



**MINUTES**  
PUBLIC COUNCIL MEETING  
April 1, 2013

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on April 1, 2013 at 7:37 p.m.

**Members Present**

Mayor Bob Codner  
Deputy Mayor Geoff Gallant  
Councillor Mike Byrne  
Councillor Carol Ann Smith  
Councillor Ralph Tapper

**Staff Present**

Tina Auchinleck-Ryan, Director of Community Services  
Bernie Manning, Director of Public Works & Technical Services  
Ann Picco, Executive Clerk

**Regrets**

Councillor Peggy Roche  
Councillor Brian Whitty  
Dawn Chaplin, CAO/Town Clerk  
Brian Winter, Director of Planning

**Gallery**

There were a total of 7 people in attendance.

102-13      **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Smith

**RESOLVED THAT** that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

**Adoption of Minutes**

103-13      Motion – Councillor Byrne / Councillor Smith

**RESOLVED THAT** the Minutes of the March 19, 2013, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

**PROCLAMATIONS / PRESENTATIONS**

Mayor Codner noted that Torbay resident Mr. Tom McGrath was in attendance at tonight's Council Meeting on behalf of the Parkinson's Society Newfoundland and Labrador; and, he read the proclamation aloud.

104-13      Motion – Deputy Mayor Gallant / Councillor Tapper

**RESOLVED THAT** the Town of Torbay declare the month of April, 2013 as Parkinson's Awareness Month and invite all citizens of Torbay to join in wishing the Parkinson Society a successful Parkinson's Awareness Month.

Question called. Motion carried unanimously.

**CORRESPONDENCE**

1. Municipalities Newfoundland and Labrador – Municipal Symposium. *For information purposes. Mayor advised Council Members to let Executive Clerk know if they wish to attend.*
2. Department of Environment and Conservation – Development using individual groundwater wells. *Council discussed matters pertaining to development and the need for a hydrological survey on surrounding areas, which will need to be completed regionally between towns. Deferred to Planning and Land Use Development Committee to discuss and advise areas of concerns and to make recommendations.*
3. Department of Municipal Affairs – Prime Consultant Agreement. *For information purposes. Council discussed delays in developments and decrease in development stats this year. This agreement is approved and ready to be signed off on.*
4. Terra Nova Elite Cheerleading – Request for Donation/Sponsor. *Deferred to Finance Committee.*

**CORRESPONDENCE & ACTION REPORT**

The Correspondence and Action Report was discussed and accepted as presented.

- Councillor Tapper discussed Item No. 9 – Ground Water Assessment. He questioned if there was an update from the Department of Municipal Affairs. The Director of Public Works and Technical Services advised that the Best Technology Study is happening this year.
- Councillor Tapper discussed Item No. 11 – Torbay Municipal Habitat Stewardship Program. He advised that the SAM meeting is coming up soon in Bay Roberts and asked if there was an update

on our stewardship signing. Deputy Mayor made notice of motion for the next Public Council Meeting - see below motion:

105-13      Motion – Deputy Mayor Gallant / Councillor Tapper

**RESOLVED THAT** the Town of Torbay adopt the Municipal Habitat Stewardship Program Expansion Proposal at the Public Council Meeting of April 15, 2013.

Question called. Motion carried unanimously.

- Deputy Mayor questioned Item No. 67 – crosswalk painting on Torbay Road. Mayor Codner advised that letter is being forwarded tomorrow, April 2, 2013.
- Deputy Mayor questioned Item No. 60 – tree cutting in Forest Landing area. He questioned if there was any progress as there's a concern that more trees may be cut down. Mayor Codner suggested arranging a meeting with resident to put forth the Town's position. Director of Planning to arrange. Mayor Codner advised that he can sit in on meeting.

## **COMMITTEE REPORTS**

### **Economic Development**

No report.

### **Finance**

No report.

### **Human Resources and Administration**

No report.

### **Planning and Land Use**

Councillor Smith gave an overview of items discussed at the Planning and Land Use Development Committee Meeting, dated March 26, 2013.

Items discussed in the report included:

1. Development Proposals
  - a) Proposal brought forward from PLUD meeting August 16, 2012.
    - Information was brought forward as there was some confusion regarding the 6 semi-serviced building lot development – extension to Hearn Place.

- b) Proposal brought forward from PLUD meeting August 16, 2012.
    - Proposal to develop 14 serviced building lots off Country Drive.
  - c) Proposal brought forward from PLUD Meeting August 16, 2012.
    - Proposal for 7 semi-serviced building lots.
2. Correspondence
- a) Correspondence from Concerned Citizens Group regarding Motion Drive Estates appeal.
    - Committee agreed that the Town should not refund the appeal fee unless ordered by the Appeal Board.
  - b) Correspondence from property owner on Indian Meal Line.
    - Expecting to receive an application in near future.
3. Zoning Amendment Request
- A number of amendment requests were received.
4. Other Items
- a) Engineering Design Guidelines for Subdivisions
    - Motion to adopt the Engineering Design Guidelines for Subdivisions was deferred. Council agreed that they would like to have Newfoundland Design Associates come in and review with them to answer any questions.
  - c) Information from Canada Mortgage and Housing Corporation Housing Outlook Seminar, held March 6<sup>th</sup>.
    - Statistics on buildings were included for information.

