



TOWN OF PORTUGAL COVE-ST. PHILIP'S

Public Meeting April 13, 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
	Acting Town Clerk	Tracy Duff
	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.

Motion: Duggan/Neary
2010-108 Resolved that Ms. Tracy Duff be appointed as Acting Town Clerk for tonight's meeting.
Carried
Unanimously

ADOPTION OF AGENDA

Motion: Duggan/J. Tucker
2010-109 Resolved that the April 13, 2010, agenda be adopted.
Carried
Unanimously

ADOPTION OF MINUTES

Motion: Whitten/Neary
2010-110 Resolved that the Minutes of the Special Public Meeting held March 31, 2010, be adopted as circulated.
Withdrawn

Due to concerns raised by Councillor Moses Tucker, this item was deferred to be dealt with under New Business.

Councillor Whitten withdrew her motion with Councillor Neary's consent.

Motion: Whitten/Neary
2010-111 Resolved that the Minutes of the Public Meeting held March 30, 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 – April 6, 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.

1. Crown land – Oliver’s Pond Road

Committee met with resident, who wishes to purchase Crown land (approx. 18 by 276 meters) for residential purposes. The property adjoins Civic # 253 Oliver’s Pond Road. Information on property ownership was submitted for information and is now being considered.

**2. Civic # 103-105 Nearys Pond Road
Business Application (general industry)
Zoning: Agriculture (AG)**

Motion: Neary/M. Tucker
2010-112 Resolved that the application for a wood working business (cabinet making) at Civic# 103-109 Nearys Pond Road be conditionally approved, permitting an industrial use in the Agricultural Zone. Conditional approval shall be in accordance with Regulation 49 Non-Conforming Uses and subject to a parking plan.

Carried
Unanimously

**3. Civic # 166-170 Bennetts Road
Accessory Building Application
Zoning: Residential Infill (RI)**

Motion: Neary/Duggan
2010-113 Resolved that the application for Civic # 166-170 Bennetts Road be conditionally approved, permitting the construction of a 54 m² accessory building in the rear yard. Conditional approval shall be subject to approval from the Land Development Advisory Authority.

Carried
Unanimously

**4. Civic # 16-18 Nearys Pond Road
Accessory Building Application
Zoning: Residential Infill (RI)**

Motion: Neary/Whitten
2010-114 Resolved that the application for Civic # 16-18 Nearys Pond Road be conditionally approved permitting the construction of a 52 m² accessory building in the side yard. Conditional approval shall be subject to approval by the Land Development Advisory Authority.

Carried
Unanimously

**5. Civic # 1-17 Rainbow Gully Road
Dwelling Extension Application
Zoning: Public Use (PUB)**

Motion: Neary/Duggan
2010-115 Resolved that the application to construct a 56 sq. m extension to an existing dwelling at Civic 1-17 Rainbow Gully Road be conditionally approved in accordance with Regulation 10, Discretionary Powers of Authority. Conditional approval is based on reason that the property was developed for residential purposes prior to the coming into effect the current Town Plan, and the new Town Plan purposes to rezone the property for residential use.

Carried
Unanimously

**6. Civic # 822A St. Thomas Line
Dwelling Extension Application
Zoning: Residential Medium Density (RMD)**

Application is held pending further discussion.

7. Commercial Vehicles at Civic # 17-19 Hilltop Lane

Staff to respond in writing to advise there are no regulations that prevent the parking of commercial vehicles on private property.

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

**8. Rescind Conditional Approval for a Fully Serviced Residential Subdivision
Vicinity of Civic # 29B Beachy Cove Road
Zoning: Heritage Community (HC)**

Motion: G. Tucker/Duggan
2010-116 Resolved that due to a conflict over property deeds and surveys in the vicinity of Civic # 29B Beachy Cove Road, that Council rescind motion No. 07-194 and Motion No. 2010-072, which granted conditional approval for a 12 lot, serviced subdivision. The application will be reconsidered upon submission of accurate surveys and deeds, in accordance the Regulation 21 Development Permit and Regulation 73 Issue of Permit Subject to Consideration.

Carried
Unanimously

Councillor Neary returned to the Council Chambers and presented the remainder of the report.

9. Country Gardens - Letter from a Property Owner

Two issues were discussed: 1) taxation of Country Gardens lots which are partly located in the Town of Paradise and 2) a resident has raised questions about the subdivision development standards. The matter will be followed-up with a meeting with the Town of Paradise.

10. Town Role and Control in Blasting Conditions by Developers

Committee discussed how the Town can best manage blasting operations in new subdivisions. Mayor Fagan advised this issue came to a Committee of the Whole meeting and the Planning & Development Department should ensure all Developers are aware they should have insurance in place when performing blasting operations.

