

TOWN OF PORTUGAL COVE-ST. PHILIP'S

March 11, 2008

Meeting was called to order at 7:35 pm.

IN ATTENDANCE:

Mayor: Norm Collins
Deputy Mayor: Keith Mercer
Councillors: Jon Seary
Steve Andrews
William Fagan
Adrienne King
Darrell Butler arrived at 8:00 pm.
Town Manager: Rodney Cumby
Town Clerk/Treasurer: Loretta Tucker, Clerk/Treasurer

Also in Attendance:

Gallery of 16 persons.

Mayor Collins welcomed all members of the Gallery with a special welcome to the members from the Scouts and Cubs to the meeting.

ADOPTION OF AGENDA

Motion: Andrews/King
08-065 Resolved that the Agenda dated **March 11, 2008**, be adopted.
Carried
Unanimously

DELEGATION:

1. Members of Cubs/Scout Group.

Note: All Cubs in the 1st Portugal Cove Cub Pack are first year members.

Council welcomed the members of the Cub Pack, and/or the Scout Group
Mayor Collins gave a report on the very impressive Cub Car Rally which was held at the Avalon Mall on February 24, 2007.

Prior to the race, December 2007, six (6) cubs were presented with a Kub Kar Kit. Each Cub had to create a design for his car, cut it out of the piece of wood, and paint it. The axels and wheels were prepared and assembled to create as little friction as possible. In addition, the finished cars could not exceed 142 grams. This work was done by the Cubs under the watchful eye of their leaders Gordon Thomas, Charlie Parsons, Louis Marion and the cubs' parents.

The results of the final four rounds of Cub Car Rally racing are as listed below:

- Tyler Scott's car placed second in his first round race;
- Jared Tucker advanced to the quarter final round where his car placed second;
- Evan Mercer advanced to the semi-final round where his car placed second in a close race to the eventual overall winner.

Mayor Collins, on behalf of Council, congratulated the leaders and their Cub Pack, and all those who participated and performed in the Cub Kar Rally. He presented the Cub Leader Mr. Gordon Thomas with a \$50.00 donation toward restoring the cars for the next rally. In addition, advised Scout Leader, Ian Mercer that there were 4 large garbage bags of recyclables that had been collected by staff and that he was welcomed to them. Mr. Mercer thanked Council for the donation and the recyclables.

Councillor King, and Scout leader Mercer, took photos of the presentation. Council and the Gallery gave a huge applause to the Cubs on their accomplishments. Photos will be posted in the upcoming Town Newsletter.

ADOPTION OF MINUTES

Motion: Seary/Andrews
#08-066 Resolved that the Minutes of **February 26, 2008**, be adopted as presented with the following corrections: page 8, item, North East Avalon Times, Following the words, "Councillor Fagan" insert "*tried to*"

Carried
Unanimously

BUSINESS ARISING

Town Manager's Report – was presented and read by the Town Manager.

Business Arising from the Minutes

Town Manager advised that the following letters had been sent out:
Letter on a legal mater, referenced on page 5, Town Manger will investigate.
Letter re Item #1 page 4, 18A West Point Road, was sent out on today's date.

Councillor Fagan submitted the following report to the Town Clerk, on a meeting which he attended with the Eastern School District: ***Strategic Planning Consultation Sessions - Eastern School District - February 25, 2008.***

COMMITTEE REPORTS

Finance and Administration Committee Report – March 6, 2008

1. Accounts for Payment

Motion: Mercer/Andrews
#08-067 Resolved that Council pay the accounts (over \$5,000) which total \$165,649.10 (\$133,485.43 will be reimbursed from Loan Proceeds for the Multi-Yr#3 Capital Works Project)

Carried
Unanimously

2. Correspondence: FCM

Members Advisory – Update on the Continuation of the Gas Tax.
Committee submits this advisory as it is a Confirmation of the Commitment that the Gas Tax Transfer is Permanent.

3. Correspondence: Portugal Cove Cubs
Request for Donation.

Motion: Mercer/Andrews
#08-068 Resolved that Council donate \$50.00 to the 1st Portugal Cove Cub Pack, to offset the cost of repairs on their cars that were used in the Cub Car Rally Race, which was held at the Avalon Mall, St. John's.

