



TOWN OF PORTUGAL COVE-ST. PHILIP'S

March 14, 2017

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	Chris Milley
	Director of Rec & Comm Services	Dawn Sharpe
	Director of E.D., Mark. & Comm.	Jeff Lawlor
Planning & Development Coordinator	Les Spurrell	
Deputy Town Clerk	Claudine Murray	

Mayor Tucker called the meeting to order and welcomed the gallery of 12 persons in attendance for the meeting, noting regrets from Councilor Norm Collins.

ADOPTION OF AGENDA

Motion: Facey/Hanlon
 2017-068 Resolved that the agenda dated **March 14, 2017**, be adopted as circulated.
 Carried Unanimously

DELEGATIONS/PRESENTATIONS

Purple Day for Epilepsy Proclamation read and signed by Mayor Tucker (tabled document)

ADOPTION OF MINUTES

Motion: Will/Butler
 2017-069 Resolved that the minutes of **February 28, 2017** be adopted as circulated.
 Carried Unanimously

BUSINESS ARISING

Town Manager report

1. Action Item List

The action item list is now up to date with all action items up to and including last council meeting. Only thing outstanding is that the statuses of a few items still need to be verified.

2. Regional Cooperation

The Commissionaires and the Town of Torbay have both approved the letter of intent for Municipal services to be shared with PCSP. The letter of intent is coming forward tonight for our council approval. If it gets approved, the letter will be signed tomorrow.

3. New Civic Numbering Regulations

After the notice of motion for the adoption of these regulations was announced at the last council meeting, the draft regulations went up on the Town's website for public review. No comments were received. The regulations only had some further minor reference edits before being shared with all of council on Friday past. The regulations as edited are coming forward for adoption later in tonight's meeting.

4. North East Avalon Joint Council Meeting

A joint council meeting is being held in Paradise tomorrow night. I am not sure who from our council attends these meetings but one of the items on the agenda is the idea of banning plastic shopping bags which was a resolution put forward by our council.

COMMITTEE REPORTS

Planning & Development Report of March 7, 2017 – presented by Deputy Mayor Will

1. Civic # 12-16B Mercers Road – Residential Subdivision

Motion: Will/Butler
2017-070 Resolved that the application to subdivide property and construct a residential subdivision at Civic # 12-16B Mercers Road be rejected as per Appendix B: Tabled Report.
Carried Unanimously

2. Civic # 7-9A Days Road – Subdivide Property & Construct Single Dwelling

Motion: Will/Butler
2017-071 Resolved that the application to subdivide property and construct a single dwelling at Civic # 7-9A Days Road be rejected as per Appendix B: Tabled Report.
Carried For: Tucker, Will, Bartlett, Butler, Facey
Against: Hanlon

Note: Town is willing to work with land owner on a possible solution.

3. Civic # 258-262 Olivers Pond Road – Accessory Buildings, Patio/Deck & Reconfiguration of Property Boundaries

Motion: Will/Butler
2017-072 Resolved that the application for two accessory buildings and a patio/deck at Civic # 258-262 Olivers Pond Road and the proposed reconfiguration of the common property boundary with Civic # 240-256 Olivers Pond Road be granted approval in principle as per Appendix B: Tabled Report.
Carried Unanimously

4. St. John’s Urban Region Regional Plan Amendment No. 1, 2015, Municipal Plan Amendment No. 1, 2015, & Development Regulations Amendment No. 1, 2015 (Portugal Cove Road/Windsor Heights) – Notice of Registration

The Planning Department is in receipt of a notice from the Department of Municipal Affairs that Municipal Plan Amendment No. 1 2015 & Development Regulations Amendment No. 1, 2015 have been registered. These Amendments re-designated an area of land east of Windsor Heights from Agriculture to Residential and re-zoned the same area from Agriculture to Residential Low Density. (Tabled with report)

Notice of the registration was published in the NL Gazette on Friday, March 10th, 2017 and the Telegram on Saturday, March 11th, 2017.

