

TOWN OF PORTUGAL COVE-ST. PHILIP'S

February 12, 2008

Meeting was called to order at 7:35 pm.

IN ATTENDANCE:

Mayor: Norm Collins
Deputy Mayor: Keith Mercer
Councillors: Steve Andrews
Darrell Butler (arrived at 8:15 pm)
Bill Fagan
Adrienne King
Jon Seary
Town Manager: Rodney Cumby
Acting Town Clerk: Judy Squires

Also in Attendance:

Gallery of 16 persons.

ADOPTION OF AGENDA

Motion: Andrews/Mercer
08-033 Resolved that the Agenda dated **February 12, 2008**, be adopted.
Carried
Unanimously

ADOPTION OF MINUTES

Motion: Andrews/King
08-034 Resolved that the Minutes of **January 29, 2008**, be adopted as presented with the following corrections: page 1, item (b) responded by Councillor Seary not Town Manager; page 7, item 6, should read 100 tonnes of Salt and 300 tons of Sand.
Carried
Unanimously

BUSINESS ARISING

Town Manager's Report – was presented and read by the Town Manager.
Councillor Fagan requested a copy of a letter regarding Daycares.

COMMITTEE REPORTS

Finance and Administration Committee Report – February 7, 2008

1. Accounts for Payment

Motion: Mercer/Andrews
08-035 Resolved that Council pay the accounts (over \$5000) which total \$28,164.62.
Carried
Unanimously.

2. OIPC/ATIPPA

Mercer/Seary

Motion: Resolved that Council seek legal advice and proceed with the defense of the “Notice
08-036 of Appeal” filed against the ATIPPA Head’s decision to refuse to release the
agendas of privileged meetings which includes committee meetings; and
furthermore, that Council solicit support from MNL and other Municipalities with
respect to the Town’s position to uphold and defend the decision of the “Head” on
this matter.

Carried For: Andrews, Collins, King, Mercer, Seary
Against: Fagan

Councillor Fagan voiced his concerns regarding this issue.

Point of Order was called.

Mayor Collins refuted Councillor Fagan’s statement that he did not have the chance
to ask all his questions at the (closed) meeting held prior to this meeting.

3. Royal Canadian Legion –Exemption Request

Motion: Mercer/Andrews

08-037 Resolved that Council exempt the property and business tax for 2008 for the Royal
Canadian Legion, Branch #10.

Carried
Unanimously

4. Request for donation

Motion: Mercer/Andrews

08-038 Resolved that Council donate \$50.00 in the name of Sara Tucker of Skinners Road,
to the St. John’s AAA Female Midget Team who will be traveling to New
Brunswick to represent the Province in the 2008 Atlantic Midget AAA Female
Hockey Championships taking place April 3-6, 2008.

Carried
Unanimously.

5. Resident’s Request

Motion: Mercer/Andrews

08-039 Resolved that Council deny this request from a resident, for payment for a sump
pump, as this matter was settled in May 2007.

Carried For: Andrews, Collins, King, Mercer, Seary
Against: Fagan

Town Manager responded to Councillor Fagan’s question regarding how this matter
was settled and why it is not to be paid.

The Mayor ruled a member of the gallery “out of order” after several interruptions.
Point of Order was called.

6. Dispute Resolution Committee

Motion: Mercer/Andrews
08-040 Resolved that Council formally accept and adopt the *Dispute Resolution Committee* as was previously circulated to all Councillors. (see list below)
Carried For: Andrews, Collins, King, Mercer, Seary
Against: Fagan

Dispute Resolution Committee members are:

Councillor Darrell Butler
Councillor Adrienne King
Deputy Mayor Keith Mercer
Town Manager, Rodney Cumby
Staff Member, Tracy Duff

Document relating to Dispute Resolution

Councillor Fagan tabled a 15 page document entitled: *“Letter of January 3, 2008, to Mayor Norm Collins from Councillor William Fagan - Stating objections to unfinished Conflict Resolution Policy and outlining Conflict of members of that Committee”*

Other information from Finance & Administration report:

1. Capital Coast Development Alliance invitation

Consultation session being held Thurs. March 6th at the Capital Hotel.

