



## TOWN OF PORTUGAL COVE-ST. PHILIP'S

Public Meeting May 11, 2010 7:30 p.m.

**IN ATTENDANCE:**

Mayor	Bill Fagan
Deputy Mayor	Jane Tucker
Councillors:	Joe Duggan
	Doug Neary
	Moses Tucker
	Patsy Whitten
Town Clerk	Judy Squires
Town Planner	Geralyn Lynch

**Also in Attendance:** Gallery of 40 in attendance.

Mayor Fagan called the Meeting to order at 7:30 p.m. and welcomed all in attendance. The Mayor extended condolences on behalf of Council and staff to Councillor Gordon Tucker (absent from the meeting) on the passing of his mother earlier this week.

**PRESENTATION:** **Volunteer Appreciation 'Kid Buz' Award and Presentation**  
Councillor Duggan presented Rachel Moss with an award for her fundraising project for the Janeway Children's Hospital in which she raised over \$13,000 by selling fridge magnets made by her and her sister.

### ADOPTION OF AGENDA

Motion: Duggan/Whitten  
2010-126 Resolved that the April 13, 2010, agenda be adopted.  
Carried  
Unanimously

### ADOPTION OF MINUTES

Motion: Whitten/Neary  
2010-127 Resolved that the Minutes of the **Special Public Meeting held March 31, 2010**, be adopted as circulated.

Carried  
Unanimously

Motion: M.Tucker/Duggan  
2010-128 Resolved that the Minutes of the **Regular Public Meeting held April 13, 2010**, be adopted as circulated.

Carried  
Unanimously

**BUSINESS ARISING**

The Mayor noted that the Town Manager/Engineer is out of town at a conference and that his report is circulated for information.

**COMMITTEE REPORTS**

**Planning and Development Committee Report – May 4, 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. The following are recommendations from the Planning and Development Committee:**

**1. Civic # 118-120 Nearys Pond Road  
Demolition & Dwelling Application - Zoning: Residential Infill (RI)**

Motion: Neary/M. Tucker  
2010-129 Resolved that Council conditionally approve the application to demolish an existing dwelling and construct a new single dwelling at Civic# 118-120 Nearys Pond Road. Conditional approval shall be in accordance with Schedule C: Residential Infill

Carried  
Unanimously

*(Councillor Whitten left the Chambers for the following item.)*

**2. 62-92 Kings Hill Road  
Dwelling Application - Zoning: Watershed (WAT)**

Application is held pending further consideration.

*(Councillor Whitten returned to the Chambers for the remainder of the meeting.)*

**3. 117-119 Beachy Cove Road  
Dwelling Application - Zoning: Heritage Community (HC)**

Application is held pending further consideration.

**4. 68-70 Nearys Pond Road  
Dwelling Extension - Zoning: Residential Infill (RI)**

Motion: Neary/Duggan  
2010-130 Resolved that the application for Civic # 68-70 Nearys Pond Road be conditionally approved permitting the construction of a 26 m<sup>2</sup> extension to an existing dwelling. Conditional approval shall be in accordance with Schedule C: Residential Infill.

Carried  
Unanimously

**5. 11-13 Emberleys Road  
Accessory Building - Zoning: Residential Infill (RI)**

Motion: Neary/Whitten  
2010-131 Resolved that the application for Civic # 11-13 Emberleys Road be conditionally approved permitting the construction of a 56 m<sup>2</sup> accessory building for residential purposes. Conditional approval shall be subject to approval from the Department of Natural Resources.

Carried  
Unanimously

**6. 858-860 Indian Meal Line  
Backfill Property - Zoning: Residential Infill (RI)**

Motion: Neary/Duggan  
2010-132 Resolved that Council reject the application to backfill a wetland at Civic #858-860 Indian Meal Line for landscape purposes as the application is contrary to the Municipal Plan policy section 3.3 Environmental Preservation and Enhancement.

Carried  
Unanimously

**7. 170-174 Old Broad Cove Road  
Mobile Vending Vehicle Operation - Zoning: Residential Infill (RI)**

Motion: Neary/M.Tucker  
2010-133 Resolved that Council approve the application for a mobile vending operation in accordance with the Town's Portable Vendors Regulations. Schedule of locations approved are: local regattas, festivals, Voisey's Brook Park, Rainbow Gully Park, and Sharpe's Convenience.

