



TOWN OF PORTUGAL COVE-ST. PHILIP'S

Public Meeting March 30, 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 60 plus in attendance.

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

ADOPTION OF AGENDA

Motion: Duggan/M.Tucker
2010-085 Resolved that the March 30, 2010, agenda be adopted.
Carried
Unanimously

ADOPTION OF MINUTES

Motion: Neary/Duggan
2010-086 Resolved that the Minutes of the Public Meeting held March 16, 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 22, 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, Committee Chairperson, advised that due to the importance and public interest in item 5, it would be dealt with immediately.

Councillor Moses Tucker, under Section 209 of the Municipalities Act, addressed the situation as to concerns expressed regarding conflict of interest and his ability to vote on the application to demolish the old St. Philip’s Anglican church. He declared that he is not a member of Vestry and has no financial interest relating to this matter and he asked that Council decide whether or not he was in conflict.

Councillor Moses Tucker left the Chambers for the conflict of interest vote by Council.

Motion: Neary/Whitten
2010-087 Resolved that , after reviewing the provisions of Section 207 of the Municipalities Act, that Councillors Moses Tucker is not in conflict of interest in the relation to the matter of the demolition of the old St. Philip’s Anglican Church.

Carried
Unanimously.

Councillor Moses Tucker returned to the Chambers for the remainder of the meeting.

**5. Civic # 20 Coadys Road
Demolition of the Old St. Philip’s Anglican Church
Zoning: Heritage Community (HC)**

Motion: Neary/Whitten
2010-088 Resolved that the application for the demolition of the old St. Philip’s Anglican Church at Civic # 20 Coadys Road be rejected. The proposal is contrary to Policy 3.4.1. Heritage Community, subsection (i), General Intent; Subsection (ii), Preservation of Built Heritage; Subsection (iv), Policy Guideline for Heritage Community; Schedule C: Heritage Community, Condition 1, Preservation of Built Heritage.

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

(Short delay in meeting at this time for some residents and media to leave and meeting resumed at 7:55 p.m.)

1. Resident met with Committee

Regarding a request to re-zone Crown land off Indian Meal Line for the purpose of residential subdivision development.

Submitted for information.

**2. Civic# 866-868 Indian Meal Line
Business Application - automotive repairs (General Industry)
Zoning: Residential Infill (RI)**

Motion: Neary/G.Tucker
2010-089 Resolved that the proposal to establish an automotive repair business for general servicing from a detached garage at Civic # 866-868 Indian Meal Line be rejected. The proposal is contrary to Policy 3.4.2.3 Rural Residential, Subsection (iv), Small Business, and; Schedule C: Residential Infill, as the proposal is not listed as a permitted or discretionary use and Condition 2b.

Carried
Unanimously

**3. Civic # 80-86 Windsor Heights
Business Application\ Subdivide Land
Zoning: Residential Infill\Agriculture (RI\AG)**

Motion: Neary/Duggan
2010-090 Resolved that the application to sub-divide the property to operate a stand-alone business (sheet metal shop) from an existing accessory building at Civic # 80-86 Windsor Heights be rejected. The proposal is contrary to Policy 3.4.2.3 (iv), Small Business; Regulation 38, Accessory Buildings; Schedule C: Residential Infill, as the proposal is not listed as a permitted or discretionary use, and Condition 2b.

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

**4. Civic # 28-32 Alfreds Drung
Business Application – Change of Use
Zoning: Residential Medium Density (RMD)**

Motion: Neary/Whitten
2010-091 Resolved that the application for Civic # 28-32 Alfreds Drung be conditionally approved permitting the 'change in use' from a bed & breakfast business to that of a personal care home. Conditional approval shall be in accordance with Policy 3.4.2.2 (i), and shall be subject to fire, life safety and accessibility approval from Government Service Centre.

