



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

Public Meeting July 20, 2010 7:30 p.m.

<b>IN ATTENDANCE:</b>	Mayor	Bill Fagan
	Deputy Mayor	Jane Tucker
	Councillors:	Joe Duggan
		Doug Neary
		Moses Tucker
		Patsy Whitten
	Town Manager	Chris Milley
	Town Clerk	Judy Squires
	Director of Financial Opr.	Tony Pollard

**Also in Attendance:** Gallery of 20 in attendance.

### ADOPTION OF AGENDA

Motion: Whitten/Neary  
2010-223 Resolved that the **July 20, 2010** agenda be adopted.  
Carried  
Unanimously

### ADOPTION OF MINUTES

Motion: Duggan/M.Tucker  
2010-224 Resolved that the Minutes of the **Regular Public Meeting held July 6, 2010**, be adopted.  
Carried  
Unanimously

**BUSINESS ARISING** Town Manager's report - not available.

### COMMITTEE REPORTS

#### Planning and Development Committee Report – July 13, 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# 265-267 Bennetts Road**  
**Construct single dwelling, Zoning: Residential Infill (RI) & Residential Rural (RR)**  
Held to consider option of upgrading a 15 meter right-of-way to Town's standards for a public street.

- 2. Civic# 20-32 Crystal Lane**  
**Application to construct a single dwelling, Zoning: Residential Infill (RI)**

Motion: Neary/Duggan  
2010-225 Resolved that the application for Civic# 20-32 Crystal Lane be conditionally approved, permitting the subdivision of property and the construction of a single dwelling. Conditional approval shall be in accordance with Schedule C: Residential Infill. The property owner is required to advise the buyer (s) in writing with a copy to the Town, that that the land is adjacent to an active farm.

Carried  
Unanimously

- 3. Civic# 25-31B Round Pond Road**  
**Application to construct an accessory building , Zoning: Agriculture (AG)**

Motion: Neary/M.Tucker  
2010-226 Resolved that the application for Civic # 25-31B Round Pond Road be conditionally approved, permitting the reconstruction of a 58 m<sup>2</sup> accessory building that was destroyed by fire. Conditional approval shall be in accordance with Development Regulation 49, Non-Conforming Use. The application shall also be subject to approval from the Land Development Advisory Authority.

Carried  
Unanimously

- 4. Civic # 901-903 Indian Meal Line**  
**Accessory Building, Zoning: Residential Infill (RI)**

Motion: Neary/Duggan  
2010-227 Resolved that due to the presence of limiting topographic features in the rear and side yards of property at Civic # 901-903 Indian Meal Line, that the application to construction a 37 m<sup>2</sup> accessory building in front of the building line setback be conditionally approved, in accordance with Development Regulation 38(2b) and Schedule C: Residential Infill.

Carried  
Unanimously

- 5. Civic # 48-54 Healys Pond Crescent**  
**Accessory Building, Zoning: Watershed (WAT)**

Motion: Neary/Whitten  
2010-228 Resolved that the application for Civic # 48-54 Healeys Pond Crescent be conditionally approved, permitting the construction of an accessory building in the Watershed Zone.

The structure shall be limited in size to 30 m<sup>2</sup> in accordance with the requirements set by the St. John's City Council. Conditional approval shall also be in accordance with Development Regulation 49, Non-Conforming Use.

Carried  
Unanimously

**6. Civic# 68-74 Farm Road - Municipal recommendation form for Crown land Zoning: Residential Infill and Residential Rural (RI/RR)**

Motion: Neary/M.Tucker  
2010-229 Committee recommends that Council refuse the Municipal Recommendation Form for Crown land at Civic# 68-74 Farm Road for residential purpose as the Municipal Plan requires that Council ensure public access to ponds for recreational purposes (Policy 3.3 VI). As well, the site is under review for a proposed road network.

