

**Town of Logy Bay-Middle Cove-Outer Cove
Regular Council Meeting
September 16, 2019**

(1) CALL TO ORDER: 5:33pm

IN ATTENDANCE

Mayor Bert Hickey
Deputy Mayor James Cadigan (arrived 6:35pm)
Councillor Dennis Hickey
Councillor Ashley Politi
Councillor Brian Roche
Councillor Paul Ryan

Cathy Follett, Finance Officer
Adele Carruthers, Town Clerk/Manager
Wayne Langille, Administrative Support Clerk

REGRETS

Councillor Bradley Power

(2) ADOPTION OF AGENDA/MINUTES

Ed Roche attended the meeting at 5:45pm to donate an original painting of Outer Cove in the early days

Moved P.Ryan/D.Hickey: Resolved that the agenda of a regular meeting held on September 16, 2019 be adopted as tabled. In favour 5. Carried.

Moved A.Politi/D.Hickey: Resolved that the minutes of a council meeting held on August 26, 2019 be adopted as tabled. In favour 5. Carried.

(3) BUSINESS ARISING (NIL)

(4) CORRESPONDENCE (NIL)

(a) Proclamation re: Fire Prevention Week. Mayor Hickey proclaimed the week of October 6 – 12, 2019 as Fire Prevention Week. Inspector John Stamp and Deputy Chief Robert Fowler, St. John's Regional Fire Department as well as will attend regarding the signing of the proclamation for Fire Prevention Week - 5:30pm

(b) Proclamation re: Sexual Violence Awareness Week. Mayor Hickey proclaimed the week of September 16 – 20, 2019 as Sexual Violence Awareness Week.

(c) Memo from Municipalities Newfoundland and Labrador re: Mental Health Task Force. The Town Manager as well as Councillor Politi will represent the Town on this task force.

(d) Letter from Mike Summers, Royal Newfoundland Constabulary Association re: 28th Annual Guide. Information Only.

(e) Letter from Craig Smith, St. John's Fire Fighters Association re: Fire Prevention Guide. Information Only.

(f) Royal Newfoundland Constabulary re: Traffic Enforcement Proposal. **Moved A.Politi/B.Roche:** Resolved that Council support the joint initiative between the 11 municipalities located in the North East Avalon to purchase the 4 RNC vehicles to be utilized for North East Avalon traffic enforcement during a 6 year period as outlined in the RNC proposal tabled herein for an upfront total lump sum cost of \$ 5000.00 for Logy Bay-Middle Cove-Outer Cove (based on area and population) with the understanding and requirement of Provincial Government approval, adoption of an MOU and establishment of a Traffic Committee. In favour 5. Carried.

(g) Letter from Nigel Black, Professional Municipal Administrators re: Fall Training Forum. Information Only.

(5) APPLICATIONS (NIL)

(a) 7 Ashkay Drive re: Concrete Pad. **Moved D.Hickey/P.Ryan:** Resolved that Council reject the application for a concrete pad as it is contrary to the Logy Bay-Middle Cove-Outer Cove Municipal Plan and Development Regulations. Whereas the subdivision that was approved by Council off Snow's Lane is in an area zoned Agriculture; Council determined, as per Regulation 87 (3), that the standards and conditions that shall apply to the Agriculture Zone are those set out in the Residential Low Density (RLD) Use Zone Table of Schedule C. The application for a 260 sq. meter accessory structure is contrary to Condition 8 of the RLD Use Zone Table, which states that all accessory buildings on a lot shall have a combined maximum lot coverage not exceeding 7 %, up to a maximum floor area of 90 square meters, whichever is less. In favour 5. Carried.

(b) 1-7 Barnes Road re: Single Family Dwelling. **Moved D.Hickey/B.Roche:** Resolved that Council approve the application for a single family dwelling in accordance with Development Regulation 45 (2) Livestock Structures and Uses and, the provisions of Condition 4 of Schedule C: Agriculture Use Zone. The applicant is required to comply with the site development standards outlined in the table for development in the Agriculture Use Zone. In favour 5. Carried.

(c) 123-127 Pine Line re: Single Family Dwelling. **Moved D.Hickey/P.Ryan:** Resolved that Council reject the application as the development is contrary to the Development Regulation with respect to zoning and development standards, pursuant to regulation 10. The proposed building lot is located in three zones: Residential Low Density (RLD); Open Space/Conservation (OS/C); and, Residential Subdivision Area (RSA). The proposed development is unable to meet the building line setbacks for the RLD zone. The OS/C and RSA Zones do not permit a single dwelling. In addition, the building lot is situated near a significant waterbody (Soldiers Brook) and may be subject to flooding. Land use policies restrict development in flood risk areas for the purposes of public safety and environmental conservation. In favour 5. Carried.

***Deputy Mayor Cadigan arrived at the meeting at 6:35pm
Councillor Politi and Councillor Roche left the chambers at 6:36pm***

(d) 386-388A Marine Drive re: Single Family Dwelling. **Moved D.Hickey/P.Ryan:** Resolved that pursuant to Section 4.3.5 of the Municipal Plan and Regulation 47 of the Development Regulation, the Town reject the application for the following reasons: (1) all development must front on a publicly maintained street, unless otherwise specified in this plan. The adjacent access is not a public road. (2) The 6 metre frontage onto Marine Drive is insufficient lot frontage to meet the minimum standard of 45 metre setback of the RLD use zone. In favour 4. Carried.

Councillor Politi and Councillor Roche returned to the chambers at 6:40pm

(6) COMMITTEE REPORTS

(a) Administration and Finance re: September 16 2019 Report. **Moved B.Roche/D.Hickey:** Resolved that Council approve the report as tabled. In favour 6. Carried.

(b) Planning and Development re: Appeal – Gerard Tobin Proposed Parking Lot on Municipal Property. **Moved D.Hickey/A.Politi:** Resolved that Council advise the Eastern Newfoundland Regional Appeals Board that it is Council's position that the construction of a parking lot on municipal owned land is not appealable to the Appeal's Board and send a letter to the Appeal Board and the appellant outlining Council's position and its rationale for this position, and construction recommence on the parking lot. In favour 6. Carried.

(c) Public Works re: Engineering Services Barnes Road Culvert Upgrading. **Moved P.Ryan/J.Cadigan:** Resolved that Council approve the expenditure for Engineering Services to Pinnacle Engineering (2018) Limited at a cost of \$ 16554.25 (HST included). In favour 6. Carried.

(d) Public Works re: 2020-2021 Municipal Capital Works re: Application. **Moved P.Ryan/J.Cadigan:** Resolved that Council apply for the following projects under the category Roads and other funding requests in the following order of priority: (1) Cadigan's Road and O'Brien Place Stream Crossing Upgrades \$ 847000.00 and (2) Stick Pond Brook Retaining Wall and Stream Crossing \$ 941000.00 . Council will utilize a bank loan for the Town portion if the funding is approved. In favour 6. Carried.

(7) NEW/UNFINISHED BUSINESS

(a) Municipalities Newfoundland and Labrador re: Federal Waste Water Regulations - Letter of Support. Council will draft a letter of support to Municipalities Newfoundland and Labrador supporting their position to the local MP's on the Federal Waste Water Regulations.

(8) NOTICE OF MOTION (NIL)

(9) ADJOURNMENT

Moved J.Cadigan/D.Hickey: Resolved that the Council meeting be adjourned at 7:15pm. In favour 6. Carried.

Adele Carruthers
Town Manager

Bert Hickey
Mayor