

TOWN OF PORTUGAL COVE-ST. PHILIP'S

Sept 23, 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
Superintendent: Roy Burry
Town Clerk/Treasurer: Loretta Tucker

Also in Attendance: Gallery of 12 persons

ADOPTION OF AGENDA

Motion: Andrews/Seary
08-263 Resolved that the Agenda dated Sept 23, 2008 be adopted.
Carried
Unanimously

ADOPTION OF MINUTES

Motion: Andrews/Seary
08-264 Resolved that the Minutes of the Public Meeting of September 9, 2008, be adopted as presented.
Carried
Unanimously

BUSINESS ARISING

Town Manager's Report – dated September 23, 2008.
The report was presented and read by Mayor Collins.

Business Arising from Minutes of August 26, 2008

Mayor Collins responded to Councillor Fagan's question on item #2, page 2 regarding Civic #853 St. Thomas' Line.

Town Clerk advised that she had contacted Mr. Anthony Oxford regarding his Waste Management study and he advised when his report is finished he would be glad to supply us with a copy of his report.

COMMITTEE REPORTS

Planning and Development Committee – September 23, 2008

1. 429-439 Old Broad Cove Road

Single dwelling with pond frontage - Zoning: RI

Motion: Andrews/Seary

#08-265 Resolved that the application to construct a single dwelling on an unserviced, waterfront lot that measures 6184 sq. m. (1.5 ac.) at Civic # 429-439 Old Broad Cove Road be conditionally approved in accordance with the Municipal Plan and Development Regulations, and all other regulatory bodies of government. As the application to demolish the existing summer dwelling was previously approved by Council, the Committee further recommends that the current demolition request be conditionally approved, in accordance with Development Regulation 10: Discretionary Powers of Authority, provided that the replacement dwelling size is not greater than 50 % of the foot print of the existing dwelling.

Carried
Unanimously

2. 1557-1571 Portugal Cove Road

Fully serviced 36 lot residential subdivision - Zoning: DS/AG

Motion: Andrews/Mercer

#08-266 Resolved that the application to construct a thirty-six (36) lot, fully serviced residential subdivision at Civic #1557-1571 Portugal Cove Road, be conditionally approved, in accordance with the Municipal Plan and Development Regulations, and all other regulatory bodies of government. The development will proceed in three phases - Phase I, which will involve the development of 11 lots and construction of a road and temporary turning circle, will require a zoning amendment to change the zone from Comprehensive Development (DS) to Residential Medium Density (RMD). The remaining portion of the subdivision (Phases II and III) is located in an area that is zoned Agriculture and forms part of the St. John's Urban Region Agricultural Development Area boundary (ADA). No development is permitted in this area until the land is deleted from the ADA designation. The manner in which Phases II and III will integrate with existing development (including roads, services, parks and open space areas) will be reviewed by Council, once the agricultural designation is removed.

Carried
Unanimously

3. 1395-1399 Thorburn Road

Subdivision of land to create two infill lots - Zoning: RMD

Motion: Andrews/Mercer

#08-267 Resolved that the application to subdivide property to create two infill lots on a building lot that has an existing dwelling at Civic # 1395-1399 Thorburn Road be conditionally approved, in accordance with the Municipal Plan and Development Regulations, and all other regulatory bodies of government. As the subdivision will cause the existing dwelling to become a back lot development, the Committee further recommends that Council approve a 10% variance for the building line setback for the existing dwelling in order for it to be in compliance with the Development Regulations. A written notice of the proposed variance will be issued to area residents.

Carried
Unanimously

4. 86 Meadow Heights

Home Office Zoning: RMD

Motion:
#08-268

Andrews/Mercer
Resolved that the application for a home office (C. & A. Arboriculture) that will operate from the main dwelling at Civic 86 Meadow Heights, for the purpose of scheduling the appointments for arborist, be conditionally approved in accordance with the Municipal Plan and Development Regulations, and all other regulatory bodies of government.

Carried
Unanimously

5. 58 Dogberry Hill Road

Home Occupation Zoning: RMD

Motion:
#08-269

Andrews/Mercer
Resolved that the application for a home occupation business that will operate from the top floor of the main dwelling at Civic 58 Dogberry Hill Road, for the purpose of providing child care services to a maximum of six children, be conditionally approved, in accordance with the Municipal Plan and Development Regulations, and all other regulatory bodies of government. The business is required to obtain approvals from all relevant government agencies; the drop-off and pick-up of children must not interfere with the free flow of vehicular traffic. The operation must also demonstrate compliance with the child care regulations adopted by Council, as outlined in Development Regulation Amendment 27, 2006.