Carried  
Unanimously

**7. Civic # 10 Larkspur Lane Variance Request**

Motion Neary/Duggan  
2010-230 Resolved that the request for a 10% variance on the building line setback at Civic # 10 Larkspur be conditionally approved, in accordance with Regulation 11 Variances. The variance will increase the building line setback from 32 to 35.2 meters. Notice of the variance shall be given to all persons whose land is in the immediate vicinity.

Carried  
Unanimously

**8. Civic # 853 St. Thomas Line Variance Request**

Note: The request for a building line setback of 43 meters for a residential dwelling could not be approved as submitted however approval is given for the following:  
Motion Neary/Whitten  
2010-231 Resolved that council conditionally approve a 10% variance on the building line setback at Civic # 853 St. Thomas Line, in accordance with Regulation 11 Variances. The variance will increase the building line setback from 32 to 35.2 meters. Notice of the variance shall be given to all persons whose land is in the immediate vicinity.

Carried  
Unanimously

**9. Street Name Chesley Van Heights – Woodland Drive Subdivision**

1) Conifer Street 2) Jera Street 3) Walters Loop – are road names approved by the Road Bank. Jera Street has been chosen by the developer for the newest street.  
Motion: Neary/Whitten  
2010-232 Resolved that Council approve “Jera Street” as the name of a new street in the Chelsey Van Heights – Woodland Drive subdivision.

Carried  
Unanimously

**10. Town solicitor writes concerning the acquisition of property off West Point Rd.**

Motion: Neary/Duggan  
2010-233 Resolved that Council immediately expropriate whatever remaining parcels of private land that are required for public purposes in the West Point Road area, pursuant to the provisions of Part 1X of the Urban and Rural Planning Act (Expropriation).

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

- 11. Resident writes to request feedback on a development proposal for the Bauline Line - Indian Meal Line area.**

Staff will correspond with residents.

- 12. Department of Natural Resources (Agrifoods Branch) requests Council approval for Crown land to be leased for agricultural purposes (5 lots measuring 63.05 ha).**

Motion:  
2010-234

Nearby/M.Tucker

Resolved that Council conditionally approve the Department of Natural Resources (Agrifoods Branch) request to lease approximately 63.05 ha of Crown land for agricultural purposes. The agricultural lots are located in the Windsor Heights area and numbered 18, 22 38, 53 and, lot 32 B, which is located on Portugal Cove Road. Commercial farm operators shall submit a business application to the Town for approval.

Carried  
Unanimously

- 13. Civic # 10 Rosemary Rise – Single Dwelling Application (Country Gardens).**

Staff to process the building application for Civic # 10 Rosemary Rise, as the Country Gardens subdivision was approved by Council.

- 14. Civic # 546-604 Bauline Line Extension – Quarry Operation**

Update provided to Committee.

- 15. Electrical Service Connections Approved for the following locations:**

**Civic # 725-727 Indian Meal Line**

**Civic # 182-184 Western Gully Road**

**Civic # 23-25 Winsorian Place**

**26 Permits Issued from June 29, 2010 to July 15, 2010:**

#	Permit	Issued Date	Civic	Street name	Permit Type
1	10-147	6/29/2010	91	Bauline Line Ext	Accessory Building
2	10-148	6/29/2010	901-903	Indian Meal Line	General Repairs & Maintenance
3	10-149	6/29/2010	156-158	Tolt Road	Dwelling Extension
4	10-150	6/30/2010	1565	Portugal Cove Road	Single Dwelling
5	10-151	6/30/2010	1567-1571	Portugal Cove Road	Single Dwelling
6	10-152	6/30/2010	313	Bennetts Road	Subdivision (3 lots)
7	10-153	6/30/2010	12-20	Hardings Hill	General Repairs & Maintenance
8	10-154	6/30/2010	757-765	Old Broad Cove Road	Accessory Building
9	10-155	7/2/2010	667-673	Old Broad Cove Road	Accessory Building
10	10-156	7/5/2010	593-595	Old Broad Cove Road	Single Dwelling
11	10-157	7/5/2010	6	Plumtree Place	Single Dwelling
12	10-158	7/5/2010	63-65	Dogberry Hill Road	General Repairs & Maintenance
13	10-159	7/6/2010	9-11	Mallborough Place	General Repairs & Maintenance
					Continued.....