Carried  
Unanimously

**8. 249-253 Olivers Pond Road  
Municipal Recommendation Form for Crown land - Zoning: Residential Rural (RR)**

Motion: Neary/M.Tucker  
2010-134 Resolved that Council approve the Municipal Recommendation Form for Crown land at Civic# 249-253 Olivers Pond Road for residential use, with the condition that a 15m right-of-way is maintained for public access to the pond.

Carried  
Unanimously

**9. Municipal Designation of Heritage Place  
Policy and Regulation**

The Town has developed a regulation regarding the designation of local heritage places which will be known as 'Municipal Designation of a Heritage Place' .

Motion: Neary/J.Tucker  
2010-135 Resolved that Council, pursuant to the powers conferred by the Municipality Act (S. 413-414), adopt the 'Municipal Designation of a Heritage Place' regulation and forward same to the Minister of Municipal Affairs for registration.

Carried  
Unanimously

**10. Eastern Regional Appeal Board – Decision of Appeal (Mobile Vending Application)**  
Submitted for information.

**11. 1503-1505 Thorburn Road - Transfer of brewers agent license**  
Staff will provide a letter to transfer ownership of license

**12. Complaint - Commercial Vehicles at Civic # 17-19 Hilltop Lane**  
It is noted that minor repair work to vehicles is permitted in a residential area

**13. Complaint – Wood Smoke at Country Gardens**  
This matter is the responsibility of Federal agencies concerned with public health

**14. Complaint – Development adjacent to a watercourse on Legion Road**  
Staff reviewed the matter and determined the construction is outside the stream buffer .

**15. Request to Meet with P & D Committee**  
Committee will review the Comprehensive Development Scheme proposed for the site prior to meeting with the resident

The following is a list of discussion items at the committee meeting:

**16. Civic # 23B Beachy Cove Rd** – update provided on the development of a parking lot

**17. Civic # 166-170 Bennetts Road** – update provided on conflicts related to an agricultural operation

**18. Civic # 1396-1402 Portugal Cove Road** – failure to comply with a Stop Work Order

**19. Update on subdivision applications:**

1. Civic # 421-429 Dogberry Hill Road – Proposed 16 Lot, Fully Serviced Subdivision
2. Civic # 123 Beachy Cove Road – Proposed 10 Lot, Fully Serviced Subdivision
3. Civic # 37 Farm Road – Proposed 7 Lot, On-Site Serviced Subdivision
4. Civic # 224 Bauline Line Extension – Proposed 4 Lot, On-Site Serviced Subdivision
5. Civic # 236 Tolt Road – Proposed 7 Lot, On-Site Serviced Subdivision

