



TOWN OF PORTUGAL COVE-ST. PHILIP'S

Public Meeting March 16, 2010 7:30 p.m.

IN ATTENDANCE:	Mayor	Bill Fagan
	Deputy Mayor	Jane Tucker
	Councillors:	Joe Duggan
		Doug Neary
		Gordon Tucker
		Moses Tucker
		Patsy Whitten
	Town Manager/Engineer	Chris Milley
	Town Clerk	Judy Squires
	Director Admin/Finance	Terrilynn Smith
Town Planner	Geralyn Lynch	

Also in Attendance: Gallery of 30 in attendance.

Mayor Fagan called the Meeting to order at 7:30 p.m. and welcomed all in attendance.

PRESENTATIONS Councillors Duggan and Whitten made presentations to winners in the Winterfest snowman competition for several categories of competition (pictures and details on website).

ADOPTION OF AGENDA

Motion: Duggan/Neary
2010-069 Resolved that the March 16, 2010, agenda be adopted.
Carried
Unanimously

Mayor noted he also has a Policy Development Committee report to present.

ADOPTION OF MINUTES

Motion: Whitten/Neary
2010-070 Resolved that the Minutes of the Public Meeting held March 2, 2010, be adopted as circulated.

Carried
Unanimously

BUSINESS ARISING

The Town Manager/Engineer presented his report detailing his activities and the status of report items from the last minutes.

COMMITTEE REPORTS

Planning and Development Committee Report – March 9, 2010

The following applications have been considered in accordance with the Municipal Plan and Development Regulations and shall be subject to all other regulatory government agencies.

(Councillor Neary left the Council Chambers and Councillor Gordon Tucker presented items 1 and 2.)

1. Development in vicinity of 21 B Beachy Cove Road

(a) Meeting with Residents

Committee met with residents who expressed concerns about the potential impact of excavation work on their properties. Issues raised include: the development appears to have moved onto the adjacent property owners' land at the rear yard; validity of permit; unstable hill side may result in water run-off; entrance to public right-of-way will be blocked by residents unless issues are resolved. Committee discussed that a stop work be issued if concerns are not resolved.

(b) Stop Work Order

A meeting of the Committee of the Whole was called on Friday March 12, 2009 regarding a development permit issued to Civic # 36-38 Beachy Cove Road. The Committee advised that a stop work be issued until more detailed information is provided on the work.

Motion: G. Tucker/Duggan
2010-071 Resolved that Council **ratify two (2) stop work orders** issued at 7:20 p.m. on Friday March 12, 2010 by the Town Manager/Engineer for work taking place along the shoreline in the vicinity of 36-38 Beachy Cove Road and on the hill side in the vicinity of 21 B Beachy Cove Road.

Carried
Unanimously

2. Civic # 23B Beachy Cove Road Fully Serviced 12 Lot Subdivision - Extension to Conditional Approval

Motion: G. Tucker/M. Tucker
2010-072 Resolved that Council **approve the request to extend a conditional approval** for a fully serviced, 12 lot subdivision, which is dated 3 July 2007. The extension is approved for one year and cannot be extended further. Approval is based on the condition that the development shall not negatively impact adjacent land owners with respect to storm water run-off.

Carried
Unanimously

(Councillor Neary returned to the Chambers and resumed presenting the report.)

**3. Civic# 43-45 Millers Road
Road extension and development of cul-de-sac for two single dwellings
Zoning: Residential Medium Density (RMD)**

Motion: Neary/Whitten
2010-073 Resolved that Committee recommends that the application for Civic # 43-45 Millers Road be **conditionally approved** permitting the **construction of one dwelling**. Conditional approval shall be subject to the 12.2 meter wide access being developed as a private driveway and, the dwelling shall be located outside the 30 meter pond buffer.

