



TOWN OF PORTUGAL COVE-ST. PHILIP'S
November 29, 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 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 12 persons in attendance,

ADOPTION OF AGENDA

Motion: Facey/Bartlett
2016-440 Resolved that the Agenda dated **November 29, 2016**, be adopted as circulated.
Carried Unanimously

ADOPTION OF MINUTES

Motion: Will/Collins
2016-441 Resolved that the minutes of **November 15, 2016** be adopted as circulated.
Carried Unanimously

BUSINESS ARISING

The Town Manager presented his report as follows:

1. Action items list

The action item list has been significantly updated over the last week adding items from three past council meetings for viewing.

2. Projects

I have been working with the Project Managers on the multi-year capital works projects to have the designs finished up. I received notice that the civil work and approaches to the Spurrells Road Bridge have been completed. I will be performing an inspection tomorrow and the site will be secured until the bridge is delivered and install early in 2017.

Note: Clr Facey inquired about whether the footpath will remain/the Town Manager will check and advise. Deputy Mayor Will inquired regarding paving of old road cuts on provincial roads/the Director of Public Works will check on this with Transportation & Works and advise.

3. Regional cooperation

Talks with Torbay on a couple regional initiatives are continuing through meetings and looking very promising. The Director of Public Works and I meet with the CAO of Torbay last week to discuss next steps and a follow up meeting has been scheduled next week with the Commissionaires on the issue of regional municipal enforcement.

4. Retirement of Town Clerk

I wanted to publicly acknowledge and inform that our Town Clerk, Judy Squires officially announced her retirement in a letter to me on November 10, 2016. Judy has worked with the Towns of St.Philip's and Portugal Cove-St.Philip's for over 26 years. She started work with the Town of St.Philip's on July 10, 1990 as the Assistant Town Clerk. She was on staff when the Town of Portugal Cove-St.Philip's was incorporated in in 1992. She continued in the role of Assistant Town Clerk until she was promoted to Town Clerk in 2009 following the retirement of the late Loretta Tucker. For all those years Judy has been a valuable asset and a wealth of knowledge to the councilors and staff than run the town. We have already started the daunting task of trying to find suitable replacement to fill the void she will leave in the organization. It will be a challenge and if anyone knows suitable candidates I would urge them to apply. Judy has informed us that her last day will be February 10, 2017.

I would like to take this time to publicly thank Judy on behalf of all staff for her 26 plus years of dedicated service to the Town. I truly appreciate all the work you have done.

COMMITTEE REPORTS

Planning & Development Report of November 22, 2016 – presented by Clr. Collins

1. Civic 432 Old Broad Cove Road

Note: At the request of the P & D chair, item 1 was presented by Clr. Butler

Motion: Butler/Will
2016-442 Resolved recommends that the application to subdivide property and construct a residential subdivision at Civic # 432 Old Broad Cove Road be rejected as per Appendix A: Tabled Report.
Carried For: Bartlett/Butler/Facey/Tucker/Will
Against: Collins/Hanlon

For the Record: Councillors each spoke to this item and Deputy Mayor Will during his commentary tabled the 'Community Based Systems Overview' prepared by the Town's Water/Wastewater Manager. Prior to the vote on the main Motion #2016-442, Councillor Collins put forward a motion to postpone to a definite time as follows:

Motion: Collins/Hanlon
2016-442-1 I move that based on the fact that the applicant has contacted all Council by email, I recommend that this motion be postponed until December 13th meeting to give all Council a chance to review information in the email.
FAILED For: Collins/Hanlon
Against: Bartlett/Butler/Facey/Tucker/Will

Note: Councillor Collins resumed presentation of the report.

2. Civic 556-560 Old Broad Cove Road

Motion: Collins/Facey
2016-443 Resolved that the application to erect an advertisement sign for a home occupation at Civic # 556-560 Old Broad Cove Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

3. Civic 1158-1166 Portugal Cove Road

Motion: Collins/Bartlett
2016-444 Resolved that the application to construct a single dwelling and demolish a single dwelling at Civic # 1158-1166 Portugal Cove Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

4. Civic 24-26 Bauline Line Extension

Motion: Collins/Will
2016-445 Resolved that the application to construct an accessory building at Civic # 24-26 Bauline Line Extension be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

Note: it was confirmed by P & D Coordinator that once the Occupancy for the new house is issued, a time frame will be established for demolition of the old house (being lived in while building new one).