Carried
Unanimously

6. Indian Meal Line - AG Zoning

Staff will respond to a resident's questions for clarification on the Agricultural zone.

7. Chesley Van Heights

Complaint regarding farm animals

Staff will advise that the matter has been forwarded to the Eastern Regional Appeal Board.

8. Western Gully Road

Registered appeal and purchase notice withdrawn
Submitted for information.

8. Indian Meal Line

Request to meet with P&D Committee

Staff will obtain further information on the issues of concern

10. Eastern Regional Appeal Board

Notice of appeal against Council decision

Submitted for information.

11. Applications to Develop Within the Provincial ADA Land

1. 2-244a Old broad Cove Road
2. 13 Fennellys Road
3. 3 Round Pond Road

Applicants will be advised that developments that are not directly related farming are not permitted in the agricultural zone, unless the area is deleted from the ADA and the Town Plan is amended to allow the development.

12. Permits Issued (August 29 to September 16, 2008)

#	DATE:	CIVIC ADDRESS	DEVELOPMENT
1	Aug. 29/08	1-9 Bugden Drive	Accessory Building
2	Sept. 03/08	4 Somerton's Lane	General Repairs & Mtce.
3	Sept. 08/08	19-21 Winsorian Place	Single Dwelling
4	Sept. 08/08	12-20 Hardings Hill	General Repairs & Mtce.
5	Sept. 08/08	23 School Road	Occupancy
6	Sept. 08/08	778-786 St. Thomas Line	Single Dwelling
7	Sept. 09/08	23-25 Knapp's Road	Occupancy
8	Sept. 09/08	23-25 Knapp's Road	Accessory Building
9	Sept. 09/08	544 Bauline Line Ext.	General Repairs & Mtce.
10	Sept. 09/08	847-849 Indian Meal Line	General Repairs & Mtce.
11	Sept. 10/08	1122 Indian Meal Line	Single Dwelling
12	Sept. 10/08	1120 Indian Meal Line	Single Dwelling
13	Sept. 10/08	878 Indian Meal Line	Accessory Building
14	Sept. 10/08	6 Bentwood Avenue	Occupancy
15	Sept. 10/08	901-909 Thorburn Road	Replace Fuel Tanks
16	Sept. 11/08	8 Newbury Street	Occupancy
17	Sept. 11/08	1572 Thorburn Road	Accessory Building
18	Sept. 12/08	22-24 Abbott's Road	Accessory Building
19	Sept. 15/08	295 Dogberry Hill Road	General Repairs & Mtce.
20	Sept. 15/08	80 Oliver's Pond Road	General Repairs & Mtce.
21	Sept. 16/08	261-267 Bauline Line Ext.	Occupancy
22	Sept. 16/08	4 Stockton Place	Accessory Building
23	Sept. 16/08	125-127 Tolt Road	Single Dwelling
24	Sept. 16/08	108-110 Neary's Pond Road	Occupancy
25	Sept. 16/08	9 White Ash Drive	Occupancy

13. Civic # 291 Oliver's Pond Road Zoning- Residential Rural (RR)

Application to construct a cul-de-sac with four building lots

Motion:
#08-270

Andrews/Mercer

Resolved that Council amend motion #08-200 to approve the development of a cul-se-sac that run in an easterly direction off Oliver's Pond Road, in accordance the Municipal Plan and Development Regulations, specifically Regulation 10, Discretionary Powers of Authority, and all other bodies of government. The proposed new cul-de-sac will provide a 15 meter road reservation which will provide opportunity for future road linkages and the elimination of an existing dead-end street.

Carried
Unanimously

14. Civic # 853 St. Thomas Line

Subdivide of property off Wards Lane to develop two building lots.

Motion:
#08-271

Andrews/Mercer

Resolved that Council amend motion #08-186 to approve a deviation from the construction design standards for a turning circle at the end of Wards Lane, in accordance the Municipal plan and Development Regulations, specifically Regulation 10, Discretionary Powers of Authority, and all other bodies of government. The applicant is required to convey to the Town a regulation size turning circle (18 meter radius). However, to minimize the impact of the development on the environment, the construction standards for the turning circle will be reduced, as follows: the turning circle will provide a 12 meter wide radius, as opposed to 15 metres, which will include an 11 meter wide asphalt paved surface and one meter gravel shoulder. The resulting turning circle will have a larger turning radius than the existing, which is estimated to be 8.5 metres.