14	10-160	7/6/2010	4	Bemisters Road	Dwelling Extension
15	10-161	7/6/2010	238	Old Broad Cove Road	General Repairs & Maintenance
16	10-162	7/7/2010	25-27	Woodland Drive	Single Dwelling
17	10-163	7/9/2010	5	Jenny Lynn Drive	Accessory Building
18	10-164	7/9/2010	858-860	Indian Meal Line	Accessory Building
19	10-165	7/9/2010	858-860	Indian Meal Line	Other - Backfill / Landscaping
20	10-166	7/13/2010	1377-1379	Portugal Cove Road	Occupancy Permit
21	10-166a	7/14/2010	237-243	Dogberry Hill Road	General Repairs & Maintenance
22	10-167	7/14/2010	31-43	Hughs Pond Road	Other - Floating Dock
23	10-168	7/14/2010	1530-1532	Portugal Cove Road	Accessory Building
24	10-169	7/15/2010	18	Mercers Road	Occupancy Permit
25	10-170	7/15/2010	4	Netherwood Street	Occupancy Permit
26	10-171	7/15/2010	90	Tolt Road	Occupancy Permit

### **Addendum to Planning & Development Report:**

#### **1. Historic Designation of Heritage Site – West Point Cemetery**

Background:

The Cemetery at West Point was one of several burial sites for the early settlers of Portugal Cove and dates to a time before churches were established in the community; and

There is a significant amount of support in the community to find a means to protect this site, which has been deemed to have significant spiritual, historical and cultural values; and

On October 21, 2008, (Motion # 08-310) Council voted to designate the cemetery at West Point a Municipal Heritage Site; and

Whereas on May 11, 2010 (Motion # 2010-135) Council adopted a Heritage Regulation “Municipal Designation of a Heritage Place” according to provisions of section 413 & 414 of the Municipalities Act, therefore the following motion is put forward;

Motion: Neary/Duggan  
2010-235 Resolved that the Town Council of Portugal Cove-St. Philip’s designate the West Point Cemetery as a Municipal Heritage Site pursuant to the Town of Portugal Cove-St. Philip’s “Municipal Designation of a Heritage Place” Regulation and the Municipalities Act and guidelines established by the Heritage Foundation of Newfoundland and Labrador.

Carried  
Unanimously

## **2. Historic Designation of Heritage Structure – Former St. Philip’s Anglican Church**

Background:

The 1894 St. Philip’s Anglican Church is a landmark property for 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, which is deemed to have significant spiritual, historical and cultural values; and

On March 30, 2010, Council voted to reject an application for the demolition of the former 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 on March 31 and April 13, 2010, Council made a motion to designate the former St. Philip’s Anglican Church as a heritage building (Motion #’s 2010-SPM-002 and 2010-123) and;

Whereas on May 11, 2010 Council adopted a Heritage Regulation “Municipal Designation of a Heritage Place” according to provisions of section 413 & 414 of the Municipalities Act, therefore the following motion is put forward;

Motion:  
2010-236

Neary/Duggan

Resolved that the Town Council of Portugal Cove-St. Philip’s designate the 1894 former St. Philip’s Anglican Church as a Municipal Heritage Building pursuant to the Town of Portugal Cove-St. Philip’s “Municipal Designation of a Heritage Place” Regulation and the Municipalities Act and guidelines established by the Heritage Foundation of Newfoundland and Labrador.