5. Murray’s Pond Development Limited – Proposal to Change Public Open Space

Motion: Will/Hanlon
2017-073 Resolved that the request to change the location of the public open space for Murray’s Pond Stage IIA be refused as the proposal is contrary to the Town’s Municipal Plan & Development Regulations, specifically Development Regulation 88 (Land for Public Open Space).
Carried Unanimously

6. Permits issued from February 17th to March 2nd, 2017

There were three (3) permits issued from February 17th to March 2nd, 2017 as per Appendix B: Tabled Report.

Recreation /Community Services Report of March 7, 2017 – presented by Councillor Facey

The Recreation Department was pleasantly surprised when it received letters from students of Beachy Cove Elementary thanking the Town for taking them skating for the Winter Carnival. Furthermore they wanted to let Council know how much fun they had and hope they will get to go again next year. (Tabled with report)

1. Jack Byrne Regional Sport and Entertainment Centre

The Manager of the Jack Byrne Regional Sport and Entertainment Centre (JBREC), Mr. Lorne Tucker, requested a letter of support from the Town of Portugal Cove – St. Philip’s for the expansion of the facility to include a second ice surface. This support does not require any financial commitment. The committee would like to put forward the following recommendation:

Motion: Facey/Bartlett
2017-074 Resolved that the Town provide a letter of support to the Jack Byrne Regional Sport and Entertainment Centre Board of Directors, for the expansion of their facility to include a second ice surface.
Carried Unanimously

2. Community Grants Program

The Recreation Director will review the Community Grants Program and make recommendations to the committee on changes to the document to include non-profit organizations and Canadian Tire JumpStart applicants. Policies and procedures will be brought forward at the next committee meeting.

3. Community Grants

After reviewing the Community Grant Application, the committee would like to put forward the following recommendation:

Motion: Facey/Hanlon
2017-075 Resolved that the Town waive the Recreation Centre rental fee for Norma Reid and Wendy Reid Fairhurst to host a public meeting about “Aging Successfully in Portugal Cove – St. Philip’s”.
Carried Unanimously

Motion: Facey/Bartlett
2017-076 Resolved that the Town waive the Recreation Centre rental fee for “Rachel and Julianne’s Special Project” fund-raiser for the Janeway Hospital.
Carried Unanimously

Motion: Facey/Bartlett
2017-077 Resolved that the Town waive the Recreation Centre rental fee for Deborah Kean for the Team Canada Healing Hands fund-raiser.
Carried Unanimously

Motion: Facey/Hanlon
2017-078 Resolved that the Town donate \$200.00 toward the Beachy Cove Grade 5 Boys Puma Team for hosting Provincial at Beachy Cove Elementary.
Carried Unanimously

Motion: Facey/Bartlett
2017-079 Resolved that the Town donate \$200.00 toward the Beachy Cove Grade 6 Boys Puma Team to assist with registration to attend Provincial.
Carried Unanimously

Note: Congratulations to the senior boys basketball team for winning the Provincial 4A Boys Basketball Championship. Three team members are residents of PCSP.

4. Rainbow Gully Softball Field Lighting

Recreation Committee discussed the changes to the cost of the expansion of the Rainbow Gully Softball Field Lighting System.

Public Works Committee Report of March 8, 2017 - presented by Councillor Bartlett

1. Connectivity Plan Phase 1 – Thorburn Road & Dogberry Hill Road: Update

The project tender is to be advertised March 11, 2017. The revised project schedule indicates construction to commence beginning of May 2017 and completion scheduled for early September 2017. A revised budget estimate was received from EXP, which includes the integration of water stubs in the area of construction on Thorburn Road, at a cost of \$389,154 +HST.

2. Upper Level Town Hall Mini-Split Heat Pumps

Three qualified bids were received in response to the Town's tender for the installation of mini-split heat pumps in the Council Chambers, Mayor and Deputy Town Clerk offices and Council Boardroom, as well as in the St. Philip's Fire Hall. Jenkins Power was the lowest qualified bidder. The inclusion of the St. Philip's Fire Hall exceeds the capital budget for this project. Operational budget dollars will be redirected to cover the difference.