Carried
Unanimously

Parks, Recreation, & Community Services – September 18, 2008

1. Public Library Board

In past years the Town of Portugal Cove - St. Philip's has applied to the Public Library Board to have the St. Philip's Library made part of the Public Library System. Mr. John White of the Public Library's Board advised that they will be meeting to discuss their budget for 2009 and will also review requests to add library's to their system. The Recreation Director has written a letter to the Board asking them to consider the Town of Portugal Cove - St. Philip's request when they are reviewing their requests. We hope to hear back from them within the next couple of months.

2. Parks, Recreation, and Community Services Co-Chairs

Councillor Adrienne King and Councillor Bill Fagan share the role of Chair; they will alternate the role of Chair from meeting to meeting and will share the duties of this share the duties of this position.

3. Community Halloween Party

The Annual Halloween Party will be held on Saturday, October 25th from 11:00a.m. – 1:00pm at the Recreation Centre. There will be lots of tricks and treats for the whole family.

4. Aerobics Classes

The Town will be offering aerobics classes to its residents once again. These classes will be starting in October and will take place at Beachy Cove Elementary. Classes will take place on Tuesdays, Wednesday, and Thursdays. Advertisements will be posting in the Northeast Avalon Times, the Newsletter, and on the Community Bulletin Boards.

5. LED – Holiday Lightswitch Program

The Dept. of Natural Resources, MNL & NL Hydro and NL Power are seeking interest from Municipalities/Communities to participate in this year's Holiday Lightswitch event. Attached is information re this program. The Town's application has been submitted to host one of these events. The Lightswitch Program will be incorporated with the Christmas Parade and Tree Lighting Event if we're selected for the program.

6. ACT – Alliance for Controlled Tobacco Conference Presentation

The ACT will be hosting a conference in St. John’s, October 22nd and 23rd. The Recreation Director will be presenting on “Smoking Regulations for recreation Facilities” as we were the first community in the Province to make a policy that bans smoking in and around recreation facilities.

7. Edu-Recreation Centre Update

The Recreation Director met with Neil Dawe of Tract Consulting to discuss the priorities that came out of the last meeting that was held with the Eastern School District. There are many initiatives that both Mr. Dawe and the Town will take in getting a presentation prepared for the School Board. A letter has been sent to Mr. Eric Show, Assistant Director of Finance and Administration, asking for the opportunity to present the proposal. We hope to hear positive feedback from the Board in the near future. Further updates will follow.

Public Works Committee Report –September 18, 2008

1. Wind Energy Report From FGA Consulting Engineers

Final Report circulated for review.

It was suggested by Mayor Collins that maybe Council or members of Council could possibility meet with the Mayor of St. Lawrence at the upcoming MNL Convention regarding their approach to receiving the GMF Funds.

Also noted that wind study item will be reviewed during at the upcoming budget meetings.

2. Site location for Chlorine Booster Station.

Committee reports on the location of the Chlorine Booster Station and notes that the Town may have to acquire a parcel of private property to house the station.

3. Vehicle Lift for Depot

Motion:
#08-272

Seary/Andrews

Resolved that the increased price estimation for the purchase of the Vehicle Lift for the Depot be forwarded to Finance and Administration Committee for review and recommendation on calling of further quotes.

Carried

For: Collins, Mercer, Seary, and Andrews

Against: Fagan

4. Correspondence from a developer of Mercer’s Road

Re: Request to purchase private property.

Committee discussed the request and advises that it has no objection to the resident purchasing private property for the stated purpose providing the following:

- (a) An 18 foot meter radius cul-de-sac be surveyed out at the end of Western Heights and transferred to the Town at no cost to the Town;
- (b) That the request be reviewed by the Planning and Development Committee for their comments prior to final approval being granted.

5. New Town Signs

Committee advises that within the next 2 weeks the Public Works Department will have completed the installation of the remainder of the new road signs.

6. Water Levels in Hugh’s Pond

It is noted that the Public Works Department has been keeping a vigilant eye on the water levels in Hugh’s Pond.

7. Federal Election Signs on the Town’s Tourism Signs.

Staff have followed up and contacted the parties involved.

Public Relations, Economic Development & Tourism

No Meeting held.