Carried
Unanimously

See Topic, "Delegation" 1st page of these minutes for further information.

4. Correspondence from Business Logistic

A thank you letter from Business Logistic Services with a notification that the Company is pleased to offer assistance in other areas.
Circulated for information.

5. Tender Results for used Trucks for PWS

Tender opening - February 29, 2008

Bidder	Type	Year	Total all inclusive
Jim Kelloway	F 350	2006	\$34,500.00
Wilbert Sheppard	F 250	2006	21,043.00
Hickman Motors	Silverado	2004	17,728.57
Hickman Motors	Sierra	2004	16,174.43
Hickman Motors	Silverado	2004	16,385.00
Hickman Motors	Silverado	2005	21,244.00
Total for both (\$17,728.57+16,174.43)			\$33,903.00
GST Rebate			<u>1,500.13</u>
All inclusive Net total			\$32,402.87

Motion: Mercer/Andrews
#08-069 Resolved that Council purchase two used trucks from Hickman Motors Limited (lowest bidder) at a total net cost of \$32,402.87 as Listed in table above.

Carried
Unanimously

6. Budget Review (NMFC-Newfoundland Municipal Financing Corp)

Motion: Mercer/Andrews
#08-070 Following an indepth review by Council of the Town's Budget 2008 it is hereby resolved that the Budget be increased by \$42,326.00 on the expense side and 42,326.00 on the revenue side. This will include the Government payments to NMFC and will not have any impact, or cost, to the Town. This amount will be identified in the budget as an in and out figure: (Totally managed by Govt.)
Provincial Share of Debt Charges - Revenue Account 5210-7100
Provincial Share of Debt Charges - Expense Account 7380-7100
With the increase of \$42,326.00 the Budget figure is now **\$6,143,487.00**.

Carried
Unanimously

7. Expense Reports

Committee advises that Expense Reports will be provided to all members of Council for review and or discussion on a quarterly basis.

8. Request for Donation: M. Steward - St. John's Soccer Association

Motion:

#08-071

Mercer/Andrews

Resolved that Council donate \$50.00 to the St. John's Soccer Association in aide of 3 students from this Town, who are members of the U14 Boys St. John's Soccer Team and will be representing our Town, Province, and Country, in the National Competition which will take place in Holland on the dates of March 24th to April 2nd 2008.

Carried

Unanimously

9. Dispute Resolution

Deputy Mayor Mercer advised that the Dispute Resolution is now ready to address complaints.

Planning and Development Committee Meeting – March 4, 2008

Approximately 30 residents participated in a Briefing Session (Town Hall Meeting) prior to the Planning and Development Committee Meeting. Councillor Fagan was in attendance for the Briefing Session (Town Hall Meeting).

1. 8A Lees Place

Application to Construct Single Dwelling. (Zoning: RMD)

Motion:

#08-072

Andrews/King

Resolved that the application to construct an on-site serviced, single dwelling on a 5-acre lot (3070 sq. m) off Miller's Road be conditionally approved in accordance with the Municipal Plan and Development Regulation, specifically Regulation 47: Lot Area and Size Exceptions, and all other regulatory bodies of government. The Committee further recommends that no development, including the septic disposal system, shall be located within 30 metres (100 ft) of the high water mark of Miller's Pond.

Carried

Unanimously

2. Correspondence:

Resident writes regarding an agreement with the previous council to beautify the land at the corner of Witch Hazel and Old Broad Cove Roads with signage, landscaping, and benches at no cost to the town.

Motion:

#08-073

Andrews/King

Resolved the proposal to landscape the land at the corner of Witch Hazel and Old Broad Cove Roads, at no cost to the Town, be conditionally approved subject to the submission of a concept plan for the work including information on the proposed signage. It is further resolved that no further approvals for signage shall be permitted until such time as advertisement standards are developed as part of the municipal plan review.

Carried

Unanimously

3. Public Briefing Session

To consider Commissioner's Report on *Municipal Plan Amendment 12, 2006 and Development Regulations 26, 2006*

(a) Change Finish Grade of Streets

Motion:
#08-074

Andrews/King

Resolved that Council accept the Commissioner's recommendation to increase the street grade from 10 to 12 %, and propose the amendment document is changed to add an explanation on how the street grade is measured.