11. Appeals – Scheduled Dates

Committee requested list of upcoming Appeal Board Hearings.

12. Review of Public Vendor Act

Mobile vendor’s regulations will be revised and submitted to Government for Registration.

**13. Civic # 520-540 Bauline Line Extension
Municipal Recommendation Form for Crown land
Zoning: Rural (RUR)**

Motion:
2010-117

Neary/M. Tucker
Resolved that the Municipal Recommendation Form for 5 ha. (12.3 acres) of Crown land at Civic # 520-540 Bauline Line Extension be conditionally approved for agricultural purposes. A business permit will be required prior to the development of the proposed greenhouses.

Carried

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

14. Portable Vendors Regulation

Motion:
2010-118

Neary/M. Tucker
Resolved that, pursuant to the powers conferred by the Municipality Act (S.413-414), be is resolved that Council adopt the Portable Vendors Regulation, which will require the issuance of a permit for the parking of a vehicle of any description used for the sale of refreshments or merchandise, for any period of time.

Carried
Unanimously

Permits Issued:

#	Permit	Issued Date	Civic	Streetname	Permit Type
1	10-031	3/16/2010	29-31	Balda Place	Single Family Dwelling
2	10-032	3/18/2010	17	Brentwood Ave	Single Family Dwelling
3	10-033	3/19/2010	441-471	Bauline Line Ext	Accessory Building
4	10-034	3/19/2010	11-17	Bauline Line Ext	Occupancy
5	10-035	3/24/2010	38-40	Ursula Crescent	Accessory Building
6	10-036	3/25/2010	9	Conatti Place	SF Dwelling & Accessory
7	10-037	3/26/2010	36-38	Beachy Cove Rd	Shoreline Stabilization & parking lot
8	10-038	3/31/2010	1553-1555	Thorburn Road	Dwelling Extension
9	10-039	3/31/2010	15	Brentwood Ave	Occupancy
10	10-040	3/31/2010	30-36	Dogberry Hill Rd	Business Permit
11	10-041	4/1/2010	12	Brentwood Ave	Occupancy

Parks and Recreation Committee– no meeting/no report**Public Works Committee Report – April 8, 2010****1. Tender for the supply of sand for winter use.**

Motion:
2010-119

G. Tucker/Duggan

Resolved that the Town request Tenders for the supply and delivery of 6000 tones of sand for salt and sand mixture. This will result in 2000 tones per year for a 3 year term.

Carried
Unanimously

2. Review of Public Works Policies

After some discussion it was suggested that all committee members review and make any proposed changes or corrections to the document. Once completed the documents will be reviewed by the Public Works Committee and submitted to the Town Clerk.

3. Correspondence concerning Regional Water Board.

Committee suggests that the questions put forward will be answered by the Town Manager. However there shall be a reasonable amount of time allotted to the Town Manager to become acquainted with the operations of the Regional Water Board prior to answering any of the questions. Mayor advised that he already sent a letter to Shannie Duff regarding these questions.

4. Bulk Garbage Collection.

A meeting with Newfoundland and Labrador Recycling resulted in an agreement to have them collect all metals from Town roadsides during bulk garbage collection. The Town will allow 2 weeks in each section of the community. Subsequent to this collection being carried out the Town will then begin the collection of the regular bulk garbage. Dates will be determined in early May. Bulk garbage will be picked up one road at a time. It was also noted that NLLR are interested in collecting tin/can materials from household waste.

5. Building Canada Fund Program. (BCF)

The Engineering for the (BCF) Program is complete. This funding included upgrading and paving of the following roads. Nearys Pond Road, phase 1 of Dogberry Hill Road and Dan's Road. Included in the Engineering were 2 options for Nearys Pond Road, which cost the same. Options are as follows:

(1): Upgrade and pave Nearys Pond Road from the intersection of Nearys Pond Road @ Portugal Cove Road to the far end of Nearys Pond Road.

(2): Upgrade and pave Nearys Pond Road including the installation of Water and Sewer Services from the intersection of Nearys Pond Road @ Portugal Cove Road up to the intersection of Nearys Pond Road @ Round Pond Road.

Motion: G. Tucker/M. Tucker
2010-120 Resolved that the Town take option (2) for Nearys Pond Road. Also that the Town install water and sewer service stubs on all vacant lands on Nearys Pond Road that have the minimum requirement for a serviced building lot. Any and all costs associated with the servicing of vacant lots will be cost recovered* by the Town once the property becomes serviced and the main lines are operational.

Carried
Unanimously

*recovered from the property owners by the Town.