5. Civic 374-376 Bauline Line Extension

Motion: Collins/Facey
2016-446 Resolved that the application to establish an ice production business from an existing commercial building at Civic # 374-376 Bauline Line Extension be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

6. Civic 1527-1533 Portugal Cove Road

Motion: Collins/Will
2016-447 Resolved that the application to establish a catering business (café) from an existing commercial building at Civic # 1527-1533 Portugal Cove Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

7. Civic 34 Bauline Line Extension

Motion: Collins/Bartlett
2016-448 Resolved that the application to establish a home office and light industry business (mobile auto repair) as a home occupation at Civic # 34 Bauline Line Extension be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

8. Civic 16-18 Old Cart Road

Motion: Collins/Facey
2016-449 Resolved that the application to establish a personal service business (cake decorating) as a home occupation at Civic # 16-18 Old Cart Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

9. Civic 26 Legion Road

Motion: Collins/Bartlett
2016-450 Resolved that the application to construct a subsidiary apartment within a dwelling currently under construction at Civic # 26 Legion Road be granted approval in principle as per Appendix A: Tabled Report.
Carried Unanimously

10. Renumber of 7A and 7 Hammond Estates

The Committee reviewed the current civic numbering for Hammond Estates and the configuration of existing properties on that road. During this review, concerns regarding public safety, specifically the ability of emergency services to efficiently and accurately identify Civic # 7A Hammond Estates and Civic # 7 Hammond Estates, were discussed. As a result of these discussions, the Committee recommends the following Motion:

Motion: Collins/Hanlon
2016-451 Resolved that in the interest of public safety and to correct a *confusion in the existing civic numbers and the current lot configurations that the civic number for Civic # 7A Hammond Estates be changed to Civic # 7 Hammond Estates and the civic number for Civic # 7 Hammond Estates be changed to Civic # 8 Hammond Estates in accordance with the Town of Portugal Cove-St. Philip's Civic Numbering Policy.

Carried Unanimously
Note: friendly *amendment as suggested by Mayor Tucker and agreed by all to use the word confusion.

Note: Councillor Butler read the final two items of the report

11. Stage 1 acceptance re 'The Stages' Subdivision

Motion: Butler/Bartlett
2016-452 Resolved that Council grant final acceptance of roads and infrastructure, as per Section 4.6 (Services and Works Vesting in the Town) of Residential Subdivision Agreement for Stage I of The Stages Residential Subdivision (dated July 22nd, 2010) as per legal documentation submitted to the Town by the Developer.
Carried Unanimously

12. Permit stats:

There were twenty-one (21) permits issued from November 4th to November 17th, 2016 as per Appendix A: Tabled Report.

Recreation & Community Services Committee – no meeting held/no report presented

Public Works Committee Report for November 23, 2016 - Councillor Bartlett

1. Sludge Removal WWTP Portugal Cove

The sludge removal plan for the Portugal Cove Wastewater plant (Trains 1 & 2) was presented. The recommended removal amount is 205,500 litres. This is a budgeted item for 2016.

Motion: Bartlett/Collins
2016-453 Resolved that the quote for sludge removal from Pardy's at a cost of \$45,000 HST included be approved.
Carried Unanimously

2. Depot Ventilation & Exhaust System Tender PCSP-2016-006

Three (3) Tender Bids were received in response to the tender call for a gas detection, ventilation and exhaust system for the Public Works Depot. The recommendation from the Town's engineering consultant, RAN Engineering Inc., is to award to the lowest, qualified bidder, Jenkins Power Sheet Metal Inc.

Motion: Bartlett/Collins
2016-454 Resolved that the contract for Tender PCSP-2016-006 be awarded to Jenkins Power Sheet Metal Inc. in the amount of \$79,258 HST included.
Carried Unanimously
Note: The Director of Public Works confirmed this is a budget item and portions of the system can be relocated to the new Depot.

3. Regional Water Fees 2017

An update was given from a recent Regional Water Authority meeting in which the 2017-2018 Budget Projections were presented. The projected water rate for 2017 is \$0.5788 per cubic metre (2016 rate \$0.5890).

4. School Road Conditions – Resident Feedback

Discussion was held regarding feedback from a resident on the condition of School Road. The resident was advised that until such time as monies are allocated, the required upgrades to the road will not be undertaken. However, the upgrades are on Council’s radar for consideration as part of the next round of multi-year capital works.

Economic Development, Marketing & Communications – Nov. 23, 2016 presented by Clr. Butler

1. Heritage Committee

A new policy is being developed regarding advisory committee memberships. A request regarding the development of a heritage lookout was reviewed by the committee. Mac Miller has stepped down as chair of the committee, but will remain on as member.