Carried
Unanimously

6. Civic # 820B St. Thomas Line

Single Dwelling (Back-lot Development)

Zoning: Residential Medium Density (RMD)

Motion: Neary/M.Tucker
2010-092 Resolved that the application to subdivide land to create a back lot and construct a single dwelling with a building line setback of approximately 162 meters from St. Thomas Line along a right of way access that measures 4.5 meter wide at Civic # 820B St. Thomas Line be rejected. The proposal is contrary to Policy 3.4.2.1 (v) Back-lot Development, which requires the owner to provide a right-of-way has a minimum width of 12.2 meters, and; Schedule C: Residential Medium Density - Condition 13 sets the maximum building line setback at 100 meters.

Carried
Unanimously

Councillor Neary left the Chambers and Councillor Gordon Tucker presented the following item:

7. Part of Civic # 23B Beachy Cove Road

Municipal Recommendation Form for Crown Land

Zoning: Heritage Community (HC)

Motion: G.Tucker/Whitten
2010-093 Resolved that the Municipal Recommendation Form for Crown land measuring 78 meters by 35 meters that is proposed to be used for residential use and is located adjacent to a proposed subdivision at Civic # 23B Beachy Cove Road be conditionally approved.

Carried
Unanimously

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

8. Civic # 1519-1523 Thorburn Road

Variance for Accessory Building

Zoning: Heritage Community (HC)

Motion: Neary/Duggan
2010-094 Resolved that therequest for a 10% variance on the building line setback, which would establish the building line setback at 5.4 meters as opposed to the required 6 meters at Civic # 1519-1523 Thorburn Road be conditionally approved, in accordance with Regulation 11 Variances. Notice of the Variance shall be given to all persons whose land is in the immediate vicinity.

Carried
Unanimously

**9. Civic # 1604-1610 Portugal Cove Road
Revised Building Extension and Proposed Use
Zoning: Mixed Use (MIX)**

Motion: Neary/M.Tucker
2010-095 Resolved that Council conditionally approve a request to increase the size of a commercial building at Civic 1604-1610 Portugal Cove Road from 10.7m x 21m (35' x 69') to 10.7m x 32m (35' x 105') for the purpose of an office, warehouse, rental space use, in accordance with Regulation 10, Discretionary Powers of authority as the proposed use is considered to correspond with the character of the neighbourhood. Conditional approval shall also be subject to fire, life safety and accessibility approval from Government Service Center.

Carried
Unanimously

10. Country Gardens - Letter from a Property Owner

Planning Department will look into the matter and provide further information.
Submitted for information.

11. West Point Development – Right of Way Reservation and conveyance of road and infrastructure

Motion: Neary/Duggan
2010-096 Resolved recommends that Council proceed with the direction given by the Town's legal counsel in a letter dated March 9, 2010, which recommends that the Town take an active approach by commissioning a survey of the lands it will require, assessing their fair market value, and making a formal offer to purchase. If an agreement cannot be reached within a reasonable period of time, the Town should move to expropriate the lands as per Section 51.

Carried
Unanimously

Addendum to the report:

**12. Civic 1571 Portugal Cove Road
Variance Request (10%) on Length of Temporary Cul de Sac**

Motion: NearyJ. Tucker
2010-097 Resolved that the request for a 10% variance on the length of a temporary cul de-sac at Civic #1571 Portugal Cove Road be conditionally approved in accordance with the Municipal Plan and Development Regulations, specifically Regulation 11 Variance. Conditional approval shall be in accordance with all other regulatory bodies of government and, a notice of the variance shall be given to all persons whose land is in the immediate vicinity.

Carried
Unanimously

Permits Issued:

#	Permit	Issued Date	Civic	Streetname	Permit Type
1	10-029	3/9/2010	377	Dogberry Hill Road	Occupancy
2	10-030	3/9/2010	18-20	Woodland Drive	Occupancy

Parks and Recreation Committee– March 25, 2010**1. New life Fellowship**

A local resident with the New Life Fellowship was inquiring about ways that he could promote his organizations missionary groups that will be visiting our community this summer. Staff notified the resident that he can advertise this work by putting posters in the local convenience stores, advertising in the local paper, and by posting the information on the local cable channel.