Council discussed a couple developments in the community, including at Hearn Place. They discussed issues that could impact proposals, including water services, conservation land/zone, and landscape views. They discussed delays in developments and the matter of discussing concerns and expectations with developers before they're delayed and referred back to Committee. Councillor Smith clarified that a formal request will be forwarded to the developer asking for proper drawings and plans. The development was discussed at Committee level and no formalized proposal has been received as of yet. Once they make proper proposal, the Planning Committee will discuss and respond accordingly.

Councillor Smith suggested that the Building and Application Reports, dated March 28, 2013 be deferred until the next Council Meeting. She indicated that due to the absence of the Director of Planning, a report was not provided to Council Members with property owners/names pertaining to the building and business applications; therefore, Council Members cannot determine if they were in a conflict of interest or not. As individual's/applicant's names are not included on the reports and to avoid conflict, she was not comfortable going ahead with approving the applications, and requested that they be deferred.

Council discussed Councillor Smith's request indicating that they can either follow recommendation of Chair or call a vote to proceed with reports. Mayor Codner, Deputy Mayor Gallant and Councillor Tapper agreed to proceed with the review of the Building and Business

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reports as they were not in a conflict of interest. Due to possible conflict of interest, Councillor Smith and Councillor Byrne abstained from voting due to absence of list of names and were excused from Chambers for the review of the reports.

*Councillor Smith and Councillor Byrne left the Council Chambers at 8:22 p.m., due to possible conflict of interest relating to the applications pertaining to the Building and Business Reports, dated March 28, 2013, and as agreed by Council.*

Building Applications Approved

Deputy Mayor Gallant advised that for information purposes, as per the Applications Approved section of the Building Application Report, dated March 28, 2013, the following applications have been approved and permits have been issued since the last Public Council Meeting:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
9930-13	15 McDuff Place	General Repairs
9931-13	207-209 Bauline Line	General Repairs

Applications for Approval

**Application:** 9932-13  
**Location:** 16 Shea's Lane  
**Proposal:** 21.5' x 24' Accessory Building  
**Zoning:** RMD (Residential Medium Density)

106-13 Motion – Deputy Mayor Gallant / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve Application 9932-13, under the Applications for Approval section of the Building Application Report, dated March 28, 2013, subject to the following conditions:

1. The use of the accessory building is restricted to residential accessory use.
2. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

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**Application:** 9933-13  
**Location:** 8 Barron's Lane  
**Proposal:** 20' x 24' Accessory Building  
**Zoning:** RMD (Residential Medium Density)

107-13 Motion – Deputy Mayor Gallant / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve Application 9933-13, under the Applications for Approval section of the Building Application Report, dated March 28, 2013, subject to the following conditions:

1. The use of the accessory building is restricted to residential accessory use.
2. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

**Application:** 9935-13  
**Location:** 49 Gosse's & Rodger's Crescent  
**Proposal:** 20' x 20' Accessory Building  
**Zoning:** RMD (Residential Medium Density)

108-13 Motion – Deputy Mayor Gallant / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve Application 9935-13, under the Applications for Approval section of the Building Application Report, dated March 28, 2013, subject to the following conditions:

1. The use of the accessory building is restricted to residential accessory use.
2. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

Building Applications to be Deferred

**Application:** 9929-13  
**Location:** Portion of 4 Upper Evening's Path  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

109-13 Motion – Deputy Mayor Gallant / Councillor Tapper

**RESOLVED THAT** the Town of Torbay defer Application 9929-13, under the Applications to be Deferred section of the Building Application Report, dated March 28, 2013, pending further review.

Question called. Motion carried unanimously.

**Application:** 9934-13  
**Location:** Portion of 42-44 Gosse's and Rodgers Crescent  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

110-13 Motion – Deputy Mayor Gallant / Councillor Tapper

**RESOLVED THAT** the Town of Torbay defer Application 9934-13, under the Applications to be Deferred section of the Building Application Report, dated March 28, 2013, pending further review.

Question called. Motion carried unanimously.

Business Applications for Approval

111-13 Motion – Deputy Mayor Gallant / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve the following Application, under the Applications for Approval section of the Business Application Report, dated March 28, 2013:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1108-13	23 Woodfine's Lane	Home office for baked goods delivery business

The above application was advertised as per The Town of Torbay's Discretionary Use Regulations. The above noted application is approved subject to the following conditions:

1. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.

