

TOWN OF PORTUGAL COVE-ST. PHILIP'S

October 21, 2008

Public Council Meeting called to order at 7:30 pm.

IN ATTENDANCE: Mayor: Norm Collins
Deputy Mayor: Keith Mercer
Councillors: Jon Seary
Steve Andrews
Bill Fagan
Darrell Butler
Town Manager: Rodney Cumby
Town Clerk/Treasurer: Loretta Tucker

Also in Attendance: Gallery of 10 persons

ADOPTION OF AGENDA

Motion: Seary/Butler
08-300 Resolved that the Agenda dated October 21, 2008 be adopted as presented.
Carried
Unanimously

ADOPTION OF MINUTES

Motion: Andrews/Seary
08-301 Resolved that the Minutes of the Public Meeting of October 7, 2008, be adopted with the following corrections: Page 7- item 6 remove “*City limits*” and insert “*Smith’s Road*”; Page 6–Item 10 replace (*Motion # with 08-294*); Page 4–Item 1 *Fagan and Butler voted against.*
Carried
Unanimously

BUSINESS ARISING

Town Manager’s Report – dated October 21, 2008 was presented and read by the Town Manger.

It was reported that a meeting to carry out a detailed review of the Draft Town Plan was held October 20, 2008 with members of Council, J. Baird, G. Lynch, H. Duffett, L. Spurrell, R. Cumby and R. Burry. It was noted that although some members had to leave early the meeting did not conclude until after 12:00 am.

Town Manager gave a report and the relative section relating to *Tendering for Consulting Services* and read section 8 under definition (g) excerpt follows:

“(g) Services does not include legal, engineering, architectural, accounting, land surveying, banking or insurance services, voice telephone services, or other services that require the giving of an opinion, creativity, the preparation of a design, or technical expertise.

He also advised that he had received an opinion from Municipal Affairs and from the Head of the Government Tendering Division.

Installation of a sound system was addressed and is an ongoing issue. Mayor Collins stated that when we install the system we need to install an appropriate system that will serve the Town for many years to come.

Business Arising from Minutes of October 7, 2008

Mayor Collins responded to Councillor Fagan's question regarding Bennett's Road and gave a report on his conversation with the Minister. The Minister advised that due to the large increase in cost they could not complete the work as anticipated, however advised her Department will endeavor to have, or cause to have, the road work completed on Bennett's Road in 2009.

Mayor Collins responded to Councillor Fagan's question regarding Harding's Hill and advised that in speaking to the Minister he was advised that the barricades would be removed and the ticket booth would be set up on Bell Island. It is therefore felt that this should fix the problem.

COMMITTEE REPORTS

Councillor Collins turned the chair over to Deputy Mayor Mercer

Planning and Development Committee – October 14, 2008

1. 640 Indian Meal Line

Application to construct barn and keep horses on property at #640 Indian Meal Line - Zoning: AG

Motion:
#08-302

Andrews/Collins

Resolved that the application to construct an 1800 sq. ft. accessory building (barn) to house five horses on property zoned agriculture at Civic #640 Indian Meal Line be conditionally approved in accordance the Municipal Plan and Development Regulations, and all other regulatory bodies of government. The maximum number of horses to be kept on the property shall be limited to five. In addition, the applicant is required to provide a waste management plan outlining the proposed manner of disposing/stockpiling animal waste. This is also conditional on the Area residents being notified and given the opportunity to respond on the proposed development prior to any permits proceeding.

Carried
Unanimously

2. 853 St. Thomas Line

Application to subdivide property and construct single dwelling - Zoning: RMD

Motion:
#08-303

Andrews/Collins

Resolved that the application to construct a single dwelling at Civic #853 St. Thomas Line 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.