2. Environment Committee

The No Idling Campaign will launch in January in conjunction with Beachy Cove School and the Lions Club. The committee is working on a public presentation of the Green Team and an application for next years.

3. Budget Consultations

The final public meeting was held on Wednesday, November 23rd at Murrays Pond Fishing and Country Club. A social media event featuring #askmayormose was well viewed with hundreds watching the videos and thousands being reached on Facebook and Twitter.

4. Community Garden Funding

A final application for funding was submitted to TD Friends of the Environment for the expansion of the community garden.

5. Maggies Place Development Plan Project

A public meeting is being planned for land owners in the area to launch the development plan project. The aim is to have it in early December; however, if we are unable it will be early in the new year.

Protective Services Committee Report – no meeting held/no report

Admin. and Finance Committee Report of November 22, 2016 presented by Deputy Mayor Will

1. Accounts for Payment

Motion:	Will/Butler
2016-455	Resolved that Council approve payment of regular accounts in the amount of \$44,272.79 and capital accounts in the amount of \$28,637.16 for a total of \$72,909.95
Carried	Unanimously

2. Deputy Town Clerk Position

Council was informed of the Town Clerk's plan to retire early in 2017. In response to this news the Town Manager proposed to advertise and hire a Deputy Clerk as soon as possible. It is expected that the Deputy Clerk will have the same skills, knowledge, and responsibilities as a Town Clerk candidate without the legislative appointment and roles defined in the Municipalities Act. It is proposed that the Deputy Clerk will report to the legislatively appointed Town Clerk and that the organization structure of the Town Clerk's office and future appointment and full job description of the Town Clerk will be determined prior to our Town Clerk's retirement as goals of the succession plan being completed as a result of resolution 2016-412. In order to fill this position council must first create it and the accompanying pay scale. Therefore:

Motion: Will/Facey
2016-456 Resolved that the management position of Deputy Town Clerk is created and filled. The Deputy Town Clerk shall report to the Town Clerk in the organizational structure.

Carried Unanimously

Motion: Will/Butler
2016-457 Resolved that the position of Deputy Town Clerk shall have a salary scale as presented to council and be subject to all adopted management employment policies.

Carried Unanimously

Note: Depending on the outcome of the succession plan, the position of Deputy Town Clerk may not be needed in the proposed organizational structure in which case it is expected that the person hired for this position would be an ideal candidate for Town Clerk as well. The search instruction for a Deputy Town Clerk includes this expectation.

3. MYCW 2014-2017 Meadow Heights Water and Sewer Project No. 17-MYCW-17-00117:

Motion: Will/Hanlon
2016-458 Resolved that the designers for the Meadow Heights Water and Sewer project No.17-MYCW-17-00117 include a cost effective pedestrian pathway solution in the scope of work. The solution, estimated cost and possible funding options for this change of scope will be brought back to council for approval.

Carried Unanimously

Carried forward items:

Committee held general discussion on several items including: Mayor noted he is still in the process of setting up a Special Committee on Affordable Housing and Project Management services provided to date.

Note: The Mayor advised he has some names identified for the Housing committee and once they meet, the structure and other details will come out of that meeting.

CORRESPONDENCE None for this meeting

NEW/GENERAL BUSINESS None for this meeting

ADJOURNMENT:

Motion: Facey/Will
2016-460 Resolved that this meeting be adjourned at 5:55 pm.
Carried Unanimously

Moses G. Tucker, Mayor

Judy Squires, Town Clerk

Attachment: P & D, Appendix 'A'

**Appendix A: Tabled Report
November 22nd, 2016**

Applications:

Item # 1: Civic # 432 Old Broad Cove Road

Residential Subdivision

Zoning: Agriculture (AG) - Semi-Serviced

The Committee recommends that the application to subdivide property and construct a 54 lot fully and semi-serviced residential subdivision at Civic # 432 Old Broad Cove Road be rejected as it does not comply with the Town's Municipal Plan, Development Regulations, as per the following:

- The concept plan submitted does not include a future right-of-way to provide a potential connection to Witch Hazel Road which does not comply with Plan Policy SD-1 (Evaluating Proposals to Subdivide Land), Plan Policy T-11 (Local Roads), and Development Regulation 90 (Subdivision Design Standards);
- The concept plan submitted does not include a pedestrian walkway which does not comply with Plan Policy T-10 (Local Roads), Development Regulation 59 (Street Construction Standards), Development Regulation 90 (Subdivision Design Standards), and Section 4.3 (Street Design Criteria) of the Town's Subdivision Design and Construction Standards;
- The proposed Public Open Space areas have been identified as being unusable due to small areas and steep slopes which does not comply with Development Regulation 88 (Land for Public Open Space);
- Areas proposed to be developed have been identified as having steep slopes which does not comply with Development Regulation 64 (Site Suitability) and Schedule E: Environmental Protection Overlay;
- The concept plan submitted proposes a pre-engineered sewage treatment system as opposed to a connection to the Town's sanitary sewer infrastructure which will result in additional maintenance costs to the Town which does not comply with Plan Policy SD-1 (Evaluating Proposals to Subdivide Land), Plan Policy RES-9 (Council Control of Land Development), Development Regulation 83 (Permit to Subdivide Subject to Considerations);
- The concept plan does not address the assessment of Town controlled designated Agriculture lands on the basis of soil capabilities, drainage, existing and adjacent land

- uses, current and proposed land development patterns, land use alternatives and other considerations as per Plan Policy AG-6;
- Single dwellings are not listed as a Permitted Use within Schedule C: Agriculture;
- Schedule C: Agriculture – Terms and Conditions:
 - (5) Single Dwellings
 - B. Dwellings Subsidiary to a Main Use - which states “At Council’s discretion, a single dwelling may be permitted on Town controlled agricultural lands as a subsidiary use to a commercial agricultural operation, horse boarding stable, or kennel, subject to the following:
 - (a) It is clearly demonstrated to Council that the operation is a bona fide farm, horse boarding, or commercial kennel operation from which the owner derives a major portion of his or her income,
 - (b) It is clearly demonstrated to Council that full-time habitation on the site is necessary for the successful operation of the agricultural operation, horse boarding stable, or kennel, and
 - (c) The dwelling must have a minimum floor area of 65m² and a minimum building line setback of 10.0 metres.”
 - C. Dwellings not Subsidiary to a Main Use – which states “At Council’s discretion, a single dwelling, unrelated to a commercial agricultural operation, horse boarding stable, or kennel, may be permitted on Town controlled lands:
 - (a) Only if Council is satisfied that it will not have an adverse impact on existing agricultural operations or future agricultural development of the surrounding area,
 - (b) Only if the proposed lot fronts directly on an existing public street, and
 - (c) Only if it meets the same standards for single dwellings as specified for the Residential Rural zone.”
- A Motion of Council from November 18th, 2014 (Motion # 2014-386) states that Council shall, at their discretion, continue to only consider applications for rezoning that will integrate or round-out existing developed areas to eliminate dead-end roads that have been developed in a haphazard fashion by extending them into loop roads (sections of the municipality that lack street connectivity), or to address local services and amenities, and;
- In accordance with Plan Policy SD-5 (Public Input) fifty-seven (57) notices with regard to the proposed development were sent out to area property owners by the Town on March 21st, 2016. In response, the Town received twenty-seven (27) pieces of correspondence.

The Administrator recommended that this application be rejected.

**Item # 2: Civic # 556-560 Old Broad Cove Road
Advertisement Sign, Zoning: Residential Medium Density (RMD) - Semi-Serviced**

The Committee recommends that the application for Civic # 556-560 Old Broad Cove Road be granted approval in principle, permitting the erection of an advertisement sign for a home occupation.

The Administrator recommended that this application be rejected as it does not comply with the Town's Municipal Plan & Development Regulations as Schedule C: Residential Medium Density does not contain any Terms & Conditions with respect to advertisement signs.

**Item # 3: Civic # 1158-1166 Portugal Cove Road
Construct Single Dwelling & Demolish Single Dwelling
Zoning: Residential Low Density & Agriculture (RLD & AG) - Unserviced**

The Committee recommends that the application for Civic # 1158-1166 Portugal Cove Road be granted approval in principle, permitting the construction of a single dwelling and the demolition of a single dwelling once an Occupancy Permit has been issued for the new dwelling. Approval in principle shall be in full compliance with the Town's Municipal Plan & Development Regulations and all other regulatory bodies of government, specifically Plan Policy GL-8 (General Layout Policies), Development Regulation 39 (Accessory Buildings), Development Regulation 49 (Non-Conforming Use), and Schedule C: Residential Low Density.

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

**Item # 4: Civic # 24-26 Bauline Line Extension
Accessory Building, Zoning: Residential Low Density (RLD) - Serviced**

The Committee recommends that the application for Civic # 24-26 Bauline Line 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 Buildings) and Schedule C: Residential Low Density.