**Permits Issued from April 5, 2010 to April 30, 2010 are as follows:**

#	Permit	Issued Date	Civic #	Streetname	Permit Type
1	10-042	4/5/2010	3	Woodhaven Road	Occupancy Permit
2	10-043	4/5/2010	19	Mercers Road	Occupancy Permit
3	10-044	4/6/2010	80-82	Tuckers Hill Road	Dwelling Extension
4	10-045	4/6/2010	1-5	Olivers Pond Road	Occupancy Permit
5	10-046	4/8/2010	331-337	Old Broad Cove Road	Occupancy Permit
6	10-047	4/8/2010	17	Carrigan Place	General Repairs & Maintenance
7	10-048	4/8/2010	14-16	Parrott Place	Dwelling Extension
8	10-049	4/9/2010	101-103	Western Gully Road	Dwelling Extension
9	10-050	4/9/2010	348-350	Tolt Road	Single Dwelling
10	10-050	4/9/2010	348-350	Tolt Road	Accessory Building
11	10-051	4/9/2010	4	Rosemary Rise	Occupancy Permit
12	10-052	4/9/2010	1604-1610	Portugal Cove Road	Commercial Building Ext
13	10-053	4/9/2010	11-13	Jendarmie Place	Dwelling Extension
14	10-054	4/12/2010	332	Bauline Line Ext	Subdivision - Stage III Chesley Van Heights
15	10-055	4/12/2010	19	Copper Head Road	Single Dwelling
16	10-056	4/12/2010	1519-1523	Thorburn Road	Accessory Building
17	10-057	4/13/2010	1	Netherwood Street	Single Dwelling
18	10-058	4/14/2010	29-33	Dogberry Hill Road	Demolition
19	10-059	4/14/2010	12-14	Anglican Cemetery Road	Accessory Building
20	10-059	4/14/2010	12-14	Anglican Cemetery Road	Single Dwelling
21	10-060	4/16/2010	191-195	Tolt Road	General Repairs & Maintenance
22	10-061	4/16/2010	1	Woodhaven Road	Occupancy Permit
23	10-062	4/16/2010	15-17	North Point Road	General Repairs & Maintenance
24	10-063	4/16/2010	1-17	Rainbow Gully Road	Dwelling Extension
25	10-064	4/20/2010	17	Mercers Road	Single Dwelling
26	10-065	4/21/2010	1837	Portugal Cove Road	General Repairs & Maintenance
27	10-066	4/21/2010	124	Bennetts Road	General Repairs & Maintenance
28	10-067	4/22/2010	2-4	Healeys Pond Crescent	General Repairs & Maintenance
29	10-068	4/23/2010	8-14	Tuckers Hill Road	Accessory Building
30	10-069	4/26/2010	493-495	Old Broad Cove Road	Dwelling Extension
31	10-070	4/27/2010	16-18	Nearys Pond Road	Accessory Building
32	10-071	4/28/2010	19	Brentwood Avenue	Single Family Dwelling
33	10-072	4/28/2010	21	Brentwood Avenue	Single Family Dwelling
34	10-073	4/28/2010	33-35	Chesley Van Heights	Dwelling Extension
35	10-074	4/29/2010	1824	Portugal Cove Road	General Repairs & Maintenance
36	10-075	4/30/2010	17-19	Woodland Drive	Single Family Dwelling

**Parks and Recreation Committee– May 6, 2010**

**1. Tract Consulting Presentation**

Tract Consulting did a presentation to the recreation committee giving an overview of the history of the recreation master plan and a power point presentation on Voisey's Brook Park, Ferry Terminal and Beachy Cove Edu-Rec Centre. A copy of the presentation will be provided to council.

**2. Town Sign Guidelines**

Motion: Duggan/J.Tucker  
2010-136 Resolved that Council adopt the Town Community Information Sign Guidelines  
Carried  
Unanimously

**3. Edu Rec Center Committee Update**

Motion: Duggan/Whitten  
2010-137 Resolved that the Town adopt the Terms of Reference for the Edu-Rec Committee.  
Carried  
Unanimously

**4. Edu- Rec Center Concept**

A Recreation Master Plan prepared for the Town by Tract Consulting, endorsed the construction of an Edu-Rec Centre, consisting of a Recreation Complex attached to Beachy Cove Elementary School. Lack of space now makes this unfeasible. In addition Beachy Cove Elementary School, with two extensions in the past few years, is still filled to capacity.

Motion: Duggan/M.Tucker  
2010- 138 Resolved that the Town endorse the concept of an Edu-Rec Centre, encompassing Beachy Cove Elementary School and another building, possibly housing Grade 4 or 5 to 9, and an accompanying Recreation Centre, with swimming pool and other sports facilities and that the Edu-Rec Centre Committee be directed to move this forward.  
  
Carried  
Unanimously

**5. Summer Program Coordinator**

The recreation director announced the new summer program coordinator as Meghan Rodgers, who was a summer counselor last year and is currently in her 4th year at MUN. Meghan will begin work on May 17<sup>th</sup>.

**6. Joyce Crescent Playground**

The recreation department sent letters out to residents informing them of the Town's intent to construct a playground at 32-42 Joyce Crescent and we have received many phone calls not supporting this location due to safety, dangerous turn, lack of parking etc. The recreation committee will begin to investigate if a more suitable location is available in the Windsor Heights area.