2. Playgrounds

The Recreation Committee held discussions on the work that still has to be completed with the playgrounds. Rainbow Gully Park has a new play structure installed but a check list has to be done on the remainder of the work to be completed. Once the weather permits, the play structure in Voisey's Brook Park will be replaced with the new equipment that has already been purchased. The recreation staff is currently working on the Winsor Heights Playground project that will be completed this year.

3. RNL Conference

The 30th Annual Recreation Newfoundland and Labrador General Meeting and Conference will be taking place June 10th-12th in Marystown. The Recreation Director will be in attendance and all members of the Recreation Committee have been given the information regarding the conference.

Public Works Committee Report – no meeting/no report**Economic Development & Tourism Committee – March 26, 2010****1. Draft Town Plan in Respect to Economic Development:**

Staff is reviewing the draft Town Plan for occurrence of Economic Development and Tourism to bring forward for Council review.

2. Committee Minutes:

The Town Manager/ Engineer spoke to items of the previous Economic Development & Tourism Committee meeting minutes.

3. Edu-Rec Center:

Committee discussed space requirements of the Edu-Rec Center as well as the potential of a Junior High School in PCSP. Staff will be inviting a member of the Beachy Cove Elementary School Council to the Edu-Rec Centre Ad Hoc Committee meeting on April 7th at 1pm.

4. Heritage Committee Members:

As per motion # 2010-048 of February 16th, 2010, defining the Heritage Committee structure, the following individuals have been confirmed to date to sit on the Heritage Committee.

Motion: M.Tucker/Duggan
2010-098 Resolved that Mr. Winston Fiander, Mr. Peter Hammond and Mrs. Gertie Reese, be appointed to the Heritage Committee.

Carried
Unanimously

5. Updated Tourism Brochure:

Staff are updating the current brochure, as well as investigating the feasibility of implementing a more detailed map format. The revised map will be available in time for the Tourism season beginning in May.

Public Relations & Communications Committee – March 24, 2010

1. Website Update:

Triware is uploading all of the current information from our website. Once this is complete we will be able to launch. Although the content updating will be ongoing to get it where it should be.

2. Press kits/conference folders:

Motion: Whitten/J.Tucker
2010-099 Resolved that Council accept the lowest quote received from Quik Print in the amount of \$2250 for the design and printing of 1000 press kits for Town welcome packages.

Carried
Unanimously

3. Welcome kits contents:

Committee discussed the contents of our new upcoming welcome kits. We reviewed currently used documents for updates and changes. Items reviewed are as follows:

- **Community Parks, Recreation & Community Services Guide:** referred to the Parks, Recreation & Community Services Department to be updated.

- **List of Community Resources and Organizations:** Committee discussed acquiring a fridge magnet with a list of community organizations and their contact names and numbers, such as the school, churches, brownies, girl guides, scouts, lions clubs, seniors groups etc. This item is referred to the Recreation Department for draft. Committee will seek quotes once a draft has been provided by the Parks & Recreation Department.
- **Business Directory:** Committee would like to see a list of businesses that can be inserted into the town information kit and can be update easily and cost effectively. Referred to Economic Development & Tourism committee. Once the Economic Development & Tourism Committee drafts a list, it will be printed and included in the kits.
- **Recreation Centre Rentals and Guidelines:** Committee discussed adding a list of available resources i.e. Rec. Centre rentals and guidelines for use to the press kit. Referred to Parks, Recreation and & Community Services.
- **Street Map:** Committee discussed the need of a new updated street map. This will be discussed with Planning Department staff to find the status of map updates.

4. **Newsletter:**

The newsletter was reviewed with some changes made. A draft copy should be sent to committee members to review by email before it goes to print.

Administration and Finance Committee – March 24, 2010

1. Accounts for Payment

Motion:

2010-100

Carried

Unanimously.

