



TOWN OF PORTUGAL COVE-ST. PHILIP'S

June 30, 2009

Public Council Meeting called to order at 7:35 pm.

IN ATTENDANCE:

Mayor	Norm Collins
Deputy Mayor	Keith Mercer
Councillors:	Steve Andrews
	Darrell Butler
	Bill Fagan
	Jon Seary
Town Manager	Rodney Cumby
Town Clerk	Judy Squires
Director External Operations	Roy Burry
Town Planner	Geralyn Lynch

Also in Attendance: Mayor welcomed gallery of 12 persons in attendance

ADOPTION OF AGENDA

Motion: Andrews/Seary
09-156 Resolved that the Agenda dated June 30, 2009, be adopted.
Carried
Unanimously

ADOPTION OF MINUTES

Motion: Andrews/Butler
09-157 Resolved that the Minutes of the **Public Meeting of June 19, 2009**, be adopted.
Carried
Unanimously

BUSINESS ARISING Town Manager's Report - Town Manager presented and responded to questions arising. It was noted that the Council Chamber renovations will precede the Recreation Center kitchen renovations so that the audio system can get up and running in the Chambers.

COMMITTEE REPORTS

Planning and Development Committee – June 23, 2009

1. Civic# 9 Sharpes Road

Application to demolish and rebuild a single dwelling

Zoning: Watershed (WAT)

Motion:
09-158

Andrews/Searly

Resolved that the application for Civic# 9 Sharpes Road be conditionally approved, permitting the demolition and reconstruction of a single dwelling. The dwelling has been deemed to be structurally unsound, posing a potential safety concern to those residing in the dwelling. Conditional approval shall be in accordance with Regulation 10 Discretionary Powers of Authority, the Municipal Plan and Development Regulations, with specific reference to Schedule 'C' Watershed Zone. This application shall be subject to all other regulatory government agencies and those guidelines outlined in the City of St. John's letter dated June 16, 2009.

Carried
Unanimously

2. Civic# 34 Western Heights

Application to construct a single dwelling

Zoning: Residential Medium Density (RMD)

Motion:
09-159

Andrews/Mercer

Resolved that the application for Civic# 34 Western Heights be conditionally approved permitting the construction of a single dwelling, provided that the street is extended to provide the lot with frontage on a public street. The application shall also be in accordance with the Municipal Plan and Development Regulations, with specific reference to Schedule 'C' Residential Medium Density and subject to all other regulatory government agencies.

Carried
Unanimously

3. Civic# 21-25 Hynes Road

Application to construct a single dwelling

Zoning: Rural (RUR)

Motion:
09-160

Andrews/Searly

Resolved that that Council reject the application to construct a single dwelling at Civic# 21-25 Hynes Road, as the proposal is contrary to the Municipal Plan and Development Regulations. The proposed development contravenes 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. The proposal also contravenes Schedule C: Rural Use Zone, Condition 5 which states residential uses will not be permitted except where they are necessary to support the permitted use. Applicant will be advised that the area in question will be zoned Residential Medium Density in the new Town Plan, and will be encouraged to resubmit their application at that time.

Carried

For: Andrews, Collins, Mercer, Searly
Against: Butler, Fagan

4. Civic# 17 Pratt Place

Application to construct an accessory building extension

Zoning: Agriculture (AG)

Motion:
09-161

Andrews/Searly

Resolved that the application for Civic# 17 Pratt Place be conditionally approved, permitting an accessory building extension. Conditional approval shall be in accordance with the Municipal Plan and Development Regulations, with specific reference to Amendment 18 (2005), Regulation 11 Variances and Schedule C: Agriculture. This application shall be subject to all other regulatory government agencies. Notice of the Variance shall be given to all persons whose land is in the immediate vicinity.

Carried
Unanimously

5. Civic# 327 - 329 Bauline Line

Application to construct an accessory building

Zoning: Residential Infill (RI)

Councillor Butler explained that he would be in conflict of interest and vacated his seat and left the chambers for this item.

Motion:
09-162

Andrews/Searly

Resolved that the application for Civic# 327-329 Bauline Line be conditionally approved, permitting the construction of an accessory building. Conditional approval shall be in accordance with the Municipal Plan and Development Regulations, with specific reference to Amendment 18 (2005), Regulation 11 Variances and Schedule C: Residential Infill. This application shall be subject to all other regulatory government agencies. Notice of the Variance shall be given to all persons whose land is in the immediate vicinity.

Carried
Unanimously

Councillor Butler returned to the Chambers after the vote.