Carried
Unanimously

(b) Increase Length of Cul-de-sac

Motion:
#08-075

Andrews/King

Resolved that Council accept the Commissioner's recommendation, and propose the amendment is changed as follows:

A policy will be added to the amendment stating that a cul-de-sac will be discouraged, except in circumstances where the physical features of the land make it necessary to terminate a road, such as in areas where the slopes are steep. Where adjoining land can be developed, the cul-de-sac shall be designed to provide a road reserve to the adjacent property.

The maximum length of a serviced cul-de-sac shall increase from 200 to 300 meters. The reason for the street increase is to compensate for the loss in the number of lots that can be developed based on the larger lot size and frontage requirement. (With a 10 % variance the road length could increase to 330 meters).

A serviced and/or unserviced cul-de-sac that is greater than 200 meters in length shall provide an emergency vehicular access of 6 meters minimum width that shall be located beyond the 200 meter distance, giving access to an adjacent public street.

An unserviced cul-de-sac shall be 300 meters in length. (With a 10 % variance the road length could increase to 330 meters). Where adjoining lands can be developed, the cul-de-sac shall be designed to provide a road reserve to the adjacent property.

Carried
Unanimously

It was explained to Councillors and the Gallery that residents would have a chance to review, and have input into this topic again during the process of the Town Plan Review.

(c) Increase Lot Frontage, Area, Side Yard Width and Building Setback

Issues: Cost of serviced lots will increase - Balance may be achieved with appropriate density and proportions. A 23 m frontage is not sustainable development - Town plan review will look at possible alternative lot sizes.

Motion: Andrews/King
#08-076 Resolved that Council reject the Commissioner's recommendation of not approving increased building lot frontage. Further resolved that the minimum lot frontage for **new** fully serviced development be increased from 15 to 23 meters in the Residential Medium Density Zone. The text of the amendment will be changed to clarify the different standards between infill building lots and lots in serviced subdivisions. The development standard for double and row dwellings will also be clarified.

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

(d) Landscape Policy

Motion: Andrews/Fagan
#08-077 Resolved that Council accept the commissioner's recommendation, and propose to change the amendment to expand the policy on landscape requirements. A policy will be developed to include standards for the percentage of natural vegetation that is to be maintained in both the front and rear yard of building lots.

Carried
Unanimously

(e) Street Design Standard for Local Roads

Issues:

Overriding concern is for pedestrian safety on narrow roads.
Amendments did not address research questions raised by Municipal Affairs. Street design needs to reflect rural characteristics – no curb or concrete sidewalk

Motion: Andrews/King
#08-078 Resolved that Council accept the Commissioner's recommendation, and change the amendment documents to incorporate three street design profiles be developed based on the function and volume of traffic anticipated on each street, as follows:

- 1) The street design that is proposed in the amendment will be maintained on a cul-de-sac and a crescent road only. The design will be modified slightly so that the proposed pedestrian walkway will not be marked. On street parking on the road shoulder will be discouraged with signage.
- 2) Main thoroughfares in serviced subdivisions, which connect with a cul-de-sac, a crescent or a collector road, will be redesigned to incorporate a 17.5 meter right-of-way that will include a 6 meter driving surface, one 2.5 m parking lane and one paved sidewalk (1.5m) on the inside of the swale ditch.

3) The street design standard in semi-serviced and/or unserviced areas will be designed in accordance with the RLU – 60 street cross-section as is currently outlined in the Town’s subdivision design standards manual. Council will ensure that the one meter wide shoulder is provided on all future RLU - 60 roads.

Carried

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

4, CONDITIONAL APPROVALS/PERMITS: (Feb. 2 – Feb. 26, 2008)

	Date	Civic Address	Permit
1	Feb 19/08	6 Day’s Road	Occupancy Permit
2	Feb. 26/08	13-15 Carrigan Place	Single Dwelling Permit

5. ERAB – Decision of Appeal dated at St. John’s, 7th day of March 2008. **Guardian Manner: Appeal #R07-E30** respecting Town’s decision to approve development of a medical and special treatment care facility at Jonathon Heights, Portugal Cove-St. Philips.