Carried
Unanimously

3. 562 Old Broad Cove Road – Zoning: RMD

Construct an accessory building

Motion: Andrews/Collins
#08-304 Resolved that the application to construct a 72 square meter accessory building at Civic #562 Old Broad Cove Road, be conditionally approved, in accordance the Municipal Plan and Development Regulations and all other regulatory bodies of government.

Carried
Unanimously

Councillor Seary vacated his seat and left Council chambers to the possibility of a perceived Conflict of Interest. (Neighbor)

4. 1745-747 Old Broad Cove Road – Zoning: RMD

Construct an accessory building

Motion: Andrews/Collins
#08-305 Resolved that the application to construct an accessory building that measures 97 square meters in size and approximately 5.5 metres in height at Civic #745-747 Old Broad Cove Road, be conditionally approved, with a 10% variance on the accessory building height, in accordance the Municipal Plan and Development Regulations and all other regulatory bodies of government. This is also conditional on area residents being notified and given an opportunity to response to the notice of variance, prior to any permits being issued.

Carried
Unanimously

Councillor Seary was advised that the item had concluded and returned to Council Chambers.

*** Notice to Town Planner and/or Committee Staff.**

Council advises that The Town Planner include the number of the amendment that is associated with any recommendations coming from the Planning and Development Committee.

5. Lois Lane

Installation of Utility Pole to provide electrical service to an accessory building - Zoning: RI

Motion: Andrews/Collins
#08-306 Resolved that the request to install a separate power service to an accessory building for residential purposes at Civic #4 Lois Lane, be conditionally approved, in accordance with the Municipal Plan and Development Regulations, and all other regulatory bodies of government. The applicant is to confirm in writing that the accessory building will be used for residential storage purposes only.

Carried
Unanimously

6. 301-303 Bennett's Road

Separate electrical service to an accessory building - Zoning: RI

Motion: Andrews/Collins
#08-307 Resolved that the request to install a separate power service to an accessory building for residential purposes at Civic # 301-303 Bennett's Road, be conditionally approved, in accordance with the Municipal Plan and Development Regulations, and all other regulatory bodies of government. The applicant is to confirm in writing that the accessory building will be used for residential storage purposes only.

Carried
Unanimously

7. 98 Bennett's Road

Application to Construct Accessory Building - Zoning: WAT
Held pending further information from applicant.

8. 15-17 Joyce's Crescent

Municipal Recommendation Form Application for Crown land – Zoning: RI

Motion: Andrews/Collins
#08-308 Resolved that that the Municipal Recommendation Form Application for Crown land at Civic # 15-17 Joyce's Crescent for residential purposes be rejected, as the proposal is contrary to the Municipal Plan and Development Regulations, specifically, Schedule C, where residential uses are not permitted in the Agricultural zone.

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

9. 291A Old Broad Cove Road

Development activity on property off Old Broad Cove Road – Zoning: RR

Motion: Andrews/Collins
#08-309 Resolved that no development be permitted at Civic # 291A Old Broad Cove Road, until such time as the engineering drawings for the proposed subdivision are approved and a permit is issued for the development. It is further recommended that the General Repairs & Maintenance Permit, issued July 16, 2008, (Permit #08-245) be revoked, as it has been determined that the existing structure is dilapidated beyond repair.

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

10. Planning and Development Committee discussed the following:

- ✓ Beachy Cove Road - Bank stabilization and parking area development
- ✓ Development proposal Hugh's Pond -Smiths Road area
- ✓ Town plan review schedule
- ✓ Mercer's Road subdivision plans
- ✓ P&D Budget