2. There shall be no parking of commercial vehicles on the property.
3. The development shall comply with the Town of Torbay Parking Requirements.

Question called. Motion carried unanimously.

112-13 Motion – Deputy Mayor Gallant / Councillor Tapper

**RESOLVED THAT** the Town of Torbay approve the following Application, under the Applications for Approval section of the Business Application Report, dated March 28, 2013:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1114-13	80-82 Evening's Path	Lawn care & commercial clearing business

The above application was advertised as per The Town of Torbay's Discretionary Use Regulations. The above noted application is approved subject to the following conditions:

1. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
2. There shall be no parking of commercial vehicles on the property.
3. The development shall comply with the Town of Torbay Parking Requirements.

Question called. Motion carried unanimously.

Business Applications to be Deferred

**Application:** B1113-13  
**Location:** 275 Indian Meal Line  
**Proposal:** Convert Existing Single Family Dwelling to a Construction Office  
**Zoning:** Residential Infill (RI)

113-13 Motion – Deputy Mayor Gallant / Councillor Tapper

**RESOLVED THAT** the Town of Torbay defer Application B1113-13, under the Applications to be Deferred section of the Business Application Report, dated March 28, 2013, pending further review at the next Planning and Land Use Development Meeting.

Question called. Motion carried unanimously.

*Councillor Smith and Councillor Byrne returned to the Council Chambers at 8:29 p.m.*



### **Public Works**

Councillor Smith provided an overview of items discussed at the Public Works Committee Meeting, dated March 27, 2013.

Items discussed in the report included:

- Roblin Place
  - The work to extend road and establish a turnaround is complete.
  - Councillor Smith asked that the estimate on total work come back to next Public Works Committee Meeting and that the amount be offset by Eastern School District.
- Depot Site
  - Have correspondence from Provincial Government. Will provide to the Director of Public Works & Technical Services and will be writing correspondence to the Department again.
  - The Director of Public Works & Technical Services is working with the Provincial Government for approval of site, which we are down to two locations.

### **Recreation, Parks and Community Services**

Deputy Mayor verbally reported that they're trying to move forward on the dog park.

Director of Community Services advised that the next Committee Meeting is on April 9<sup>th</sup>.

### **Technical Services**

No report.

### **SPECIAL COMMITTEES OF COUNCIL**

None.

### **LIAISON COMMITTEES**

#### **Heritage/Museum**

No report.

#### **Jack Byrne Arena**

Deputy Mayor Gallant advised that the Financial Statements, December 31, 2012, are included for Council's information. It's showing that 2012 was a great year for the Arena. He reported that

they unfortunately lost a couple of Board Members in 2012, but they have some new. The Arena has great staff and management and there's been great work cooperating regionally.

**Northeast Avalon Joint Council**

No report.

**Northeast Avalon Regional Plan**

No report.

**Torbay Harbour Authority**

Councillor Byrne advised awaiting report from DFO regarding some security issues.

**Torbay Volunteer Fire Department**

Councillor Byrne reported that minutes will be provided for the next Council Meeting. He advised that SOG's were reviewed today and going for final print and then forwarded to the St. John's Regional Fire Department.

**Urban Municipalities Committee**

Councillor Smith advised that the Minutes of the UMC Meeting, dated February 28, 2013, are included in Council's binders for information. She highlighted some items of the Minutes, including page four and page five – some statistical information.

Included with the Minutes were copies of the following presentations:

- City of St. John's Commercial Tax Blending Project, Urban Municipalities Group.
- Department of Environment and Conservation, Lands Branch, Land Management Division.

**NEW BUSINESS**

***Mayor Codner***

Mayor Codner advised that there's a media announcement taking place tomorrow morning, April 2<sup>nd</sup>, at 10:00 a.m. at the Jack Byrne Arena. The Minister of Municipal Affairs is making an announcement

***Deputy Mayor Gallant***

Deputy Mayor thanked Mayor Codner for doing a great job in his role as mayor.

***Councillor Byrne***

Councillor Byrne discussed the recent Provincial Budget and the number of layoffs that it brings. It's a very stressful time for a lot of employees – people are suddenly finding themselves without a job after working for many years.

***Councillor Roche*** - Pass

***Councillor Smith*** - Pass

***Councillor Tapper***

Councillor Tapper discussed Motion Drive advising that he received an email on Thursday past from residents who had damage done to their property. Information will be included on Council's next Agenda.

***Councillor Whitty*** - Absent

**ADJOURNMENT**

114-13      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the meeting be adjourned at 8:41 p.m., as there was no further business.

Question called. Motion carried unanimously.

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***Mayor***

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***CAO/Town Clerk***