**7. Playground updates**

The recreation department has submitted this year's tender to the Telegram. The structure at Voisey's Brook will be installed as soon as the weather conditions improve, as it is currently too wet to install.

**Public Works Committee Report – no meeting, no report**

**Economic Development & Tourism Committee – no meeting, no report**

**Public Relations & Communications Committee – May 6, 2010**

**1. Website Update**

Staff advise that Triware have completed uploading from our current website. Committee requested that staff contact them to move forward and go 'live' with the site now and any modifications will be made as needed.

**2. Welcome Packages**

The three press kit samples reviewed by the committee were not satisfactory and we will be requesting that additional samples be prepared for our review. Staff are also in the process of having a fridge magnet prepared for the press kits.

**3. Green Project application update**

Committee discussed moving forward with the application and asked that staff look at the options available, including lease purchase options for the records management component of this project. Staff recommended that this component be put in place as soon as possible to avail of a summer student to begin scanning documents such as Council minutes.

**4. Town Entrance Signs**

New signs are ready and Public Works Department will be instructed to have them installed as soon possible.

**5. Heritage Committee**

As the Heritage Committee is an ad hoc committee of Public Relations and Communications, chairperson Councillor Whitten will act as liaison for Council on the Heritage Committee. Additional committee members are appointed as follows:

Motion: Whitten/Duggan  
2010-139 Resolved that Kaaren Robinson and Mike Jackman be appointed as members to the Heritage Committee.

Carried  
Unanimously

**6. Name Pins**

Committee requests that new Councillor name pins be ordered to replace the current ones.

**7. Town Murals**

Committee requests that the Public Works Department contact Beachy Cove Elementary School and have the murals installed as previously arranged.

**Edu Rec Ad Hoc Committee – April 12, 2010**

Committee met and reviewed a history of the project from 2006 to the current plan . In March of 2009 the Town was given a letter of support from the Eastern School District to pursue the Edu-Rec Center project attached to Beachy Cove Elementary. Various types of facilities and funding were discussed. School Rep, Tom Tulk, shared a survey that is early in the development stages and suggested partnering with the Town for this. The recreation director advised that the recreation master plan contains a survey but would support doing a combined survey to include recreation and K-9 school full service model. The committee prepared a list of action items as detailed in their report to move this project forward.

**Administration and Finance Committee – May 5, 2010**

**1. Accounts for Payment**

Motion:

J.Tucker/M.Tucker

2010-140

Resolved that Council pay the accounts as follows:

Regular accounts	-	\$65,645.69
Tenders	-	\$149,978.10
9 Road takeover	-	\$5,339.36
For a total of	-	\$220,963.15

Carried

Unanimously

**2. Ad for Director of Financial Operations position**

Terrilynn Smith resigned her position on April 21<sup>th</sup> as Director of Finance and Administration effective May 7<sup>th</sup>. Ms. Smith has accepted another employment opportunity. Committee thanked her for her service and wished her well on her future endeavors.

Committee reviewed and made revisions to the position which will be now be known as the Director of Financial Operations. The ad has been sent to the Telegram for advertisement on May 8<sup>th</sup> and May 15<sup>th</sup>.

**3. Development Control Officer position**

Applications have been received and reviewed by the Town Planner and the Town Manager will also review them and arrange for interviews. Committee agreed that if no successful applicant selected, that the position be advertised again.

**4. Donation request from Baie Verte Fire Dept.**

MOTION: J.Tucker/Duggan  
2010-141 Resolved that Council match the PCSP Volunteer Fire Dept. donation of \$100.00 for the Baie Verte Volunteer Fire Dept.

Carried  
Unanimously

**5. Correspondence from Province regarding Job Skills/Essential Skills Workshop**

Information received about a new government program that targets skills training and development with an employer's present/future workforce. The Town Manager will obtain a copy of application and determine if any benefit to the Town.

**6. Correspondence from resident interested in volunteering for the Heritage Committee**

Committee agreed that the Heritage Committee would be an ad hoc committee reporting to the Public Relations and Communications Committee and this letter would be forwarded to them for consideration.