2. Municipal Discretionary Authority – workshop

Afternoon workshop will take place at Hotel Gander on April 16, 2008 and will be hosted by Newfoundland & Labrador branch of Atlantic Planners Institute.

Planning and Development Committee Meeting – February 5, 2008

Correspondence from:

1. Dept. of Municipal Affairs

- 1.1 Appeal decision for Beachy Cove Road (Ocean Front Property);
- 1.2 Appeal decision for Skinners Road (Variance); and,
- 1.3 Notice of Registration for Development Regulations Amendment Nos. 31, 32 & 34, 2007.
- 1.4 Municipal Plan Amendment No. 15, 2007 & Development Regulations Amendment No. 33, 2007 (14 lot sub-division off Indian Meal Line)

Motion: Andrews/King
08-041 Resolved that Council adopt Municipal Plan Amendment No. 15, 2007 and Development Regulations Amendment No. 33, 2007 (14 lot residential subdivision with on-site services off Indian Meal Line) and proceed with the appointment of a commissioner to hold the statutory public hearing.
Carried
Unanimously

2. Minister of Natural Resources

Appeal has been withdrawn on the Proposal to convert the Eggs Grading Station to a Commercial Food Processing Facility.

3. Town of Torbay

Municipal Plan Amendment No. 15, 2007 & Development Regulations Amendment No. 33, 2007 - Town has no objections to the subdivision.

4. Eastern Regional Appeal Board

Five appeals scheduled for February 13, 2008.

Mayor Collins advised Councillor Fagan to contact the Town Planner for information regarding his request for information on the number of appeals from last year.

5. 12-16B Mercer's Road

Motion
08-042

Andrews/King

Resolved that Council rescind motion # 07-332 that approved a comprehensive development plan for property at Civic # 12-16B Mercer's Road and, request that the applicant submit a revised comprehensive development plan for Council's consideration and approval. The street network must be designed to show a road connection between Mercer's Road and Western Heights.

Carried
Unanimously

6. Agricultural Development Area Boundary Review

The Committee drafted a response for consideration on this issue. The deadline for a submission on the town's position is February 8, 2008.

7. Commissioner's Report (Submitted December 29, 2007)

Concerning: Municipal Plan Amendment 12, 2006 and Development Regulation 26, 2006 (Lot Area and Street Design)

Committee of the whole meeting scheduled for Thursday, February 21, 2008, at 4 pm. to finalize the town's position on the recommendations.

8. Conditional Approvals/Permits from Period of Jan. 21 – Jan. 31, 2008.

	<u>DATE</u>	<u>ITEM</u>	<u>CIVIC ADDRESS</u>	<u>DEVELOPMENT</u>
1)	Jan. 21/08	Permit	1543 Portugal Cove Rd.	Occupancy
2)	Jan. 22/08	Permit	646-648 Indian Meal Line	Occupancy
3)	Jan. 29/08	Permit	13 White Ash Drive	Single Dwelling
4)	Jan. 31/08	Permit	646 Indian Meal Line	Accessory Bldg. (8.9 SM)
5)	Jan. 31/08	Permit	13 Blue Bell Bend	Dwelling Ext (Pool House)

Public Works Committee Meeting – January 29, 2008

1. Correspondence from Country Gardens Resident’s Assoc.

Re Four way stop sign and speeding in subdivision

Motion 08-043 Seary/Andrews
Resolved that the Town install a 4-way-stop on the intersection of Country Garden Road at Larkspur Lane and Plum Tree Place; and also, from time to time the Town will place the speed minder in this area

Carried Unanimously

2. Correspondence from Dept. of Transportation & Works

Re Ferry Terminal improvements

Motion 08-044 Seary/King
Resolved that the Town **not** grant the Provincial Dept. of Transportation and Works the permission to make Hardings Hill a no thoroughfare road.

Carried Unanimously

Councillor Butler arrived at this time 8:15 pm.

Councillor Andrews left the chambers due to a possible conflict of interest. (Councillor Andrews resides on one of the 9 roads)

3. Update on upgrading of the 9 Roads the Town previously acquired from the Provincial Dept. of Transportation and Works

Motion 08-045 Seary/Mercer
Resolved that staff inform the Dept. of Transportation and Works that the Town is willing to take on the commitment, subject to the an agreement between the Town of Portugal Cove-St. Philip’s and the Department, whereby the Department agrees to pay all engineering fees, inspector fees, and any other costs that the Town may incur as a result of the agreement to upgrade the 9 transferred roads. This is as a follow up, and in accordance with the Agreement dated February 27, 2007, between the Town and the Provincial Department of Transportation and Works.