11. Permits Issued: (September 29, to October 9, 2008)

#	DATE:	CIVIC ADDRESS	DEVELOPMENT
1	Sept. 29/08	194 Tolt Road	General Repairs & Mtce.
2	Sept. 30/08	10 Brentwood Avenue	Single Dwelling
3	Sept. 30/08	7 Bentwood Avenue	Single Dwelling
4	Oct. 01/08	83 Dogberry Hill Road	Dwelling Extension
5	Oct. 01/08	611 Indian Meal Line	Accessory Building
6	Oct. 02/08	8 Bentwood Avenue	Single Dwelling
7	Oct. 02/08	1564 Thorburn Road	Occupancy
8	Oct. 02/08	34 Loop-Drive	General Repairs & Mtce.
9	Oct. 02/08	6 Salty Place	Single Dwelling
10	Oct. 02/08	7 Salty Place	Single Dwelling
11	Oct. 06/08	191 Tuckers	General Repairs & Mtce.
12	Oct. 08/08	16 Hynes Road	General Repairs & Mtce.
13	Oct. 08/08	17-23 Marian Place	Single Dwelling
14	Oct. 08/08	54 Knapp's Road	Accessory Building
15	Oct. 09/08	101 Western Gully Road	General Repairs & Mtce.
16	Oct. 09/08	17 School Road	Occupancy
17	Oct. 09/08	5 Red Maple Place	Occupancy

Deputy Mayor Mercer turned the chair back to Mayor Collins.

12. Town Plan Review

Councillor Andrews gave Council, and the gallery, a verbal report on the detailed Town Plan Review that was held October 20, 2008.

He advised that a Flyer will be prepared, hopefully by the end of October, which will highlight the major changes proposed in the Plan, and will also outline the process, and give a detail of the proposed Town Plan Hearing sites with the Commissioner and area residents. The area meetings in the different regions will take place November 18, 19, 20, 2008.

The Flyer to the resident's will give full detail of the whole process.

Change in Public Council Meeting Dates

Council Meeting scheduled for **Tuesday, November 18, 2008** will be changed to **Monday, November 24, 2008**. A reminder notice will be sent to all members of Council.

Report MNL Convention

Councillor Andrews advised that he would prepare and bring forward a Report from the MNL Convention.

Parks, Recreation, & Community Services - October 16, 2008

1. Edu-Recreation Centre

Correspondence was sent to the Eastern School District requesting a meeting with the board to present the Town's proposal. The School Board Office has advised that they would bring this request to the next meeting. Noting this may take a few months before a meeting date is scheduled. As a result applications for funding will be forwarded to government without their letter of support.

2. Voisey's Brook Development Project

Tract Consulting has completed a site survey of Voisey's Brook Park. A presentation will be made to the recreation staff and Council within the next couple of weeks. At that time it will be determined what areas of interest will be pursued for the 2009 budget.

Staff to ensure that the Town Planner is at this meeting.

3. Budget

Committee will be reviewing its proposed Budget for he 2009 during the next couple of weeks.

4. Aerobics Classes

Committee advises that Beachy Cove Elementary has been secured to facilitate classes for 3 nights a week. However due to lack of certified aerobics instructors in the area, we can only facilitate 2 nights a week. The Town is still searching for these instructors. If anyone has any suggestions or knows of anyone who would be certified, please contact the Recreation Department.

5. 50+ Club Application for Funding

The Portugal Cove – St. Philip's Rainbow 50+ Club will be applying for funding under the New Horizons Program to help with some upgrades to the Recreation Centre. The Recreation Director will be meeting with the President of the 50+ Club to discuss what they would like to apply for under the funding. Assistance will be provided with the application to ensure they illustrate that they have the Towns full support. Committee will bring forward a report to the next meeting.

6. Minor Soccer Executive

The PC-SP Minor Soccer Association held their AGM on September 23rd. The new president elected is Brian Rice and the new vice-president is Janet Bryant. The other Board Members are: Darrell Wells, Steve Lawler, and Sylvia Tobin. The Town wishes them the best in the upcoming season with special thanks to Johnny Hanlon for his work during the past few years with the start up of the association.

Public Works Committee Report – No Meeting

Public Relations, Economic Development & Tourism

1. Wind Energy

Committee invited the Town Manager to discuss the Wind Energy Project. Committee is investigating the feasibility of such a project.