Carried

For: Fagan, J.Tucker, Neary, Duggan, Whitten

Against: M.Tucker

### **Parks and Recreation Committee- July 15, 2010**

#### **1. Regatta Overview**

The week long Regatta Festivities were an overall success. There was positive feedback for those that attended all the different activities. Attendance for most of the events was good. The dinner theatre was a great success as well as the outdoor movie. The Music Festival was great and the audience certainly enjoyed the entertainment. The Dory Races were an overall success. The early races were a little harder to fill but once the crowds were around; the races were not long filling up. After each race, all participants were presented their medals by the sponsor of the race or a Council member on their behalf. The winners of the races will be listed in the North East Avalon Times and the Towns Newsletter. Special thanks will be given to all sponsors and groups or businesses that donated to the events. The festivities ended with the Annual Regatta Dance. There was a good turn out to the dance and those in attendance had a good time. A recommendation for next year is to have a cash or gift card prize for the winners.

**2. End of Summer Regatta Request**

The PCSP Rowing Club will be hosting their Annual End of Summer Regatta on Saturday July 14<sup>th</sup>. As per the last couple of years the Town will assist the Rowing Club with the event by providing them with a stage, medal podiums, tents, barricades, and any other Town owned equipment that they may need. Last year a shuttle bus was also provided by the Town. The Recreation Director will look into the cost as well as the need for this service again this year.

**3. Garden Competition**

The Parks, Recreation, and Community Services Committee will be hosting its Annual Garden Competition on Monday, August 9<sup>th</sup>. Advertising for this event will be placed on the website, newsletter, local paper, as well as the Town signs. On Monday, August 9<sup>th</sup> Councillors will visit those residents that register for the event and prizes will be presented to the winners on Tuesday, August 17, at the regular council meeting.

**4. Block Party**

A request was received by the Parks, Recreation, and Community Services Committee from residents on Brentwood Avenue in Thorburn Woods Subdivision requesting permission to host a block party on July 31<sup>st</sup>.

Motion: Duggan/M.Tucker

2010-237 Resolved that the Town allow the residents of Brentwood Ave in Thorburn Woods Subdivision to host a block party on July 31<sup>st</sup>. This is under the condition that they do not block access to any emergency vehicles that may need access.

Carried  
Unanimously

**5. Players Benches**

The Minor Soccer Association has inquired about the Town installing player's benches for the soccer field. The Recreation Director will obtain 3 quotes for the benches and pass them along to the Administration and Finance Committee.

**6. RNC Softball Tournament**

In August of 2011 two hockey teams representing the Royal Newfoundland Constabulary will be participating in the World Police Fire Games in New York City. Representatives for these teams are hosting a Mixed Softball Tournament at Rainbow Gully Park from July 16<sup>th</sup> – 18<sup>th</sup>.

Motion: Duggan/Whitten

2010-238 Resolved that the Town waive the fees for the rental of the Rainbow Gully softball field for the RNC tournament that is taking place from July 16<sup>th</sup> – 18<sup>th</sup>.

Carried  
Unanimously

**7. The Lung Association**

The Lung Association will be holding its Annual "Bicycle Trek for Better Breathing 2010" on Saturday, August 14<sup>th</sup>. This event will see bicyclists travelling through our community and stopping at our local fire station for a refreshment pit stop. Residents will be notified of this event so that we ensure the safety of everyone travelling on the streets during this time. Adverts will be in the newsletter and on the website.

**8. Tract Consulting Presentation**

Tract Consulting made a presentation to the committee on the concept plans for Voisey's Brook Park and for Rainbow Gully Park. Please see presentation attached.

Motion: Duggan/Whitten  
2010-239 Resolved that the Town contract Tract Consulting to develop the revised concept plans for both parks with the recommendations made by council. Once these plans have been completed the Town would have Tract develop the detailed design drawing and refine the cost estimates for the projects. This recommendation will be forwarded to Administration and Finance for approval.

Carried  
Unanimously

**Public Works Committee – July 15, 2010**

**1. Copperhead Road - Street Sign**

Due to ongoing problem of theft of the Copperhead Road street sign and as a deterrent of future theft of the sign:

Motion: Whitten/Duggan  
2010-240 Resolved that Council replace the street name sign with a plywood version with the Copperhead Road title name stenciled onto it.