Councillor Andrews reported that the Board upheld the decision of the Town and ordered that the development permit issued by the Town of Portugal Cove-St. Philip’s on November 30, 2007 for the construction of a medical treatment and special care facility at #432 Old Broad Cove Road be confirmed. The ERAB further ordered that the Portugal Cove-St. Philip’s Council is bound by the decision of the Eastern Regional Appeal, Board, which is binding on all parties.

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Public Works Committee Meeting – No Report

Parks, Recreation, and Community Services Committee Meeting
No Report.

Public Relations, Economic Development & Tourism Committee Meeting: No Report

CORRESPONDENCE

1. MNL:- InfoNote

a) Municipal Symposium to be held in Gander
Mayor and the Town Manager will attend the Municipal Symposium which will be held in Gander on May 7th and 8th, 2008.

b) LADR Workshop – St. John’s
Councillor Butler and Councillor Fagan will attend the LADR workshop to be held in St. John’s on April 4th and 5th 2008

2. MNL Memo

Circulated for information

Councillor Butler arrived - Time 800 p.m.

GENERAL/NEW/UNFINISHED BUSINESS

(1) Urban Municipalities Committee Meeting Agenda – Feb 29, and March 1st. 2008. UMC Meeting hosted by Town of Portugal Cove-St. Philips.

Topics on the Agenda included: Introduction of Special Guests, Municipal Ticketing; Labrador City Waste Management Survey, Mandatory Winter Tires, Marine Atlantic, Passenger Bill of Rights, Round table discussions.

Mayor Collins reported on the UMC meeting which was hosted by the Town of Portugal Cove-St. Philips and that he had received an email from Keith Keating thanking Mayor Collins and his Council for a great weekend.

Councillor Fagan also reported that he enjoyed the meeting and enjoyed conversing with other Councillors from all over the island of NL.

(2) Town of Marystown - Winter Tires

Town Council of Marystown calls upon Municipalities of Newfoundland and Labrador to lobby government to make it mandatory that all vehicles be equipped with winter tires during the winter season.

It was also noted that there were pros and cons with this topic.

(3) Mayor Collins re: Correspondence from L. Churchill

Regarding a meeting which residents have organized for March 25th and have invited Council and members of Provincial Government to attend in order that they discuss and review the deplorable conditions of the roads within the town that come under the jurisdiction of the Province.

Mayor Collins advised that he had spoken with members of Government and advised that he was privy to some information but not at liberty to speak on it at this time.

Mayor Collins will follow up with Mr. Churchill to see if they can change the date of their meeting, March 25th because it coincides with Council's Public Council Meeting.

4) Councillor Butler advised the he attended the Capital Coast Meeting

Meeting was held March 6, 2008 (last Thursday night) he noted that Councillors from Bell Island wished to send their voice along with ours about the condition of Portugal Cove Road.

(5) Mayor Collins advised that a Petition on the State of the Provincial Roads has been placed on the front desk.

Town Manager responded to Councillor Fagan regarding a huge pothole on Bennett's Road and advised that the Superintendent had already contacted Works Services and Transportation about this issue.

(6) Municipal Green Building - Policy Development workshop
St. John's City Hall – March 28, 2008.

(7) Email from Concerned Citizen

Regarding 5 alleged arsons that have happened within the Town in the past 6 months.

Town Manager will follow up.

(8) Mayor Collins reported on an Attip report

MNL will take sole responsibility and will absorb any cost that may be related to defending the decision as was outlined by the Head of Attip for the Town of Portugal Cove-St. Philips.

(9) FCM will take on the topic of A Passenger Bill of Rights and will Lobby the Federal Government.

10) Councillor Fagan was advised that the **Final Report on the Storm Water Management Report** had not yet been received, and was advised to contact the Superintendent of Works for further information and status.

ADJOURNMENT

Motion: Andrews/Butler
#08-079 Resolved to adjourn this meeting.
Time: approximately 8:45 p.m.

Carried
Unanimously

Mayor Norm Collins

Loretta Tucker, Clerk Treasurer