Motion: Bartlett/Hanlon
2017-080 Resolved that Council award the contract for the Town Hall Mini-Split Heat Pump tender to Jenkins Power at a cost of \$43,800.05 HST included.
Carried Unanimously

3. Ice Control Materials 2017-2018 (Salt Order)

Staff advised the order for ice control materials (i.e. salt only) for 2017-2018 is due and requested that approval be granted to order 1,750 tonnes of salt through the provincial government salt tender. The government is issuing a new tender this year and the price per tonne will be known once the tender is awarded.

Motion: Bartlett/Facey
2017-081 Resolved that Council approve an order of 1,750 tonnes of salt for 2017-2018 season to be placed through the provincial government ice control materials tender process.
Carried Unanimously

4. Generator Replacement – Depot

The generator previously used at the Depot during power loss events is inadequate in terms of load and power stability. A suitable generator, which will provide stable power and enhanced capacity, has been specified and sourced in consultation with RAN Engineering.

Motion: Bartlett/Hanlon
2017-082 Resolved that Council approve that the purchase of a Honda EB10000 Generator at a cost of \$6,975 (HST included).
Carried Unanimously

Note: The generator being replaced will be used elsewhere.

Economic Development, Marketing & Communications – No meeting held

Protective Services Committee – March 7, 2017 presented by Councillor Hanlon

1. FES Updates

Another regional training initiative is in the works after the success of the fall regional training session. Applications have already been received from members of Holyrood, Torbay, and Pouch Cove Departments, and other departments may also be interested. The training will take place at PCSP Station 1 from April 17th to 21st.

Engine 2 has been scheduled for recall work at the end of April which will require the vehicle to be out of service for a week. Other arrangements for coverage during this week will be covered by the Mutual Aid Agreement.

The PCSP Connects mass notification system may be of interest to potential needs in the Fire Department. FF Daren Janes will contact the Communications Coordinator for more information.

The Chiefs are continuing to look into recreational fireworks in the province in terms of their proposed resolution.

The Chiefs have costed out a recognized traffic management course for all members of the Department. This training is part of an effort to increase safety on scene where traffic control is necessary.

2. Wildfire Community Preparedness Day

The Committee discussed the potential to hold a public event in conjunction with Wildfire Community Preparedness Day on May 6th. The Chiefs will bring the event to the Fire Department's Public Education Committee for ideas.

3. Civic Numbering Regulation

Some minor revisions made to the civic numbering regulations that were previously circulated to all of Council and the revised version has again been circulated to all members prior to this evening's Council meeting. The motion to adopt the new Civic Numbering Regulation will be brought forward later in the meeting.

4. Letter of Intent – Municipal Enforcement Services

A copy of the Letter of Intent between the Town of Portugal Cove-St. Philip's, the Town of Torbay and the Commissionaires has been circulated to all members of Council prior to this evening's Council meeting.

Motion: Hanlon/Will
2017-083 Resolved that Council sign the Letter of Intent between the Town of Portugal Cove-St. Philip's, the Town of Torbay and the Commissionaires of Newfoundland and Labrador.
Carried Unanimously

Admin. and Finance Committee Report of March 7, 2017 presented by Deputy Mayor Will

1. Accounts for Payment (Tabled with report)

Motion: Will/Facey
2017-084 Resolved that Council approve payment of regular accounts in the amount of \$54,689.69 and Capital accounts in the amount of \$38,798.70 for a total of \$93,488.39
Carried Unanimously

2. Municipalities Newfoundland and Labrador Avalon/Eastern Regional Meeting

Municipalities Newfoundland and Labrador (MLN) will be holding their Avalon/Eastern Regional meeting during the weekend of March 24 - 25th in St. John's. This event will bring together mayors, deputy mayors, councilors, and staff from our region to discuss membership strategy, communication, a benchmarking update and fiscal framework. To help assure the success of the MNL Regional Meetings, the Town is asked to be part of the exclusive sponsors represented.

Motion: Will/Facey
2017-085 Resolved that the Town donate \$500 in sponsorship of the Municipalities Newfoundland and Labrador Avalon/Eastern Regional Meeting.
Carried Unanimously

3. Discussion Items

- a) MYCW project updates were provided and notably the approval to enter into a Project Management Consultant Agreement for the Water Metering Project has been received from the Department of Municipal Affairs.
- b) The Town Manager will contact our EAP providers, Shepell-fgi, to confirm whether our Volunteer Firefighters are covered within the Towns' program.
- c) The Mayor reminded Councillors and Staff of the March 9th meeting with Abydoz Environmental Inc. Committee debated whether the meeting would be defined as a council meeting or merely an opportunity for suppliers to inform staff and council of what is available for remote sewage treatment systems and how they operate.