6. Civic# 94 Bauline Line Extension

Application to subdivide property and construct two single dwellings

Zoning: Residential Medium Density (RMD) and Residential Infill (RI)

Motion:
09-163

Andrews/Mercer

Resolved that the application for Civic# 94 Bauline Line Extension be conditionally approved permitting the subdivision and construction of two single dwellings. Conditional approval shall be in accordance with the Municipal Plan and Development Regulations, with specific reference to Regulation 11 Variances and Schedule C: Residential Medium Density and Residential Infill. This application shall be subject to all other regulatory government agencies. Notice of the Variance shall be given to all persons whose land is in the immediate vicinity.

Carried
Unanimously

**7. Civic# 748 Old Broad Cove Road - Application to subdivide property
Zoning: Residential Medium Density (RMD)**

Motion:
09-164

Andrews/Mercer
Resolved that the application for Civic# 748 Old Broad Cove Road be conditionally approved permitting the subdivision of property. Conditional approval shall be in accordance with the Municipal Plan and Development Regulations, with specific reference to Schedule C: Residential Medium Density. This application shall be subject to all other regulatory government agencies.

Carried
Unanimously

**8. Civic# 209 - 219 Old Broad Cove Rd - Application to subdivide property
Zoning: Residential Infill (RI) and Rural (RUR)**

Motion:
09-165

Andrews/Mercer
Resolved that the application for Civic# 209-219 Old Broad Cove Road be conditionally approved permitting the subdivision of property. Conditional approval shall be in accordance with Regulation 11, the Municipal Plan and Development Regulations, with specific reference to Schedule C: Residential Infill and Rural. This application shall be subject to all other regulatory government agencies. Notice of the Variance shall be given to all persons whose land is in the immediate vicinity.

Carried
Unanimously

**9. Civic#12 Country Garden Road
Zoning: Residential Medium Density (RMD)**

Committee reviewed the objection and submitted material and determined that the development will not create a significant impact on neighboring land and the information provided is not substantial enough to rescind the earlier motion.

10. East Coast Trails Association

Follow up information to the March 2, 2009 meeting with the Planning and Development Committee. Submitted for consideration.

11. Eastern Newfoundland Regional Appeal Board

Appeal hearing decision received for 17 Chesley Van Heights
The Board upheld the Town's decision.

12. Eastern Newfoundland Regional Appeal Board

537 Old Broad Cove Road appeal date set for July 9, 2009.

**13. Correspondence in support of Crown land application for 253 Olivers
Pond Road** Submitted for information.

**14. Municipal Plan Amendment #17, 2009 and Development Regulations
Amendment #38, 2009** - Sent to Municipal Affairs for review

15. Civic# 249 - 253 Olivers Pond Road

Municipal recommendation form for Crown land.

Zoning: Residential Rural (RR)

Council chose to defer the municipal recommendation form for approximately 2.45 acres of Crown land on the north side of Civic# 249-253 Olivers Pond Road until the Town has completed its review of a proposed road network for the adjacent lands. A road network review has been completed. The applicant will be advised of the status.

16. Comprehensive Development Scheme Areas

Concept plans for an internal road network have been submitted for consideration. Staff will organize a meeting with Council to review concept plans.

17. Civic# 26 Hardings Hill

Residents who signed petition will be invited to a meeting July 2, 2009 at 7:30pm to view a report and pictures from the Department of Government Services for the vacant house.

18. Committee also held general discussion on the following:

Civic# 727-775 Bauline Line Extension , Civic# 15 Hussey Place, Civic# 289 – 291A Old Broad Cove Road , and Old Ridge Road

PERMITS ISSUED:

#	Permit	Issued Date	Civic	Street name	Permit Type
1	09-166	6/4/2009	262-266	Dogberry Hill Road	Occupancy Permit
2	09-167	6/5/2009	145	Tolt Road	Demolition
3	09-168	6/5/2009	45	Western Gully Road	General Repairs & Maintenance
4	09-169	6/8/2009	9	Murphy's Lane	Accessory Building
5	09-170	6/9/2009	332	Bauline Line Extension	16 Lot Serviced Subdivision
6	09-171	6/10/2009	67-71	Beachy Cove Road	Accessory Building
7	09-172	6/11/2009	8	Ethridges Road	Dwelling Extension
9	09-174	6/12/2009	37-39	Hibbs Place	General Repairs & Maintenance
10	09-175	6/12/2009	7	Woodhaven Road	Single Family Dwelling
11	09-178	6/12/2009	887	Indian Meal Line	General Repairs & Maintenance
12	09-179	6/12/2009	446	Dogberry Hill Road	Occupancy Permit
13	09-180	6/12/2009	206	Old Broad Cove Road	Accessory Building
14	09-181	6/15/2009	35-37	Winsorian Place	Single Family Dwelling
15	09-184	6/16/2009	289-291A	Old Broad Cove Road	Subdivision
16	09-185	6/17/2009	25	School Road	Accessory Building
17	09-186	6/18/2009	8	Thorpes Road	Dwelling Extension
18	09-187	6/18/2009	20	Nearys Pond Road	Accessory Building
19	09-188	6/18/2009	20	Nearys Pond Road	Dwelling Extension
20	09-189	6/18/2009	110	Dogberry Hill Road Ext.	Accessory Building

Parks, Recreation & Community Services – June 26, 2009

1. Recreation Center Renovations

Renovations on the bar and bathroom are in the final stages.