Carried
Unanimously

**4. Civic# 116-120 Kings Hill Road
Demolish existing dwelling and construct single dwelling, Zoning: Watershed (WAT)**

Motion: Neary/J. Tucker
2010-074 Resolved that Motion # **2010-038** permitting the "*restoration*" of a single dwelling at Civic # 116-120 Kings Hill Road **be rescinded and replaced** with the following motion:
In consideration of new information on the structural integrity of an existing dwelling at Civic 116-120 Kings Hill Road, **the application to demolish and reconstruct the dwelling be conditionally approved**. The conditional approval shall be in accordance with Regulation 10, Discretionary Powers of Authority. This application shall also be subject to conditions outlined in the City of St. John's letter dated February 8, 2010.

Carried
Unanimously

**5. Civic# 160A Bennetts Road
Construct single dwelling, Zoning: Residential Infill (RI) & Watershed (WAT)**

Motion: Neary/Duggan
2010-075 Resolved that the application for Civic # 160A Bennett's Road for the construction of a single dwelling **be rejected**. The proposal is contrary to Policy 3.3(x) Access to a Public Street, which requires that all development front on a publicly maintained street; Development Regulation 48 Lot Frontage, which states that no residential building shall be erected unless the lot on which it is situated fronts directly onto a street and Schedule C: Development Standards, building line setback.

Carried. For: Duggan, Neary, G. Tucker, J. Tucker, M. Tucker, Whitten
Against: Fagan

**6. Civic# 866-868 Indian Meal Line
Home occupation (automotive repairs/general industry), Zoning: Residential Infill (RI)**

A notice to residents within a 500 meter radius of the proposed development was sent out in the mail seeking feedback.

**7. Civic# 1194 Portugal Cove Road
Business application (dog grooming)
Zoning: Residential Infill (RI)**

The Mayor sent a letter to the Minister of Natural Resources requesting a meeting regarding the matter.

8. Civic# 47 Beachy Cove Road

Construct dwelling extension, Zoning: Heritage Community (HC)

Motion:
2010-076

Neary/Duggan

Resolved that Council **reject the application** for Civic # 47 Beachy Cove Road for the construction of a 100 m² extension to the front of an existing dwelling as the proposal is contrary to the Municipal Plan and Development Regulations; specifically with respect to Schedule C: Heritage Community Use Zone Table in terms the lot area and frontage requirements for a double dwelling and, Schedule A Definitions, which states a double dwelling is a structure with two units placed either side by side or one above the other.

Carried.

For: Duggan, Neary, G. Tucker, J. Tucker, M. Tucker, Whitten
Against: Fagan

9. Civic# 131 Witch Hazel Road - Bickerstaffe Farms & Nurseries Ltd.

The Mayor sent a letter to the Minister of Natural Resources

(Councillor Neary left the Chambers and Councillor Gordon Tucker presented item 10.)

10. Civic # 7-13 Longmarsh Road

Subdivide Property and Construct double dwelling

Zoning: Residential Medium Density\ Residential Rural (RMD/RR)

Motion:
2010-077

G.Tucker/J.Tucker

Resolved that Council **reject the application** for a double dwelling at Civic # 7-13 Longmarsh Road as the application is contrary to the Municipal Plan and Development Regulations; specifically, Policy 3.3 Subsection (x), Access to a Public Street, which requires all development to front on a publicly maintained road. The application is also contrary to Development Regulation 48 Lot Frontage, which states that no residential building shall be erected unless the lot on which it is situated fronts directly onto a street.

Carried

Unanimously

(Councillor Neary returned to the Chambers and resumed presenting the report.)

11. Request for Separate Electrical Service – Delegation of approval authority

Motion:
2010-078

Neary/M.Tucker

Resolved that Council delegate the authority to process requests for separate electrical service for accessory buildings to the Planning and Development Department. Requests for separate electrical service to accessory buildings shall be processed in the following manner:

- a)** Request is received from NL Power and/or resident to install a separate electrical service;
- b)** Property owner shall outline the purpose of the separate electrical service in writing to the Town (residential or commercial);
- c)** Request is reviewed by staff and approved if in compliance with Regulation 38, as amended;
- d)** If not in compliance, request shall be referred to Council for a decision, and;
- e)** A list of all approvals shall be included in Council's bi-weekly report from the Planning and Development Department.