Finance & Administration Committee – September 18, 2008

1. Accounts for Payment

Motion:
#08-273
Carried
Unanimously

Mercer/Andrews
Resolved that Council pay the accounts in the amount of \$101,337.56

Please note: The Invoice for Pardy’s Waste Management & Industrial Services in the amount of \$28,738.73, held pending investigation, has been reduced by \$9,627.60 for a corrected invoice of \$19,111.13. In addition to this Invoice Public Works had extra work done and there are 2 additional invoices. (See Cheque Register)

2. Legal Matter: - RE: EMBEP001

Motion:
#08-274

Carried
Unanimously

Mercer/Andrews
Resolved that following an indepth review of this account that the Account Holder’s lawyer be advised that the statement is correct and therefore must be paid.

3. Corrections Canada

Motion:
#08-275

Carried
Unanimously

Mercer/Andrews
Resolved that Council declare Restorative Justice Week from November 16th to November 23rd, which will be held in Canada, and throughout the World.

4. CBCL Limited

Motion:
#08-276

Carried

Mercer/Andrews
Resolved that Council accept the proposal from CBCL Limited in the amount of \$8,000 plus tax, to have a review carried out of the Town’s Planning and Development Department, subject to Council receiving a copy of the Terms of Reference. The funding for this project will come from Account #6585. It was also noted that our Town Planner will be involved in the whole process.

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

5. Correspondence re: M. Day – Canadian Idol Participant

Motion: Mercer/Andrews
#08-277 Resolved that a congratulatory letter be sent to Mr. M. Day and that Mr. Pretty be sent a thank you letter, which will also outline the Town’s participation in the Canadian Idol. (Both letters will be under the Mayor’s signature)

Carried
Unanimously

Mayor Collins advised that the letters have been sent to both parties.

6. Vote on MNL’s Decision

Re: all upcoming MNL Conventions held in St. John’s.

All members of Council who were present completed the MNL ballot form either “Yes or “No” for or against the Annual MNL Convention being held in St. John’s only.

* Please note the forms have been faxed to the MNL Office.

7. Avalon Director

Mayor Collins had been asked and has decided to run for Avalon Director however would like a resolution and support from the Council.

Mayor Collins vacated the Chair

Motion: Mercer/Andrews
#08-278 Resolved that the Town of Portugal Cove-St. Philip’s support Mayor Collins for the position of Avalon Director to sit on the board and represent the Avalon Area.

Carried
Unanimously

Mayor Collins returned to the Chair

CORRESPONDENCE`

1. Department of Municipal Affairs

PSAB – Phase 2 – Who should attend: CAO’s, Town Clerk, Council Member preferably Chair of Finance, and Town’s Auditor.

Date – November 25, 2008 – Witless Bay.

2. Town of Gander, Mayor Claude Elliott.

Re: Their opposition to MNL’s decision to host all MNL Annual Conventions in St. John’s and their request to support this position by voting “No” on the survey.

GENERAL/NEW/UNFINISHED BUSINESS

3. Mayor Collins Circulated the Following Report Titled:

Report of the Mayor to Council on the activities of the Dispute Resolution Committee.

Report from Policy and Development Committee dated September 15, 2008.

Councillor Fagan submitted a report on the Regulations, Policy and Procedures. This report included the Terms of Reference, and Hiring Assistance.

Motion: Fagan/Mercer
#08-279 Resolved that Council accept the contents of the report as submitted by Councillor Fagan.
Carried
Unanimously

4. Annual Fireman’s Ball - October 18, 2008

The Ball will be held at:

Portugal Cove – St. Philip’s Recreation Center.

RSVP to A. Janes at 895-6963 by October 3, 2008.

6. NEA Joint Council Representative

This item will be BF to next meeting.

7. Question

Re: Municipal Plan and the revised section “B” “D” & “C”

It was noted that Council Members need to have their comments forwarded to the Town Planner ASAP.

8. Bennett’s Road Closure

Mayor Collins responded to a question from Councillor Fagan regarding the closing of Bennett’s Road advising that it was on the radio many times.

9. Registered Letter to resident on Anglican Cemetery Road.

Superintendent of works advised Councillor Fagan that we are in the process of meeting with him next week. (Noting 3 scheduled meetings have been cancelled)

ADJOURNMENT

Motion: Andrews/Seary
08-280 Resolved to adjourn this meeting.
Time: 9:15 p.m.
Carried
Unanimously

Mayor Norm Collins

Town Clerk, Loretta Tucker