2. West Point Cemetery

Seary/Andrews

Resolved that Council deem the site at West Point, a Municipal Heritage Site under Chapter M-24 Section 200.1 of the Municipalities Act.

Motion:
#08-310

Carried
Unanimously

Motion: Seary/Andrews
#08-311 Resolved that Council have large stone markers around the perimeter of the site in order to limit further disturbance as well as a monument to the early settlers of Portugal Cove

Carried
Unanimously

3. 3-M

Committee advises that they are hoping to include the highly reflective 3-m diamond grade product on the remainder of the new street signs. Staff will be contacting 3-M for a list of vendors, if any, that might possibly produce the signs at a lower cost. Increased Cost is a real concern for all.

4. Website

Motion: Seary/Andrews
#08-312 Resolved that Council replace the old logo by implementing the new logo onto the website while also incorporating the new colors of the logo as well.

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

5. Budget 2009

Committee is in the process of reviewing its proposed budget for the 2009 and will be bringing forward any recommendations from their review.

6. Farmers' Market

Committee discussed the Farmer's Market and is planning a meeting with local vendors to seek interest in the Market for next year.

Finance & Administration Committee – September 18, 2008

1. Accounts for Payment

Motion: Mercer/Andrews
#08-313 Resolved that Council pay the accounts in the amount of \$44,072.93. One of 6 invoices is in the amount of \$368,959.53 is for Multi-Year #3 which will be reimbursed from the overrun funds.

Carried
Unanimously

2. Leave of Absence–Councillor A. King

Motion: Mercer/Andrews
#08-314 In accordance with a written request from Councillor King for a leave of absence, it is hereby resolved that Councillor King be granted a leave of absence, without pay, from Council duties for a period of 4 months, commencing October 14, 2008.

Carried
Unanimously

CORRESPONDENCE`

1. Letter from MNL- President G. Letto
Circulated for information

2. Letter from Mayor Collins

Letter from Mayor Collins sent to Mr. Felix Collins, Commissioner for the St. John's Agriculture Development Area Review Commission.
Circulated for information

GENERAL/NEW/UNFINISHED BUSINESS

1. Dispute Resolution Invoices

Mayor Collins advised Council that to date we have invoices totally \$97,133.12 since the onset of the Dispute Resolution process. Of this amount **68,932.15** worth of invoices has been received since the Minister's Directive.

He also advised that this item would be reviewed at the Dispute Resolution Committee which is scheduled for tomorrow, October 22, 2008.

2. Northeast Avalon Times Paper

Article Captioned: *"Minister won't help Town with quarter million-dollar tab"*
Mayor Collins voiced his disbelief at an article that was written in the Northeast Avalon Times which was not based on facts. He advised that he had been speaking with the Minister Denine who was upset with an editorial that was printed in the times captioned: *"Denine failing residents of the Town"*.

Mayor Collins cautioned all members to be careful what they say to the Media. He also advised that due to the Minister's busy schedule he would not be able to meet with us for approximately 3 weeks.

Mayor Collins responded to Councillor Fagan stating that Mr. Ken Templeton was not dismissed by the Town but advised that since he had fulfilled his mandate there wasn't a need for him to go any further.

Councillor Fagan wished to know the status of the CDA study for Old Broad Cove West.

3. Mayor Collins gave greetings and congratulations on behalf of the Town at the following functions:

- Portugal Cove-St. Philip's Volunteer Fire Department's Ball held Saturday, October 18, 2008;
- Holy Rosary Parish 175th Anniversary held October 19, 2008 and he also presented them with a plaque and a donation from the Town;
- Anglican Parish of St. Philip's annual Harvest Festival, held October 20, 2008.

ADJOURNMENT

Motion: Andrews/Butler
08-315 Resolved to adjourn this meeting.
Time: Approximately 9:30 p.m.

Carried
Unanimously

Mayor Norm Collins

Town Clerk, Loretta Tucker