry Hill Road Extension
Accessory Building
Zoning: Residential Medium Density (RMD) – Unserviced**

The Committee recommends that the application for Civic # 107-109 Dogberry Hill Road Extension be granted approval in principle, permitting the construction of an accessory building. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically Development Regulation 39 (Accessory Building) and Schedule C: Residential Medium Density.

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

**Item # 3: Civic # 109-111 Windsor Heights
Accessory Building
Zoning: Agriculture (AG) – Unserviced**

The Committee recommends that the application for Civic # 109-111 Windsor Heights 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 Plan Policy AG-1 (Land Uses), Development Regulation 39 (Accessory Building), and Schedule C: Agriculture.

Administrator recommended that this application be granted approval in principle.

**Item # 4: Civics # 147-159 & 147-159A Bauline Line Extension
Reconfigure Property Boundaries
Zoning: Residential Low Density (RLD) – Unserviced**

The Committee recommends that the application for Civics # 147-159 & 147-159A Bauline Line Extension be granted approval in principle, permitting the reconfiguration of property boundaries. 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 C: Residential Low Density.

Administrator recommended that this application be granted approval in principle.

**Item # 5: Civic # 405-413 Old Broad Cove Road
Water Connection
Zoning: Mixed Use (MIX) – Semi-Serviced**

The Committee recommends that Council allow development activity within a waterbody buffer at Civic # 405-413 Old Broad Cove Road related to the connection to municipal water infrastructure in accordance with the Town’s Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically Schedule E: Environmental Protection Overlay.

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

**Item # 6: Civic # 182-194 Beachy Cove Road
Dwelling Extensions & Patio/Decks
Zoning: Residential Medium Density (RMD) – Serviced**

The Committee recommends that the application for Civic # 182-194 Beachy Cove Road be granted approval in principle, permitting the construction of dwelling extensions & patio/decks. 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).

Administrator recommended that this application be granted approval in principle.

**Item # 7: Civic # 344-346 Tolt Road
Dwelling Extension
Zoning: Residential Medium Density (RMD) – Unserviced**

The Committee recommends that the application for Civic # 344-346 Tolt Road be granted approval in principle, permitting the construction of a dwelling extension.

Administrator recommended that this application be rejected as it does not comply with the Town’s Municipal Plan & Development Regulations as it does not meet with minimum side yard standard within Schedule C: Residential Medium Density.

12. Permits Issued:

#	Permit	Issued Date	Civic #	Street Name	Permit Type
1	16-466	10/21/2016	35	Peggy Deane Drive	Single Dwelling
2	16-467	10/24/2016	1533	Thorburn Road	Accessory Building
3	16-468	10/24/2016	14	Willow Bend Close	Site Preparation
4	16-469	10/24/2016	16	River Front Drive	Site Preparation
5	16-470	10/25/2016	1465	Thorburn Road	Water & Sewer Stubs
6	16-471	10/25/2016	8	Willow Bend Close	Occupancy
7	16-472	10/25/2016	7	Oak Terrace	Accessory Building
8	16-473	10/26/2016	32-34	Jera Street	Single Dwelling
9	16-474	10/26/2016	20-22	Balda Place	Business
10	16-475	10/26/2016	11-13	Emberleys Road	Accessory Building
11	16-476	10/26/2016	98-100	Witch Hazel Road	Site Preparation
	16-477				
12	16-478	10/26/2016	115	Dogberry Hill Road	Accessory Building
13	16-479	10/26/2016	117	Dogberry Hill Road	Accessory Building
14	16-480	10/27/2016	35	Anglican Cemetery Road	Site Preparation
15	16-481	10/28/2016	337	Bennetts Road	Replace Septic Tank
16	16-482	10/28/2016	1933-1945	Portugal Cove Road	Business
17	16-483	10/28/2016	64-68	Meadow Heights	Accessory Building
18	16-484	10/31/2016	182-194	Beachy Cove Road	Dwelling Extension
19	16-485	10/31/2016	10	Belbins Road	Transfer Water & Sewer
20	16-486	10/31/2016	10	Belbins Road	Occupancy
21	16-487	10/31/2016	15-17	Jendarmie Place	Accessory Building
22	16-488	11/01/2016	30-32	Johnathan Heights	Occupancy
23	16-489	11/01/2016	12	Kittiwake Place	Accessory Building
24	16-490	11/01/2016	4	Brook View Place	Occupancy
25	16-491	11/01/2016	181-183	Old Broad Cove Road	Occupancy
26	16-492	11/01/2016	10-16	Olivers Pond Place	Occupancy
27	16-493	11/02/2016	2	Conatti Place	Site Preparation
28	16-494	11/02/2016	8-22	Little Powers Pond Road	Accessory Building
29	16-495	11/02/2016	472-474	Dogberry Hill Road	Subdivide Property
30	16-496	11/02/2016	472	Dogberry Hill Road	Site Preparation
31	16-497	11/02/2016	474	Dogberry Hill Road	Site Preparation
32	16-498	11/02/2016	11	Blagdon Hill	Site Preparation
33	16-499	11/03/2016	16	Country Garden Road	Remove Accessory Building
34	16-500	11/03/2016	16	Country Garden Road	Accessory Building
35	16-501	11/03/2016	15-17	Wards Lane	Occupancy
36	16-502	11/03/2016	1706	Portugal Cove Road	Bridge Repairs
37	16-503	11/03/2016	56-60	Hogans Pond Road	Accessory Building