

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

April 8, 2008

Meeting was called to order at 7:30 pm.

### IN ATTENDANCE:

Acting Mayor: Keith Mercer  
Councillors: Jon Seary  
Steve Andrews  
William Fagan  
Adrienne King  
Darrel Butler  
Town Clerk: Loretta Tucker

**Also in Attendance:**  
Gallery of 17 persons.

Acting Mayor Mercer welcomed all members of the Gallery.

### ADOPTION OF AGENDA

Motion: Andrews/Butler  
08-090 Resolved that the Agenda dated April 8, 2008 be adopted.  
Carried  
Unanimously

### ADOPTION OF MINUTES

Motion: Andrews/King  
#08-091 Resolved that the Minutes of March 25, 2008, be adopted as presented.  
Carried  
Unanimously

### BUSINESS ARISING

**Town Manager's Report** – was presented and read by the Town Manager and is as reported.

#### **Business Arising from the Minutes**

Councillor Fagan asked if MNL had a code of Conduct and was advised that we are unaware of one, however we are in the process of gathering material.

Councillor Fagan was advised that a letter had been sent in response to the legal matter and that the Planning and Development Committee would be reviewing the CDA areas and an update will be brought forward.

## COMMITTEE REPORTS

### Finance and Administration Committee Report – April 3, 2008

#### 1. Accounts for Payment

Motion: Andrews/King  
#08-092 Resolved that Council pay the accounts (over \$5,000) in the amount of \$17,135.53.

Carried  
Unanimously

#### 2. Ocean Net – Request for Designated Contact Name

Motion: Andrews/Seary  
#08-093 Resolved that Council designate Deputy Mayor Keith Mercer to be the contact name for future mailings on Ocean Net's 2008 Green Community Challenge.

Carried  
Unanimously

A letter outlining the Green Community Challenge initiative and Ocean Net's initial plans to implement this in our community will be forwarded to our contact person, Deputy Mayor Keith Mercer in the near future.

#### Beach Cleanup

Ocean Net will be carrying out the following beach cleanup:  
(a) St. Philip's Beach, April 19<sup>th</sup>, 2008 under the leadership of Bob O'Brien;  
(b) Portugal Cove Beach, April 19<sup>th</sup>, 2008 under the leadership of B. Montevecchi. Both groups will meet for lunch on St. Philips Beach.

Everyone is invited and welcome to join in and participate in the Cleanup.

#### 3. NL – Circular to Municipal Councils- PSAB

Circular from the Government of Newfoundland and Labrador regarding Compliance with Public Sector Accounting Board (PSAB) Reporting.

Committee advises that the Town's auditor has been contacted by the Town Clerk and that meetings will be set up (May month) with the Town's auditors, Town's engineers, Town Manager, and the Town Clerk to discuss the necessary requirements in the early development of our work plan and the development of **Accounting Policies and Procedures**. In addition, Committee advises that our Auditing Firm is versed in PSAB.

From the Circular "*The Department of Municipal Affairs is working with NLAMA members to develop reference materials to assist municipalities in implementing PSAB. A reference manual for Tangible Capital Assets (TCA) is nearing completion and will be circulated to all municipalities in the near future*". As well training session will be in offered through MTDC. Details on the training sessions will be forthcoming within the coming weeks.

Council discussed PSAB software, procedure for data collection, and time lines for completion.

**4. Mandatory Winter Tires**

Motion: Andrews/Butler  
#08-094 Resolved that the Town of Portugal Cove-St. Philips write a letter of support to the Urban Municipalities Caucus supporting the “Mandatory Winter Tire Legislation”.

Carried  
Unanimously

**5. Resolution for upcoming MNL Convention**

Council reviewed two areas of concern:

**(a) Payroll Tax** (HAPSET) Health and Post Secondary Education Tax charged by the Provincial Government on Municipalities whose payroll exceeds \$500,000.00.

Motion: Andrews/Seary  
#08-095 Resolved that Council draft a resolution for submission to MNL for the upcoming MNL Convention requesting MNL lobby the Provincial Government to remove Payroll Tax on Municipal Governments payroll.

Carried  
Unanimously

Noting, there will be 3 calls for Resolutions from MNL prior to the Resolutions closing date.

**(b) 15% Provincial Tax** charged to Municipalities on all municipal Insurance: Following an investigation Committee advises that MNL representatives are meeting with the Provincial Dept of Finance on April 9, 2008, in their attempts to lobby Government to remove the Provincial Sales Tax on Municipal Insurance. This action has resulted from MNL Convention and the Resolution of 2007.

**6. Request for Donation – Sandra Squires - Resident.**

Motion: Andrews/Butler  
#08-096 Resolved that Council donate \$50.00 to Ms. Sandra Squires who will represent our Town, and our Province in the upcoming National Darts Championships, which will be held in Winnipeg from June 6-June 15, 2008.

Carried  
Unanimously

**7. Thank you Letter**

Photograph of First Female Midget AAA Hockey Team, and a thank you from Ms. Sara Tucker. Copy of photograph is circulated for information.