CORRESPONDENCE

- a) Recycle My Cell Earth month challenge is on April 1-30 (tabled document)
- b) Correspondence from Canadian Association of Municipal Administrators (CAMA) regarding Long Service Recognition award for former Town Clerk, Judy Squires (tabled document)

NEW/GENERAL/UNFINISHED BUSINESS

1. Property Assessment review hearings

Property Assessment review hearings will be held in the morning of April 18, 2017 for five residents who submitted appeals. The Town is required to hire a Commissioner for the hearings.

Motion: Will/Bartlett
2017-086 Resolved that Mr. Tom Strickland of Business Logistics be appointed as the Property Assessment Review Commissioner for the Town of Portugal Cove-St. Philip's for the year 2017.
Carried Unanimously

2. Purchase of Tandem truck with plow

Motion: Will/Facey
2017-087 Resolved that the Town seek approval to borrow \$284,826.30 from the Bank of Montreal to finance the purchase of a 2017 Freightliner on a 7 year amortization at the rate of 3.37%
Carried Unanimously

3. Seniors Appreciation Dinner

Motion: Will/Bartlett
2017-088 Resolved that the Town issue a cheque to the Royal Canadian Legion in the amount of \$1,000 as a contribution to the Seniors Appreciation Dinner held in January 2017.
Carried Unanimously

4. Weekend Storm Update

The wind storm caused damage to Bickerstaffe Nurseries & Gardens who lost all of their strawberry greenhouses two days prior to harvest; Murray's Garden Center and Horticulture Center sustained considerable damage; Lester's Farm lost their greenhouses; and the Town hall had damage to the siding and a shift to the rooftop heating unit.

AGENDA ITEMS/NOTICE OF MOTIONS ETC.

Civic Number Signage Regulations – Adoption (Tabled with report)


As per the Notice of Motion given at the February 28th Public Council Meeting, the Protective Services Committee submits the following:

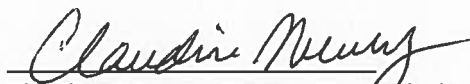
Motion: Hanlon/Facey
2017-089 Resolved that the Town of Portugal Cove-St. Philip's adopt the Civic *Number *Signage Regulations.
Carried Unanimously

Note: friendly *amendment as suggested by Town Manager and agreed by all to use the exact wording on the regulations document.

ADJOURNMENT

Motion: Will/Hanlon
2017-090 Resolved that this meeting be adjourned. Time is 5:58 p.m.
Carried Unanimously


Moses Tucker, Mayor


Claudine Murray, Deputy Town Clerk

Attachments:
Appendix A Tabled Proclamation
Appendix B Tabled Report
Appendix C Tabled Correspondence

Appendix B: Tabled Report

March 7th, 2017

Applications:

Item # 1:

Civic # 12-16B Mercers Road

Residential Subdivision

Zoning: Residential Medium Density (RMD) - Serviced

Preamble:

This application to subdivide property and construct a fully-serviced residential subdivision at Civic # 12-16B Mercers Road was granted approval in principle by Council on December 16th, 2014 (Motion 14-426) in accordance with the Town's 2014-2024 Municipal Plan and Development Regulations (the legally gazetted Municipal Plan and Development Regulations in place at the time). This decision was subsequently appealed to the Eastern Newfoundland Regional Appeal Board. On October 1st, 2015 the Board vacated the decision and Council was directed to reconsider the application under the 2004 Town Plan.

At the Appeal Board hearing, the Town expressed its opinion that Council made the correct decision by evaluating the application in accordance with the 2014-2024 Municipal Plan and Development Regulations as this was the only Municipal Plan and Development Regulations in legal existence at the time Council made its decision, as per the Urban and Rural Planning Act, 2000.