2. Summer Camp Registration Update

Kinder skills program is full with a waitlist and Day camp has 42 out of a possible 60 registered to date.

3. Killick Coast Games

The Town will have a soccer, softball and ball hockey team registered. Committee discussed having an information session to increase awareness and registration.

4. Regatta Festival - July 6-11th

Committee still looking for entertainment for Regatta Day and any musician suggestion would be welcome.

5. Canada Day

Event planned for 12 – 5 pm, cake being purchased from local business owner.

6. Playground equipment tenders

Fagan/Mercer

Resolved that Council offer the project of supply, delivery and installation of the playground structures to Provincial Fence Products Limited for the amount of \$12,116.22 for the Voiseys Brook structure and \$19,229.70 for the Rainbow Gully Park \$19,229.70

Motion:
09-166

Carried
Unanimously

7. Other – condition of soccer field.

Committee discussed and will begin consultation to improve the field conditions.

Public Works Committee – no meeting/no report

Public Relations, Economic Development & Tourism Committee –

No meeting or report, however Councillor Seary advised that there was discussion on the newsletter only and no other business to report.

Policy Review Committee – June 19, 2009

No written report, Councillor Fagan gave a verbal report from the Committee's agenda. The Committee reviewed the list of typed and not-typed policies and procedures to date. The Committee also reviewed the information obtained on Stop Work Orders which will be used to develop a Stop Work Order policy for recommendation to Council.

Finance & Administration Committee – June 25, 2009

1. Policy on Tabling of documents

Committee reviewed research done with other municipalities which revealed they follow the same basic practice as our Town. Staff will do some further investigation and make a subsequent recommendation as to whether or not a formal procedure is needed and bring forward a draft if needed. In the interim Council will follow past practice.

Note: Councillor Butler will let the Clerk know the details of an item he submitted at the May 19/09 meeting .

2. PCSP Rowing Club

Motion: Mercer/Seary
09-167 Resolved that Council donate \$50.00 to the Portugal Cove-St. Philip's Rowing Club.

Carried
Unanimously

3. Integrated Community Sustainability Plan (ICSP) – Town's submission required by June 30, 2009 to Municipal Affairs

Motion: Mercer/Seary
09-168 Resolved that the Town follow option two for developing its ICSP and that the Department of Municipal Affairs is informed of the Town's decision.

Carried
Unanimously

CORRESPONDENCE

- (a) **Dept. of National Defense** – acknowledgement for Town's letter in support of Bill C-319 (to amend the Motor Vehicle Safety Act – speed limiters)
- (b) **House of Commons** – re Motor Vehicle Safety Act
- (c) **Ocean Net/Robert O'Brien** – Thank you for Town's support
- (d) **Town of CBS** – re 10th Anniversary of 'Walk-A-Mile' for prostate cancer

GENERAL/NEW/UNFINISHED BUSINESS

(1) Hardings Hill

Deputy Mayor Mercer gave a preamble and statement of position regarding the meeting held with approximately 40 people in attendance at the Recreation Center on June 29, 2009, at a meeting called by Mayor Collins.

Motion: Andrews/Butler
09-169 Resolved that Council accept and support the petition from residents against the closing of Hardings Hill by the Dept. of Transportation and that the Town forward a letter of support to that effect.

Carried
Unanimously

(2) Letter and supporting documents from residents

Councillor Mercer provided the Clerk with a package to be referred to Public Works for consideration.

(3) ADA land – Town Manager responded to an inquiry from Councillor Fagan regarding the status of the ADA land.

(4) Drover Heights – Director of External Operations responded to an inquiry from Councillor Fagan regarding ditching on Drover Hgts. Councillor Fagan stated that the resident was not satisfied.

(5) Letter from resident – Councillor Fagan presented the Clerk with a copy of a previously submitted resident's letter and this item will be referred to the Planning and Development Committee.

(6) Murrays Pond Subdivision – Mayor Collins advised that he met with the new partners involved in the Murrays Pond Subdivision and they would like to meet with Council for an introduction and general information session. It was agreed to meet with them at 7 pm prior to the next Council meeting which is set for July 14, 2009.

ADJOURNMENT

Motion: Andrews/Seary
09-170 Resolved that this meeting be adjourned. Time 8:50 pm.
Carried
Unanimously.

Mayor Norm Collins

Judy Squires, Town Clerk