J. Tucker/Duggan

Resolved that Council pay the accounts in the amount of \$15,259.03

2. Fire Department – Annual General Meeting

Correspondence received by Councillor Duggan stating that there is a motion on the table (for the FD annual general meeting to be held on March 25th) to amend the constitution . Councillor Moses Tucker offered to attend along with Councillor Duggan.

(Neither Councillor was able to attend the meeting due to other commitments and Councillor Duggan recommended that the Committee of the Whole meet with the Fired Dept. Executive to discuss their issues.)

3. Correspondence – Water & Sewer Issue - request for reimbursement

Item deferred pending a complete review of the file.

4. Donation request from PWC Improv Team

Motion: J.Tucker/M.Tucker
2010-101 Resolved that Council donate \$50.00 to the Prince of Wales Improv Team toward their expenses to represent Newfoundland at the Canadian Improv Games in Ottawa from March 23-27, 2009.

Carried
Unanimously

5. Donation request from Knights of Columbus

Committee agreed that the request for advertisement in the Knights of Columbus convention booklet be denied as it does not meet our Donation Policy guidelines.

6. Request for refund of processing fees

Committee revisited this issue and agreed that Staff write and reiterate Council's previous decision to deny the request for the second refund.

7. Taxes, Assessment and Water connection for Account NEWFO 001

Staff to meet with account holder to try and resolve the account and gather information for further review regarding the business proposal and request for water connection.

8. Tender award – 20 ton Trailer

Motion: J. Tucker/Duggan
2010-102 Resolved that Council award the tender for the purchase of one 20 ton trailer in the amount of \$24,467 tax included from the successful bidder, Atlantic Powertrain & Equipment Inc.

Carried
Unanimously.

9. Tender award – 10 ton Excavator

Motion: J.Tucker/Duggan
2010-103 Resolved that Council award the tender for the purchase of one 10 ton Excavator in the amount of \$104,812.00 tax included from the successful bidder, Atlantic Powertrain & Equipment Inc.

Carried
Unanimously

10. Tender 4 x 2 Cargo Van

This item was re-tendered, with the following recommendation:

Motion: J.Tucker/Whitten
2010-104 Resolved that Council award the tender for the purchase of one 2009 GMC Savana, 4 x 2 Cargo Van, in the amount of \$30,255.75 tax included from the successful bidder, Terra Nova Motors.

Carried
Unanimously

11. Salt for 2010-2011 winter season ice control

Motion: J.Tucker/Whitten
2010-105 Resolved that the Town request that 600 tonnes of road salt be included in the Dept. of Transportation and Works tender for ice control salt for the 2010-2011 winter season.

Carried
Unanimously

12. Bleachers for Voiseys Brook Park and Rainbow Gully Park

Motion: J.Tucker/Duggan
2010-106 Resolved that Council purchase 4 sets of Bleachers for Voisey Brook Park and Rainbow Gully Park for the lowest invitational quote received from Sports Systems for a total cost of \$14,910.35

Carried
Unanimously

CORRESPONDENCE

1. **Dept. of Environment and Conservation – 21st anniversary of NL Environmental Awards – nomination forms:** submitted for information
2. **Dept. of Municipal Affairs – Gas Tax Circular – Extension of Completion Date for Projects extended to March 31, 2014:** submitted for information
3. **2010 Canada Post Literacy Awards:** submitted for information

Also: Mayor Fagan referenced a recent article in the Downhomer magazine about one of the Town's residents Mr. & Mrs. Harry French Sr.

NEW BUSINESS

1. **Northeast Avalon – minutes of March 17, 2010 meeting**
Councillor Duggan provided Councillors with a copy of the minutes of the last NEAJC meeting.

ADJOURNMENT:

Motion: Whitten/Duggan
2010-107 Resolved that this meeting be adjourned. Time 8:40 p.m.
Carried
Unanimously.

Mayor Bill Fagan

Judy Squires, Town Clerk