Carried

Unanimously

**12. Civic # 68-74 Farm Road
Subdivide Property and Construct Two Single Dwellings
Also Requesting Approval for Crown land
Zoning: Residential Infill & Residential Rural (RI\RR)**

Motion: Neary/M. Tucker
2010-079 Resolved that the application for Civic # 68-74 Farm Road be **conditionally approved** permitting the subdivision of property and the construction of two dwellings, one with frontage on Bauline Line Extension and the second with frontage on Farm Road and on Clements Pond. Conditional approval for the second lot on Clements Pond shall be subject to a building line setback upland from the pond setback standard of 30 meters. The location of the private driveway shall take into consideration a road network plan under review by the Town. Committee also recommends conditional approval for an area of Crown land measuring 3251 m² which may be required for the proposed development.

Carried
Unanimously

**13. 584-588 Old Broad Cove Road
Subdivide Property and Construct Single Dwelling
Zoning: Residential Medium Density (RMD)**

Motion: Neary/Duggan
2010-080 Resolved that Committee recommends that the application for Civic # 584-588 Old Broad Cove Road be **conditionally approved** permitting the construction of a single dwelling. Conditional approval shall be **in accordance with Regulation 10, Discretionary Powers of Authority** and subject to approval from Department of Environment and Conservation. The applicant is required to submit a water management plan to the Town for approval.

Carried
Unanimously

**14. Peggy Deane Drive
Variance on side yard setback, Zoning: Residential Rural (RR*)**

Motion: Neary/Duggan
2010-081 Resolved that a 10% variance on the side yard width at Civic # 26-32 Peggy Deane Drive be conditionally approved, in accordance with Regulation 11. This approval will result in a side yard width of 5.67 meters and grants a tolerance for a 0.33 meter deviation from Regulations. Notice of the Variance shall be given to all persons whose land is in the immediate vicinity.

Carried
Unanimously

15. Country Gardens – Correspondence from Law Office
Submitted for information

16. Civic # 49-51 Beachy Cove Road – concerns raised about property surveys
Submitted for consideration on development application for 47 Beachy Cove Road

17. Application Processing Fee – Request for refund
Correspondence referred to the Administration & Finance Committee

18. Solomons Drung – Request for road upgrading

Matter is referred to the Public Works Committee

Committee Discussion items:

19. Council Issues – 7 items listed for review
20. Planning & Development Department Statistical Report – Work in progress
21. Municipal Plan – Completion Schedule
22. Civic # 520-540 Bauline Line Extension – Crown land status update
23. Business permit – Commercial zone needed
24. Supporting Business – improved Town image
25. Well Water Protection - Distance for usage of pesticides and manure
26. Watershed property – Kings Hill Road
27. Structures in Watershed area – Referred to Committee of the Whole
28. Civic # 1604-1610 Portugal Cove Road (Business Application) – revised development plan. Applicant is required to submit a new application.

Active Files:

29. Civic # 57 Dawn Allen Road – Variance Notice
30. Civic # 377 Dogberry Hill Road – Occupancy Permit
31. Civic # 13 West Point Road – Occupancy Permit
32. Civic # 18-20 Woodland Drive – Occupancy Permit
33. Civic # 7 Churchill's Road – Compliance Letter
34. Civic # 22 West Point Road – Compliance Letter
35. Civic # 820B St. Thomas Line - Application
36. Civic # 12-14 Anglican Cemetery Road – Application
37. Civic # 68-74 Farm Road – Application
38. Farm Road - 7-lot, on-site serviced subdivision
39. Dogberry Hill Road – 16-lot, serviced subdivision
40. Beachy Cove Road – 10-lot, serviced subdivision
41. Civic # 1551-1553 Thorburn Road – Dwelling Extension
42. Civic # 166-170 Bennetts Road – Accessory Building
43. Civic # 320 Bauline Line Extension – Accessory Building
44. Civic # 80 Tuckers Hill Road – Dwelling Extension
45. Civic Numbering – 748 Old Broad Cove Road – McKim Property
46. Civic Numbering – Peggy Deane Drive
47. Single Dwelling Brochure
48. Business Brochure
49. Home Based Business Application Package
50. Stand Alone Business Application Package
51. Supplementary tasks for Assessment
52. Watershed Land Use District boundary issues
53. Revise and update Subdivision Design Standards document
54. Prepare data for use in GIS
55. Procedure for mail out notices (variance, discretionary use, etc.)
56. Integrating use of GPS equipment for field work
57. Town Plan Review
58. Comprehensive Development Schemes
59. Active Subdivisions (18)

PERMITS ISSUED:

#	Permit	Issued Date	Civic	Street Name	Permit Type
1	10-027	3/4/2010	34-36	Woodland Drive	Single Dwelling
2	10-028	3/4/2010	20	West Point Road	Occupancy Permit

Parks and Recreation Committee– March 11, 2010**1. Tract Consulting**

The Recreation Committee will be scheduling a meeting with Tract Consulting to review the Recreation Master Plan and this meeting will be open to all councilors who wish to attend. The Recreation Director will inform the Committee when this meeting will be scheduled.

2. Winter Festival Report

The committee discussed the results of the winter festival. The Committee was pleased with the participation of the community and how successful the events were. The committee made some suggestions for things to keep on next year's schedule.

3. User Group Guidelines

The committee discussed revamping the guidelines for user groups who use the recreation center at no charge. The Committee will continue to work on new guidelines for the recreation center.

4. Correspondence from Community Resident

The Committee received a letter from a community member inquiring about ice times for residents in the Town of Portugal Cove- St Philip's. The Recreation Director will be writing a letter to the manager of the Torbay arena to get more information in regards to this request.

Public Works Committee Report – March 11, 2010**1. Correspondence from Provincial Department of Municipal Affairs re:**

Response to letter from the Town requesting funding for non municipal infrastructure initiatives. For information.

(Mayor requests a copy of the letter Town sent requesting funding.)

2. Copy of Snow Clearing Regulations.

As per the last Public Works Meeting a copy of the Regulations was given to the committee for review and comment. Any changes will be presented at the next Public Works Meeting.

3. Correspondence from Eastern Waste Management Committee re:

Recycling of materials. After a lengthy discussion the committee suggests that the Town take a further look into the overall recycling process and not make any decisions until further information becomes available.

4. Correspondence from resident of St. Thomas Line re:

Request for information on future plans for roads off St. Thomas Line. Committee suggests staff reply to the resident outlining the Town's plans for all roads in this area.

5. Rocks and debris on hillside in Subdivision off Dogberry Hill Road.

The Committee was informed that a site visit of the area was made and it was determined that the large rock as indicated was not considered a threat; however a call was made to the developer to have the bank in this area secured from any possible falling rocks.

6. Correspondence form resident of Beachy Cove Road re.

Large boulders on hill side. The committee was informed that the boulders in question will be removed at no cost to the Town via contractor working in the area.

Economic Development & Tourism Committee – March 10, 2010

1. Image of Town of Portugal Cove-St. Philip's supporting business

Committee discussed ways in which we can encourage new business creation in our Town and the ways and means of determining how we can approach this matter. Staff (Ms. Hapgood and Ms. Kent) will contact neighboring Towns and also municipalities of similar size in other areas of the Province to gather information that can be used by the Committee to develop an IMAGE which will be attractive for increased business development in our Town by the private sector. This will include a review of their regulations and making a list of lessons learned to assist the committee in our decisions and recommendations.