Subsequent to the Appeal Board's October 1st, 2015 decision on the Mercers Road subdivision application, a similar subdivision application (at Beachy Cove Road) was filed with the Board with the same grounds of appeal. Although the Board directed Council to reconsider the Mercers Road application under the 2004 Town Plan, the planning advice from the Department of Municipal Affairs for the Beachy Cove Road Appeal (which is consistent with the Town's opinion) found that correct administration of the Town's Municipal Plan and Development Regulations (2014-2024) was used when Council made a decision on that application as it was the governing document in legal effect at the time of a development decision being made, as there are no statements within the Plan or Regulations to indicate otherwise. The Board concluded that the Town acted in good faith when it considered the Beachy Cove Road application pursuant to the 2014-2024 Municipal Plan and Development Regulations - a conclusion which was contradictory to the decision made by the Board on October 1st, 2015 regarding this current application (Mercers Road Subdivision).

It is important to note that on August 14th, 2015, and preceding the Appeal Boards October 1st, 2015 decision, the Provincial Department of Environment and Conservation introduced a new Flood Risk Mapping Study for the community which replaced a

previous study from 1996. The new study included 1:20 and 1:100 year flood risk areas within the boundaries of the proposed residential subdivision for Mercers Road.

The Water Resources Management Division of the Department of Environment and Conservation's Policy for Flood Plain Management list (among others) prevention of loss of human life and avoidance of personal hardship; minimizing flood damage to properties, infrastructure and the environment; minimizing disruption of transportation, social and business activity; and minimizing costs to taxpayers of Newfoundland and Labrador as the objectives of the Policy.

The Town shares the same views and concerns as those presented within the Division's Policy for development within designated Flood Risk Areas.

Therefore;

The Committee recommends that the application to subdivide property and construct a fully-serviced residential subdivision at Civic # 12-16B Mercers Road be rejected as the residential subdivision will be partially located within 1:20 and 1:100 year flood risk areas identified on the Provincial Department of Environment and Climate Change's Flood Risk Mapping in which the proposed development does not comply with the Department of Environment and Climate Change's Policy for Flood Risk Management and the Town's Municipal Plan and Development Regulations, specifically Plan Policy 3.3 (v) (Environmental Preservation and Enhancement), Plan Policy 3.3 (viii) (Soils and Drainage), and Development Regulation 73 (Issue of Permit Subject to Considerations). In addition, due to potential public safety concerns identified within the Objectives of the Water Resources Management Division's Policy for Flood Plain Management, this proposed subdivision development is also rejected under Development Regulation 10 (1) (Discretionary Powers of Council).

The Administrator recommended that this application be rejected.

Item # 2:

**Civic # 7-9A Days Road
Subdivide Property & Construct Single Dwelling
Zoning: Traditional Community (TC) - Serviced**

The Committee recommends that the application to subdivide property and construct a single dwelling at Civic # 7-9A Days Road be rejected as the proposal does not comply with the Town's Municipal Plan & Development Regulations 2014-2024, specifically as the proposed lot for the construction of the single dwelling does not have frontage on a publicly maintained street which does not comply with Development Regulation 9 (Permit Not to be Issued in Certain Cases), Development Regulation 47 (Lot Frontage), and Schedule C: Traditional Community, and the proposed front yard exceeds the maximum permitted under Schedule C: Traditional Community.

The Administrator recommended that this application be rejected.

Item # 3:

Civic # 258-262 Olivers Pond Road

Accessory Buildings, Patio/Deck & Reconfiguration of Property Boundaries

Zoning: Residential Low Density & Protected Watershed (RLD & PW) – Unserviced

The Committee recommends that the application for Civic # 258-262 Olivers Pond Road be granted approval in principle, permitting two accessory buildings, a patio/deck, and the proposed reconfiguration of the common property boundary with Civic # 240-256 Olivers Pond Road. 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), and Schedule C: Residential Low Density.

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

Permits Issued:

Item # 6:

#	Permit	Issued Date	Civic #	Street Name	Permit Type
1	17-027	02/17/2017	105	Dogberry Hill Road Ext.	Occupancy
2	17-028	02/17/2017	22-28	Belbins Road	Demolition
3	17-029	02/20/2017	1618	Portugal Cove Road	Business