Deputy Mayor Mercer advised that the First Female Midget AA Hockey Team had won the bronze medal.

**8. Terry Dawe: Development Control Officer**

Employment Start Date March 18, 2008.  
Resignation Date: March 28, 2008

It is hereby noted that Terry Dawe has resigned his position as Development Control Officer.

**9. AR Quick Statistics**

Circulated for information is a copy of the Town's **Accounts Receivable Statistics** to April 2, 2008.

Report shows that overall collections are 96.53% as per the following breakdown: Current 83.07%, Prior 98.5%.

Deputy Mayor Mercer, on behalf of Council, wished to extend a special thank you to the Admin office staff on the commendable job of tax collections to date, especially in light of the demand placed on them by the deadline date of March 31, 2008.

**Planning and Development Committee Meeting – April 1, 2008**

**1. Civic # 660-668 Old Broad Cove Road  
Re-zoning from DS to RMD**

Motion:  
#08-097

Andrews/King

Resolved that the proposal to rezone a portion of the property at Civic # 660-668 Old Broad Cove Road from Development Scheme Area (DS) to RMD be deferred until such time as a development scheme is prepared for the overall site that shows a street network for the area between Old Broad Cove Road, Tucker's Hill Road, Knapp's Road and Chrisara Place.

Carried  
Unanimously

Councillor Andrews responded to questions by advising that the Town's engineers would be reviewing this development scheme area in an impartial manner and would be looking at the placement on roads where they would be most economically viable.

**2. Civic # 43-45 Millers Road  
Proposal to subdivide property on Miller's Pond – Zoning: RMD**

Motion:  
#08-098

Andrews/King

Resolved that Council reject the application to subdivide property at Civic 43-45 Miller's Road for the purpose of developing two residential building lots as the proposal is contrary to the Municipal Plan and Development Regulations, specifically Development Regulation No. 48 Lot Frontage. Also, Schedule C: RMD requires a lot with pond frontage to have a 30 meters frontage on a public street.

Carried

For: Mercer, Seary, Andrews, and King  
Against: Fagan, and Butler.

**3. Civic # 26 Anglican Cemetery Road  
Proposal to revise a survey for a backlot – Zoning: RMD**

Motion:  
#08-099

Andrews/King

Resolved that Council conditionally approve the application to re-survey property at Civic #26 Anglican Cemetery Road for the purpose of transferring a section of land to Civic #24 Anglican Cemetery Road, in accordance with the Municipal Plan and Development Regulations, and all other regulatory bodies of government.

Carried

Unanimously

**4. 182 Dogberry Hill Road**

**Proposal to construct an accessory building in the side yard. Zoning: RMD**

Motion:

Andrews/King

#08-100

Resolved that Council conditionally approve the application to construct a 53.5 sq. m (24x24 sq. ft) accessory building in the side yard at Civic # 182 Dogberry Hill Road, in accordance with the Municipal Plan and Development Regulations, and all other regulatory bodies of government. The building must not obstruct site lines for vehicular traffic on Emylia Place.

Carried

Unanimously

**5. Correspondence re: Bayview Heights/West Point Road**

**Resident writes regarding public roads. Zoning: HC**

Submitted for information

**6. Correspondence re: 5 Boulder Lane**

**Letter regarding conflicting policies for small scale agricultural uses.**

The resident will be advised that the Municipal Plan review will address issues concerning agriculture activity in residential areas.

**7. Correspondence re: West Point Rd, Bayview Heights, and Hanlon's Rd..**

**Letter concerning a study on potential road connections in West Point area**

The correspondence will be acknowledged.

**8. Correspondence re: Beachy Cove Road**

**Resident writes requesting a review of a residential subdivision plan**

The resident will be advised that the proposed subdivision design is not in compliance with the Municipal Plan and Development Regulations and, therefore, cannot be considered at this time. A development application, along with associated processing fees, is required and the subdivision proposal is required to show:

- a. A cul-de-sac street that is 200 metres in length - an amendment to increase the length to 300 metres is currently under review;
- b. An emergency access from a cul-de-sac is required to connect to an existing public street; and,
- c. Since the site is designated residential serviced, the subdivision is required to provide full municipal services; therefore, the building lot sizes and frontages must comply with the standards for serviced lots.

**9. Correspondence from Smart Town**

**Regarding Mun. Plan Amendment 12 & Development Regulations 26, 2007**

Submitted for information and consideration.

**10. Indian Meal Line  
Municipal Plan Amendment No 15, 2007 and Development Regulations  
Amendment No 33, 2007**

Motion: Andrews/King  
#08-101 Resolved that Council approve Municipal Plan Amendment No 15, 2007 and Development Regulations Amendment No 33, 2007, which will allow the development of a 14 lot, un-serviced residential subdivision off Indian Meal Line, in accordance with Section 23 of the Urban and Rural Planning Act, and forward to Municipal Affairs for registration.