2. Draft Town Plan in respect to Economic Development

Committee agreed that Ms. Hapgood will review the digital copy of the Draft Town Plan and identify sections where Economic Development appears and to make a list of these for review by the Committee at the next scheduled meeting. This information will be used as the Committees contribution to the review process and an opportunity to make suggestions for changes that will improve the Town Plan.

3. Businesses operating without Permits

It has come to the attention of the committee that a number of businesses are operating within the Town and are paying business taxes, but there is no record of them making an application or receiving a business permit or license. Ms. Kent will be discussing this with other Departments of our Town to determine the best way to create a list of these businesses. A strategy will be developed afterwards, by the Town staff, for consideration by the Committee and recommendation for approval by Council.

4. Other Issues – Tourism

Committee discussed the Town's tourism information brochure and is recommending that the brochure be updated. Staff members will review the latest layout and suggest changes which will improve this brochure. Our Committee members will review this again in the near future, after we receive updated suggestions.

Public Relations & Communications Committee – March 10, 2010

1. Website Update:

The Committee reviewed its first rendition of what the Town's live site will be like upon completion. We have recommended some minor changes but for the most part are very happy with the results. As it progresses we will be reviewing the content, functionality and user friendliness of the site. There will be an unveiling to Council once the text is complete for further comments and suggestions.

2. Councillor Pictures:

The Committee reviewed and selected our new Councillor pictures. Staff is sending them back to the photographer for touch ups. When he fixes them up we will look at the proofs before we pick the final one. These pictures will also accompany respective bios on our new website.

3. Welcoming Packages:

Committee is seeking quotes on a portfolio cover that will enable the Town to send out welcome packages to new residents, tourism information and other print materials as needed for conferences and meetings. This cover will feature various pictures and scenes within the Town. This will better appeal to new residents, tourists and people from abroad that wish to visit, live or do business within the Town. It is hoped that when the Town further develops its' Economic Development Plan, that this Portfolio will be host to various other types of brochures.

4. Newsletter:

Committee strives to be mindful of the visual impact of the newsletter. Upon review of the current format, and in order to maintain consistency, the newsletter will continue to be laid out as per the Town's Graphic Standards Manual. This will ensure that the newsletter remains visually attractive.

5. Municipal Capital Funding for "Council Green Project":

Given that the Town is not only a firm believer in recycling, and in reducing waste as much as possible, the PR & C committee is investigating the possibility of receiving funding from the provincial government for a green project, an initiative that some municipalities have already employed. We are hoping to move towards working as a paperless council.

This can be accomplished by having each Councillor using an "Intranet" which provides access to required documents, scheduling, and communication, electronically through the use of laptop computers. This project can be funded by government at an 80/20 partnership, with the Town responsible for the 20% of the cost. This 20% can be recouped in just a couple of years, through reduced paper usage, delivery costs, and staff hours. The paperless concept has now been implemented by the Town of CBS and other municipalities across the country. Updates will be given as they become available.

6. Media Training Update:

Council Media Training took place on Saturday March 6th, and was very successful. The information provided by Meeker Media was very valuable and is a great learning tool for members of Council and staff. This training provided participants with a better understanding as to how to enhance their communications skills when speaking to the media. Notes from this session are attached.

7. Donation to North East Eagles Hockey Tournament:

Committee received a request for promotional material to be donated for the North East Eagles upcoming Hockey Tournament to be given to participants as mementos or souvenirs. Town staff will be preparing some items for donation.

8. Councillors' Name Tags:

The committee discussed the need for Councillors' to have lapel name tags when attending functions and meetings. Staff is currently ordering them.

Policy Review Committee – March 10, 2010

Mayor provided the Committee with a binder of all the policies and procedures typed to date with typos, inconsistencies, etc. noted and recommended that these be corrected and sent to the appropriate committees for review and possible changes. Ten steps for finalizing this task were also provided and the Town Manager/Engineer delivered this binder to the Town Clerk.

Administration and Finance Committee – March 10, 2010

1. Accounts for Payment

Motion:
2010-082
Carried
Unanimously.