Economic Development & Tourism Committee – no meeting/no report

Public Relations & Communications Committee – no meeting/no report

Administration and Finance Committee – April 7, 2010

1. Accounts for Payment

Motion: J. Tucker/Duggan
2010-121 Committee recommends that Council pay the accounts as follows:
\$37,589.50 for regular accounts;
\$ 6,244.37 for ICSP consultants;
\$13,296.00, for Building Canada Fund, 2010/2011 road upgrading,
for a total of \$57,129.87

Carried
Unanimously

2. Edu Rec Center

Committee discussed the land requirements and availability for the Edu Rec Center. Further research of other municipalities that have similar structures will be carried out. The Edu Rec Center Committee met at 2:00pm on Monday April 12, 2010.

3. Recreation Center Renovations Update

Committee members toured of the Recreation Center with the Director of External Operations to review the renovations. The kitchen is now complete.

4. Fire Department

Committee members requested the minutes of the Fire Department AGM held on Thursday, March 25, 2010.

5. Quarterly Report

A Quarterly Financial report was provided to the Committee for their review.

6. ICSP Update

The ICSP was submitted to the Department of Municipal Affairs as required by the Gas Tax Funding agreement. A Second Public Consultation will be held in the first week in May to present the Plan to the Public.

7. Hiring of Consultants

Committee agreed that Council should strive to hire only consultants from Newfoundland in the future.

8. Heritage Committee

Presently the members of the Heritage Committee are Gertie Rees representing the 50+ Club, Peter Hammond and Winston Fiander.

Motion:
2010-122

J. Tucker/Whitten
Committee recommends also appointing Elsa Flak and Mac Miller to the Heritage Committee. The Women's Institute may appoint a representative at some point in the future.

Carried

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

CORRESPONDENCE

(a) Municipalities Newfoundland & Labrador re: Manager of Legislation

Mayor advised this position, requested by the Town has been approved.

(b) Department of Natural Resources re: Agriculture Zone and Crown Land

Mayor read a letter stating a meeting will be set up with the Town concerning Agriculture Zone and Crown Land once the boundaries of the St. John's Agriculture Zone are finalized.

(c) Department of Health & Comm. Services re: "Seniors of Distinction" – for info only.

NEW BUSINESS

(1) Ferry Terminal

Mayor Fagan provided an update on the progress of the upgrade of the ferry terminal area, outlining the plans for the area. This upgrade is expected to start in May 2010.

(2) Reiterate previous motion #2010-SPM-002 re: Historic Designation of Heritage Structure

Background:

The 1894 St. Philip's Anglican Church is a landmark property of the Anglican Parish, the Town and the Province; and

There is a significant amount of support in the community to find a means to save this facility;

Whereas the Church has significant spiritual, historical and cultural values; and

Whereas on March 30th, 2010, Council voted to reject an application for the demolition of the old St. Philip's Anglican Church at Civic # 20 Coadys Road; and

Whereas on March 31, 2010 the steeple portion of the St. Philip's Anglican Church was removed without a permit; and

Whereas the Town has the Authority under the Provincial Municipalities Act; to declare the church as a heritage building, therefore the following motion is put forward;

Motion: J. Tucker/Whitten
2010-123 Resolved that the Town of Portugal Cove-St. Philip's moves to designate the 1894 old St. Philip's Anglican Church as a Municipal Heritage Building pursuant to the Municipalities Act and guidelines established by the Heritage Foundation of Newfoundland and Labrador.
Carried For: Fagan, J. Tucker, Neary, G. Tucker, Whitten, Duggan
Against: M. Tucker

(3) Reiterate previous motion #2010-SPM-003 re: Damage to St. Philip's Anglican Church steeple - Reward Offer

Motion: Neary/J. Tucker
2010-124 Resolved that the Town Council of Portugal Cove-St. Philip's offer a \$500.00 reward for the identity of the person or persons responsible for the unauthorized removal of the steeple portion of the old St. Philip's Anglican Church. Persons with information are to contact the Town Hall at 895-8000.
Carried For: Fagan, J. Tucker, Neary, G. Tucker, Whitten, Duggan
Against: M. Tucker

Note: Councillors Duggan and Moses Tucker received comments of concern from residents regarding this reward.

Mayor Fagan noted that the Town's security has been withdrawn from the St. Philip's Anglican Church site.

(4) Next Council Meeting

Mayor Fagan advised that due to vacations, the next Public Council Meeting will be May 11, 2010.

ADJOURNMENT:

Motion: Duggan/Whitten
2010-125 Resolved that this meeting be adjourned. Time 8:45 p.m.
Carried
Unanimously

Mayor Bill Fagan

Tracy Duff, Acting Town Clerk