Carried  
Unanimously

**11. 12-16B Mercers Road**  
Approximately four fully-serviced Residential Lots in CDA Scheme & Development Regulations Amendment No 35, 2008

Motion: Andrews/King  
#08-102 Resolved that Council conditionally approve the application to develop approximately four, fully-serviced residential building lots at Civic No. 12-16B Mercers Road, which is submitted as a comprehensive development scheme, in accordance with the Municipal Plan and Development Regulations, and all other regulatory bodies of government. It is further recommended that Council proceed with rezoning the area from Development Scheme Area to Residential Medium Density.

Carried  
Unanimously

**12. Municipal Plan Review**  
Council wishes to advise that they are anticipating a draft of the new Town Plan by the end of April 2008.

**13. Conditional Approvals/Permits:  
(March 20 – March 25, 2008)**

	Date	Civic Address	Permit
1	March 20, 2008	866-868 Indian Meal Line	Occupancy Permit
2	March 24, 2008	12 White Ash Drive	Single Dwelling Permit
3	March 25, 2008	1 R.C Church Drive	General Repairs and Maintenance
4	Mar. 5/08	9 Newbury Street Drive	Occupancy

## **Public Works Committee Meeting – April 4, 2008**

**1. Correspondence from Minister D. Whalen** regarding the condition of Portugal Cove Road.

Motion: Seary/Butler  
#08-104 Resolved that Council respond to Minister Whalen and advise that Council will be pleased to attend a meeting with her, and representatives of the Department of Transportation and Works, together with Dennis O'Keefe, Acting Mayor of St. John's.

Carried  
Unanimously

It was noted that all parties are to be kept informed.

### **2. Snowclearing Operations Update**

Committee advises that snow clearing operations are under control, however notes that the salt and sand supply is low. Committee feels confident that there is sufficient supply to make it through the remainder of this Snowclearing season for 2007-2008.

### **3. Recycling Program Update**

Committee advises that to date, there has not been any further movement in the recycling program; that the Town is still waiting for a response from a prospective receiver of the material.

### **4. Spring Clean up (Bulk Garbage Removal)**

#### **Dates for the Spring Clean up**

**May 18<sup>th</sup> 2008 to May 25<sup>th</sup> 2008**

Residents will be required to place the bulk material next to the road side. Collection will begin on May 26<sup>th</sup> 2008. Any material placed out after May 25<sup>th</sup> 2008 will not be collected. The following restrictions will remain:  
No vehicle parts, no trees or parts thereof, and no renovation material will be collected.

### **5. Household Hazardous Waste Day**

Council advises that the Town will be participating in the Household Hazardous Waste Collection again this year. Residents will be informed of the date once the final arrangements are made with MMSB.

**6. Copy of Correspondence sent to RNC** from resident concerning alleged dangerous driving with the Town. Circulated for information.

**Parks, Recreation, and Community Services Committee Meeting**  
Committee did not hold a Meeting.

**Public Relations, Economic Development & Tourism Committee Meeting:**

**1. Website**

Committee discussed further updates that will need to be implemented onto the website. Committee will be inviting not-for-profit groups to have their special events listed on the Town's calendar of events.

**2. Farmers Market**

Committee is in the process of applying for a permit to operate a seasonal Farmers Market at the location of the previous Parish Hall, which is located on Thorburn Road. Since the land is in the St. John's watershed area, it will need to go through the City's Committee level, and subsequently Council, for approval. Updates will be made available as they come to light.

**3. Update for Residents on Provincial and City Owned Roads**

Roads that are within the Boundaries of the Town of Portugal Cove-St. Philips.

Committee will be drafting an update for residents, in the form of a mail out, to keep residents informed on the steps the Town is endeavoring to take in order to correct the deplorable conditions of these road i.e., Old Broad Cove Road, Bennett's Road and Portugal Cove Road.

Councillor Seary advised that the website was updated however a lot of information has to be uploaded.

**CORRESPONDENCE**

**1. MNL Info Note**

MNL Board Meeting and LADHR Board Meeting.  
Circulated for information.

**2. MNL Advocacy Days.**

Circulated for information.

**3. RNL: Regional Recreation Seminar**

Circulated for information.

**4. NLAMA Convention & Agenda**

Annual convention from April 17, to April 19, Gander.  
Circulated for information.

**5. PSAB – What It is and What it Does.**

Brochure is circulated for information.

**GENERAL/NEW/UNFINISHED BUSINESS**

(1) Councillor Fagan brought forward a residents concern relating to salt run off. Councillor Seary advised he had also spoken to the resident and that the Superintendent of Works was reviewing this issue.

(2) Notice of Motion

Councillor Fagan gave the Town Clerk a Notice of Motion that he would be presenting at the next Council meeting regarding the Town's Correspondence Policy.

Councillor Andrews responded to Councillor Fagan regarding the article that was in the Town's most recent newsletter (April 2008) "Appealing Decision of Council – Recent History and Results".

Councillor Butler advised that he had attended the LADR Workshop with Councillor Fagan. He further advised that he had prepared a report and would bring it forward to the next meeting of Council.

## ADJOURNMENT

Motion: Seary/Andrews  
#08-105 Resolved to adjourn this meeting.  
Carried  
Unanimously

---

Acting Mayor Keith Mercer

---

Loretta Tucker, Clerk Treasurer