Carried For: Andrews, Butler, Collins, King, Mercer, Seary
Against: Fagan

Councillor Fagan posed questions about this issue stating he never had time in the previous (closed) meeting, to discuss this matter.

The Town Manager responded to Councillor Fagan’s question on who gave the authority to representatives of the Town to engage in this negotiation. Councillor Seary also responded to Councillor Fagan’s remarks about this issue.

Councillor Andrews was advised that the matter had been dealt with and returned to Council Chambers.

Results from Tender for pick up trucks

Original tender for pick up trucks is to be revised.

Motion 08-046 Seary/Andrews
Resolved that the staff make the necessary changes to the tender and re-tender for two used 4 x 4 pick up trucks.
Carried Unanimously.

Parks & Recreation Committee – No meeting held

Councillor King noted that the agenda is in the process of being finalized for the Winter Carnival.

Public Relations, Economic Development & Tourism Committee Meeting dated Feb. 7, 2008

1. Web hosting with Aliant

Motion 08-047 Seary/Andrews
Resolved that Aliant host the Town website for \$14.95 monthly.

Rescinded February 26, 2008

Carried Unanimously

2. Quarterly Newsletter

Reminder – deadline is Feb. 18th for submission to April newsletter.
The 2nd quarterly issue will be printed in July.

3. Display/Exhibition Booth for Convention/Trade Shows

Committee seeking quotes for purchase and/or the possibility of renting for one year with option to purchase.

4. Minutes of 2006-2007

Motion 08-048 Seary/Mercer
Resolved that past minutes from 2006 and 2007 be re-implemented to the Town's website since Staff and Council have had several inquiries in reference to them.

Carried Unanimously.

Mayor Collins noted, after Councillor Fagan inquired about putting minutes for previous years on the website, to bring this back for future consideration if the minutes are available in electronic form.

CORRESPONDENCE

1. MNL – Call for nominations for Southcott Awards, deadline April 15, 2008 & MNL – Notice Feb. 18th is Heritage Day

Motion 08-049 Andrews/King
Resolved that the Town of Portugal Cove-St. Philip's sign the Proclamation declaring Monday, February 18th, 2008, Heritage Day.

Carried Unanimously.

2. Eastern School District

Invitation to St. John's Area Roundtable Session
Councillor Fagan will attend this session which is set for Monday, Feb. 25th, 2008, at Mount Pearl Senior High from 7-9 pm.

3. The Lung Association

Motion
08-050

Campaign to *Ban Smoking in Cars with Children*
Mercer/Andrews
Resolved that the Town send a letter to The Lung Association in support of their *Campaign to Ban Smoking in Cars with Children* and request promotional materials.

Carried Unanimously.

4. Dept. of Finance, Economics and Statistics

Brochure received regarding demographic trends for the province, also available on website in pdf format. <http://www.economics.gov.nl.ca/population/default.asp>.

GENERAL/NEW/UNFINISHED BUSINESS

1. Councillor Fagan posed questions regarding:

Clarification on Development Regulation Clause 24 /14 day period for appeal?
Amount of funds placed in the contingency fund for the 2008 budget?
If funding was set aside for planning for Development Scheme Areas?

2. Hospitality Newfoundland & Labrador Conference

Town Manager reminded Council that the HNL Conference is taking place this weekend.

3. CCDA event for March 6th (from Finance & Admin report)

Councillor Butler offered to attend this event.

4. UMC meetings March 21st and 22nd, 2008

Mayor Collins notes that the Town is hosting this UMC event, that there will be 20 delegates from across the province. Minister Denine and the Deputy Minister are scheduled to attend at 7 pm on Friday, March 21st.

ADJOURNMENT

Motion: Andrews/Butler
08-051 Resolved to adjourn this meeting.
Time: 8:40 p.m.

Carried
Unanimously

Mayor Norm Collins

Acting Town Clerk, Judy Squires