Carried  
Unanimously

**2. Call from Resident regarding Ant Hill on Property**

The Town recently received a call from a resident in reference to a problematic ant hill on their property, requesting that the Town may be able to eliminate the problem. Staff advised the resident that the Town is unable to provide for extermination services on private property, and recommended the names of several extermination companies.

**3. Policy for Use of Town Owned Vehicles**

Committee has drafted a Policy for same and this item is still under review.

**4. New Street Signs on Town Roads**

Town staff are diligently working at erecting new street signs when Public Works schedule permits.

**Economic Development and Tourism – July 14, 2010**

**1. Zoning of Town Land (surrounding Town Office)**

The land deed for the 60 acres of Town land near the Town office has been confirmed. Conditions were included as the time of purchase which also confirms that the land is able to be used for recreational purposes. Consequently, a technical park is not suitable for this location since it does not tie in with Recreation.

**2. Finance (Edu-Rec Centre/Technical Park)**

A preliminary financial statement has been provided by the Director of Financial Operations with respect to the Edu-Rec Centre. This item has been referred to the Edu-Rec Centre committee.

**3. Tourism Brochure Distribution**

The Town's new tourism brochure has been distributed to visitor information centers in Deer Lake, the St. John's International Airport VIC, as well as the Johnson's Geo Centre. They will be distributed to all VIC's on the Island as well as in Labrador in the next week. Since the new print, staff has had several requests for the brochure from people wanting to bring them abroad as well as from visitor information centers all over the province. The brochures are proving to be a great tourism investment.

**Public Relations and Communications – July 14, 2010**

**1. Press Kit Cover**

Press kits are currently being printed; however, they will be available at the Council meeting on July 20<sup>th</sup>, 2010.

**2. Community Profile**

Committee discussed the potential of a Community Profile document. This could be a publication that could be included in the new press kit that would tell the reader about the community where it pertains to things like Economic Development in the Town, Tourism, doing business in the town, demographics, recreation, etc. Staff will investigate the cost of such an endeavor with the possibility of budgeting for it in the 2011 budgetary process.

**3. No Littering Signs**

Motion: Whitten/Duggan  
2010-241 Resolved that the Town purchase ten (10) "No Littering" signs at \$30.00 per sign from Construction Signs. Please see the attached for the sign template.

Carried  
Unanimously

**4. August Newsletter**

Committee discussed looking at other newsletter formats, as well as the frequency of the newsletter. It is hoped that in the future, the town can produce a color version of the newsletter, with more content and pictures. In doing so, it may be feasible to print as a quarterly publication. This item will remain on the agenda for further discussion.

Committee also discussed the content for the August newsletter. Some items for highlight this month, among others are the Portugal Cove Regatta on August 14<sup>th</sup>, reminder re: picking up litter, as well to watch for new “No Littering” signs, and safety reminders in reference to the rash of recent break- ins in the community.

**5. Neighborhood Watch Program**

An information session will be held on September 2<sup>nd</sup>, 2010 with Const. Karen Hemmens of the RNC. With the sudden increase of break-ins for cars and homes we are looking for residents who would be interested in starting a neighborhood watch program. Const. Hemmens will be here to provide information on the same. (Also on Website and in August newsletter.)

**6. Garbage Clean-up**

This item was referred to and discussed at recent Recreation Committee meetings. Also, the PR & Comm. Committee included a notice in the June newsletter in reference to Garbage Guzzlers as well as bulk garbage pickup.

**7. Heritage Canada Conference (September 30–October 2)**

Committee is looking at the conference fee structure in an effort to determine the feasibility of having the Heritage Advisory Committee attend. Since it is being held in St. John’s this year, it would be a cost effective way of sending the entire group. Committee feels that it would be a great welcome and learning experience for the volunteers in this group. Details will be provided at the Council meeting of August 3<sup>rd</sup>, 2010.