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

**Item # 5: Civic # 374-376 Bauline Line Extension
Business, Zoning: Rural (RUR) - Unserviced**

The Committee recommends that the application for Civic # 374-376 Bauline Line Extension be granted approval in principle, permitting the establishment of an ice production business from an existing commercial building. Approval in principle is subject to approval from Service NL, the Department of Natural Resources (Agrifoods), and the Department of Environment and Climate Change.

The Administrator recommended that Council not use its discretion to grant approval in principle to this application as it does not comply with the Town's Municipal Plan & Development Regulations as Schedule C: Rural allows Light Industry (resource-based only) as a Discretionary Use and the proposed activity is not resourced-based and Schedule A: Definitions indicates that a Resource Use excludes all manufacturing and processing.

**Item # 6: Civic # 1527-1533 Portugal Cove Road
Business, Zoning: Mixed Use (MIX) - Serviced**

The Committee recommends that the application for Civic # 1527-1533 Portugal Cove Road be granted approval in principle, permitting the establishment of a catering business (café) from an existing commercial 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 MIX-2 (Land Uses), Development Regulation 33 (Notice of Application), Development Regulation 102 (Discretionary Uses), Schedule C: Mixed Use, and Schedule D: Off-Street Parking Requirements.

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

**Item # 7: Civic # 34 Bauline Line Extension
Business, Zoning: Residential Low Density (RLD) - Serviced**

The Committee recommends that the application for Civic # 34 Bauline Line Extension be granted approval in principle, permitting the establishment of a home office and light industry business (mobile auto repair) 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 Plan Policy RES-4 (Land Uses), Development Regulation 33 (Notice of Application), Development Regulation 102 (Discretionary Uses), Schedule C: Residential Low Density, and Schedule D: Off-Street Parking Requirements.

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

Item # 8: Civic # 16-18 Old Cart Road

Business

Zoning: Residential Medium Density (RMD) - Serviced

The Committee recommends that the application for Civic # 16-18 Old Cart Road be granted approval in principle, permitting the establishment of a personal service (cake decorating) 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 Plan Policy RES-4 (Land Uses), Development Regulation 33 (Notice of Application), Development Regulation 102 (Discretionary Uses), Schedule C: Residential Medium Density, and Schedule D: Off-Street Parking Requirements.

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

Item # 9: Civic # 26 Legion Road

Subsidiary Apartment

Zoning: Residential Low Density (RLD) - Serviced

The Committee recommends that the application for Civic # 26 Legion Road be granted approval in principle, permitting the construction of 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 Development Regulation 33 (Notice of Application), Development Regulation 60 (Subsidiary Apartments), Development Regulation 102 (Discretionary Uses), Schedule C: Residential Low Density, and Schedule D: Off Street Parking Requirements.

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

Permits Issued:

Item # 12:

#	Permit	Issued Date	Civic #	Street Name	Permit Type
1	16-504	11/04/2016	52-54	Hogans Pond Road	Test Holes
2	16-505	11/08/2016	14	Willow Bend Close	Single Dwelling
3	16-506	11/08/2016	16	River Front Estates	Single Dwelling
4	16-507	11/08/2016	147	Bennetts Road	Dwelling Extension
5	16-508	11/10/2016	2	Prince George Drive	Occupancy
6	16-509	11/10/2016	14-36	Bickerstaffe Road	Accessory Building
7	16-510	11/10/2016	167-169B	Beachy Cove Road	Patio/Deck

8	16-511	11/10/2016	167-169B	Beachy Cove Road	Accessory Building
9	16-512	11/10/2016	98-100	Witch Hazel Road	Single Dwelling
10	16-513	11/14/2016	8	Johnathan Heights	Accessory Building
11	16-514	11/15/2016	14-36	Bickerstaffe Road	Dwelling Extension
12	16-515	11/15/2016	58-60	Ayres Lane	Site Preparation
13	16-516	11/16/2016	344-346	Tolt Road	Accessory Building
14	16-517	11/16/2016	344-346	Tolt Road	Dwelling Extension
15	16-518	11/16/2016	182-194	Beachy Cove Road	Site Preparation
16	16-519	11/16/2016	923-931	St. Thomas Line	Occupancy
17	16-520	11/16/2016	20	River Front Drive	Site Preparation
18	16-521	11/16/2016	556-560	Old Broad Cove Road	Business
19	16-522	11/16/2016	405-413	Old Broad Cove Road	Water Connection
20	16-523	11/17/2016	1226-1230	Thorburn Road	Water & Sewer Connection
21	16-524	11/17/2016	40-42	Dawn Allen Road	Renovations