J. Tucker/M.Tucker

Resolved that Council pay the accounts in the amount of \$5,963.00

2. Letter Regarding the Election of Officers of Volunteer Fire Departments

Mayor Fagan will respond to the letter in writing. Councillor Joe Duggan has been requested to research the election process of fire departments of other municipalities of a similar size.

3. Composition of New Heritage Committee

Committee discussed the composition of the new heritage committee and has forwarded this item on to the Economic Development and Tourism Committee.

4. Requirement for In-Camera Sessions

Upon the advice of Municipal Affairs, all staffing issues will be dealt with in-camera.

5. Letter from Eastern Waste Management

Letter indicates that the tipping charges at the Robin Hood Bay Waste Management Facility will increase from \$50/tonne to \$51/tonne effective April 1, 2010.

6. Letter from Municipal Affairs

Letter received regarding the PSAB requirements for the 2009 consolidated financial statements and the deadline for submission of those statements.

Submitted for information only.

7. Edu-Rec Center

The Town Manager/Engineer updated the Committee on his research surrounding the land availability and requirements for the development of the Edu-Rec Center. The Committee agreed that an ad-hoc committee should be developed to be dedicated solely to the development of the Edu-Rec Center.

Motion:
2010-083

J.Tucker/M.Tucker

Resolved that an Edu-Rec Center Committee be developed and that Council appoints the following to that committee: Mayor Bill Fagan, Deputy Mayor Jane Tucker, - Councillor Moses Tucker, Denise Hapgood - Acting Director of Recreation, and Tom Tulk - Chair of the School Council. Furthermore, once the Committee has been established, others may be invited to sit on the committee based on the expertise required.

Carried
Unanimously

CORRESPONDENCE

- (a) **Regional Water Committee Report of March 2, 2010** – for info only
- (b) **MNL – membership cards etc. and list of upcoming events:**
Municipal Awareness Day (May 19th), Torngat Awards & Municipal Symposium
- (c) **Epilepsy NL-** mayor received letter which suggests wearing purple ribbon on March 26th for Epilepsy awareness day.
- (d) **Earth Hour** – reminder to turn off electricity for one hour (8:30-9:30 pm) March 27th
- (e) **St. John’s District Labor Council** – wreath laying ceremony, April 28th, Confederation Building
- (f) **Eastern Regional Appeal Board** – response to Mayor’s letter – for info

NEW BUSINESS

1. Telegram article ‘Airport Planning Business Park’

The Mayor advised that in response to this telegram article, he contacted the Airport Authority and will be arranging to set up a meeting with them and the Economic Development & Tourism Committee to discuss any implications for our Town.

2. Beachy Cove School Council meeting March 15th

The Mayor, as liaison, attended the meeting (Mr. Trask, Asst. Director of Education, Rural Schools and Corporate Services, Eastern School District was present) and the proposed new school and recreation complex was discussed. Mr. Trask is prepared to take a role in helping the Town and School move this forward.

3. NEAJC

Councillor Duggan notes that the next NEAJC meeting is scheduled for Wednesday, March 17th at 7:30 p.m. at Pouch Cove Town Council.

NOTICE OF MOTION

Deputy Mayor Jane Tucker gave notice that at the next public Council meeting scheduled for March 30th, 7:30 p.m. a motion will be presented regarding the demolition of the St. Philip's Anglican Church. Deputy Mayor Tucker also tabled (with the Clerk via the Mayor) a package of correspondence received by herself as a councillor from the Church Vestry and the Church by the Sea Committee regarding this matter . Deputy Mayor Tucker requested that these documents be available to the public subject to Access to Information and Privacy regulations so that there is more informed dialogue available before the vote takes place.

ADJOURNMENT:

Motion: Duggan/Whitten
2010-084 Resolved that this meeting be adjourned. Time 8:45 p.m.
Carried
Unanimously.

Mayor Bill Fagan

Judy Squires, Town Clerk