**7. Correspondence from Regional Water Committee**

Mayor Fagan received a letter from Shannie Duff, Chair of the Regional Water Committee, in response to his letter of April 10, 2010. The letter addressed Mayor Fagan's questions raised concerning the Bay Bulls Big Pond Water Treatment Plant and the new DAF Plant.

**CORRESPONDENCE**

**(a) Mount Pearl Marlins Swim Club– request for donation**

Mayor Fagan noted that approximately 12 swimmers in this club live in our Town and some of whom have competed in various Games, including the top female breaststroker in the province.

Motion: J. Tucker/Duggan  
2010-142 Resolved that Council donate \$50.00 to the Mount Pearl Marlins fundraiser being held at Murrays Pond Country Club on May 15, 2010.

Carried  
Unanimously

**(b) Eastern Waste Management – for info**

Response received from Chairperson, Ken Kelly, to the Mayor's January 20, 2010, letter .

**NEW BUSINESS**

**(1) Mayor's Update**

1. Attended the wreath laying ceremony at Confederation Building on Wednesday, April 28 to honor workers killed or injured in the workplace;
2. Attended the MNL Symposium in Gander from April 29 to May 1 and filed a report on how this can benefit the Town.

3. Will attend a service at the Seventh Day Adventist Church on Aldershot Street, St. John's to honor the police and their work.

4. Received a reply from Minister Dunderdale following my response to earlier correspondence about a meeting with her with regard to the Agriculture Zone and impacts on our town. She is still suggesting a delay until the Govt. report is released. For one issue, I think we need input before it is released.

5. Council has finished going through the Draft Municipal Plan and have provided input and after two marathon sessions on Thursday and Friday of last week. It is now a matter of continuing through the process before the Plan is approved.

**(2) NEATJC**

Councillor Duggan provided Council with a copy of the minutes of the NEAJC held on April 21, 2010.

**(2) Issue concerning old St. Philip's Anglican Church building**

Councillor Whitten requested permission to formally table a package of documents which included the following documents:

- a) Letter from Church lawyers regarding an appeal they filed
- b) Letter from Church lawyers regarding 'defamation'
- c) Letter from RNC regarding the investigation request
- d) An overview and update of this issue prepared by the Mayor and the Town Manager/Engineer

Mayor Fagan requested that the Clerk accept these as tabled documents.

**(3) Authorization for the injunction re old St. Philip's Anglican Church building**

Deputy Mayor Tucker advised that (as was stated by the Mayor at the public Council meeting held on March 31, 2010) as a result of the vandalism done to the old St. Philip's Anglican Church, the Town's goal is to protect the building and that the first action would be to have a court injunction put in place, therefore:

Motion: J. Tucker/Whitten  
2010-142 Resolved that Council approve the authorization given to the Town's solicitor's to apply for a Court injunction to protect the old St. Philip's Anglican Church building from further damage.  
Carried For: Duggan, Fagan, Neary, J. Tucker, Whitten  
Against: M. Tucker

**(4) Issue regarding distribution of advertising flyers by the Telegram**

Councillor Duggan voiced, as well as his concerns about the safety issue caused by the distribution of advertising flyers in plastic bags being thrown onto properties in the Town. He requested that the Mayor write the Telegram on behalf of the Town requesting that this practice be stopped.

**(5) St. Thomas Line – bridge**

Mayor noted that the bridge was the subject of a recent news item. He is of the understanding that there was money allocated for this repair and we will have our Public Works department contact them and ask them to advise us in writing about their plans to repair the bridge.

**(6) Bayview Heights/West Point Road connection**

Councillor Neary requested that the acquisitions for the land required to complete this connection be finalized as soon as possible.

**(7) Proclamation for Municipal Awareness Day**

Mayor Fagan read and signed the Proclamation (attached to these minutes) and proclaimed May 19, 2010, as Municipal Awareness Day in the Town of Portugal Cove – St. Philip's.

**ADJOURNMENT:**

Motion: Duggan/Whitten  
2010-143 Resolved that this meeting be adjourned. Time 8:40 p.m.  
Carried  
Unanimously

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Mayor Bill Fagan

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Judy Squires, Town Clerk