**8. Upcoming Events**

Committee discussed the upcoming Portugal Cove Regatta. Committee will be making donations of town promotional material for the event. Committee also feels it is very important to have representation from Council at the event.

**Administration and Finance Committee – July 14, 2010**

**1. Accounts for Payment**

Motion: J.Tucker/M.Tucker  
2010-242 Resolved that Council pay the accounts as follows:  
Regular accounts – totaling \$53,684.63

Carried  
Unanimously

**2. Resolution for MNL re Revising Regulation 10: Discretionary Powers of Authority**

**Whereas** Municipalities are entrusted to guide development in their respective cities and towns, and

**Whereas** Municipalities are guided by Municipal Plan Regulations to act in the best interests of their residents with regard to development, and

**Whereas** there is sometimes a need for flexibility in administering these Municipal Plan Regulations, and

**Whereas** it takes considerable time to amend a Municipal Plan Regulation, and

**Whereas** Regulation 10: Discretionary Powers of Authority, gives a municipality the flexibility to administer Town Regulations in particular circumstances, and

**Whereas** Regulation 10 is currently phrased in what may be considered a discriminatory focus, in the sense that flexibility is only allowed to DENY an application made to Council, even though it is within the Town Regulations,

Motion: J. Tucker/Duggan  
2010-243 Resolved that MNL ask the Provincial Government of Newfoundland and Labrador to allow municipalities to rephrase this Regulation so that a municipality may not only deny an application for good reason that falls within the Town's Regulations, but also allows a municipality to give approval to an application that does not completely fall within Town's Regulations, but which is a meaningful decision and is in the best interests of all, when all other conditions and factors are taken into account.

Carried  
Unanimously

**3. Doubtful Account**

Based on a review of accounts and discussions with the Town's auditor

Motion: J.Tucker/Whitten  
2010-244 Resolved that Council approve the account adjustment for Doubtful Accounts in the amount of \$17,062.04 in accordance with the review of accounts by the Town's auditor.

Carried  
Unanimously

**4. Correspondence received from the Dept. of Municipal Affairs regarding the submission of Status Reports and Claims for reimbursement of Provincial and Federal Shares of Capital Projects**

Attached and submitted for information

**5. Flower Bed at St. Thomas Line entrance**

Motion: J.Tucker/Whitten  
2010-245 Resolved that the Town hire Bickerstaffe Nurseries to provide perennial plants, labor and required materials at a total cost of \$450 tax included for the flower bed at the Town's entrance sign on St. Thomas Line.

Carried  
Unanimously

## CORRESPONDENCE

1. **Dept. of Municipal Affairs – circular re Long Service Awards** – for info, staff will review and make any necessary submissions
2. **Town of Wabana – letter seeking endorsement of widening of the rock cut** - Mayor Fagan states that he has responded and taken care of this item
3. **CUPW – re Canadian Postal Service Charter and the future** – Referred to Admin/Finance Committee for consideration of two resolutions

## NEW BUSINESS

1. **MNL Minutes of Membership Committee** – circulated by Councillor Duggan for information
2. **MNL Municipal News article**  
Mayor Fagan extended congratulations to Amy Tucker, daughter of Deputy Mayor Jane Tucker, on her article about the role of municipalities in Integrated Coastal and Ocean Management which was published in the summer edition of the MNL Municipal News.
3. **Mayor's notes on recent activities**
  - Taught the Lancers to approximately 60 children at their Newfoundland Day as part of the Summer Program activities
  - Recently took part as a volunteer judge (outside the province) in the Canada Post awards to recognize an adult who has returned to school to upgrade his/her education and a community leader in education in each Province/Territory.
  - Just attended an International Education Conference in Edmonton and did a presentation on early learning and how homes and community can support young children's learning and development.

## ADJOURNMENT:

Motion: Duggan/Whitten  
2010-246 Resolved that this meeting be adjourned. Time 8:25 pm.  
Carried  
Unanimously

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Mayor Bill Fagan

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Judy Squires, Town Clerk