



MINUTES
PUBLIC COUNCIL MEETING
April 15, 2013

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on April 15, 2013 at 7:38 p.m.

Members Present

Mayor Bob Codner
Councillor Mike Byrne
Councillor Peggy Roche
Councillor Carol Ann Smith
Councillor Ralph Tapper
Councillor Brian Whitty

Staff Present

Dawn Chaplin, CAO/Town Clerk
Tina Auchinleck-Ryan, Director of Community Services
Bernie Manning, Director of Public Works & Technical Services
Brian Winter, Director of Planning
Ann Picco, Executive Clerk

Regrets

Deputy Mayor Geoff Gallant

Gallery

There were a total of 30 people in attendance.

115-13 **Adoption of Agenda**

Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Councillor Roche took over as Chair of the Public Council Meeting at 7:39 p.m.

Adoption of Minutes

116-13 Motion – Councillor Tapper / Mayor Codner

RESOLVED THAT the Minutes of the April 1, 2013, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

Mayor Codner resumed as Chair of the Public Council Meeting at 7:39 p.m.

PROCLAMATIONS / PRESENTATIONS

Mayor Codner introduced representatives from the St. John's and District Labour Council, including Judy Vanta, Marie Lyver, and Ruby Kelly. He read proclamation aloud – see motion below.

117-13 Motion – Councillor Byrne / Councillor Roche

RESOLVED THAT the Town of Torbay proclaim April 28th, 2013, as an annual Day of Mourning in recognition of workers killed, injured or disabled on the job.

Question called. Motion carried unanimously.

Mayor Codner was presented with a flag, which the Town will fly at half-mast on April 28th.

CORRESPONDENCE

1. Correspondence from resident concerning construction and development at Peter's Place/Flora Drive. *Mayor Codner provided an updated and advised that he met with the Department of Transportation and Works a couple of weeks ago. Staff to contact contractor to replace culvert. The Department and the Town agreed on work to be completed concerning river. Councillor Smith asked that the correspondence be deferred to the Planning and Land Use Development Committee.*
2. Correspondence from resident concerning Motion Subdivision Safety Concern. *Councillor Tapper advised that staff has done some research with the Department of Natural Resources to determine why this was a unique situation as shale rock travelled quite a distance. Mayor Codner advised that he has done a site visit with Dr. Catto, Memorial University, and Ed Delaney from East Coast Trail. The resident is in process of dealing with his insurance company for damages to property. Situation is a first for this area and may never happen again.*
3. Operation Kidsafe – safety tips and fingerprinting. *Mayor Codner advised that this program was unveiled last Thursday at Toyota Plaza. They take copies of the child's fingers prints by laser and take picture of child. No records are kept; all information is provided to the parent or guardian, who can forward to the police to assist with investigation should there ever be an incident. Mayor further advised that this is a great program; he talked with the Principal of Holy Trinity Elementary School to see if they have an interest in partnering with the Town to bring their mobile unit to Torbay and surrounding area.*
4. Correspondence from Resident concerning 275 Indian Meal Line. *Discussed under the Business Application Report, dated April 11, 2013, under Planning and Land Use Committee.*

CORRESPONDENCE & ACTION REPORT

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

- Councillor Byrne questioned Item No. 3 – snow clearing policy and asked for timeline. Director of Public Works and Technical Services advised that process has started and will be referred to in the next Public Works Committee report/minutes.

COMMITTEE REPORTS

Economic Development

Councillor Roche gave an overview of items discussed at the Economic Development Committee Meeting, dated April 8, 2013.

She advised that the Minutes were included in Council's binders for information - items discussed in the report included:

- Review of Action Items from previous meeting
 - Municipal Arts & Crafts Registration Program
 - Advisory Committee Update
 - MNL Request
- Project Updates
 - Business Advisory Committee
 - Groundwater Assessment/Business Park Feasibility
 - Community Profile
 - DFAIT/ICCI Funding Round 2 Status
 - Economic Development Strategy Update
 - Piperstock Hill Festival
 - Business Breakfast Session
- New Business Leads

Councillor Smith commended Committee on name of festival – Piperstock Hill Festival.

Mayor Codner discussed the Business Park indicating that two years ago, the Town had study completed to determine the demand for the business park and now we have moved to feasibility study for water. He questioned talks to revisit the initial survey. Councillor Roche advised that steps have to be followed and testing completed to see if contamination exists; and, there is a lot of information to review and consider. CAO indicated that the Desk Top Study has been completed and stats/figures updates are almost complete.

Councillor Byrne advised that he attended a meeting with the Economic Development Officer, Ross Houlihan, and the Community Development Coordinator, Leigh Fitzpatrick, last Tuesday evening indicating that they've been very busy with the different events over the summer

relating to the Piperstock Hill Festival. Volunteer Groups are provided an opportunity to take ownership of different events. He congratulated Ross and Leigh on a great job.

Finance

The Financial Report, dated March 18-April 12, 2013, was accepted, as presented. Councilor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of March 18-29, 2013, for 32 employees and 1st quarter remuneration for Mayor and Council totalled \$90,600.86.

Payroll for the period of April 1-12, 2013, for 32 employees totalled \$56,431.87.

For the period of March 18-April 12, 2013, Accounts Payable invoices in the amount of \$215,798.38 were paid. These expenditures were within budget.

A copy of the current income and expense reports were included for Council's information.

Human Resources and Administration

No report. Councillor Byrne advised there's a meeting scheduled for early next week.

Planning and Land Use

Councillor Smith gave an overview of items discussed at the Planning and Land Use Development Committee Meeting, dated April 10, 2013.

Items discussed in the report included:

1. Development Proposals
 - a) Proposal to convert residence on Indian Meal Line to an office for a construction business.
 - Discussed under the Building Application Report, dated April 11, 2013.
 - b) Crown Land Application for development adjacent to 595 Indian Meal Line.
 - Discussed under the Crown Land Application Report, dated April 11, 2013.
 - c) Proposal to extend Byrnes Lane by 30 Meters and install turn around to accommodate a new single family dwelling.
 - Discussed under the Building Application Report, dated April 11, 2013.
2. Zoning Amendment Requests
3. Other Items
 - a) Protection of existing wells during construction of new developments and roadways.
 - Will continue to do research on the issue of protection of shallow wells.

Building Applications Approved

For information purposes, as per the Applications Approved section of the Building Application Report, dated April 11, 2013, the following application has been approved and permit has been issued since the last Public Council Meeting:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
9945-13	423 Indian Meal Line	Construct a sunroom over existing patio

Building Applications for Approval

Application: 9936-13
Location: 8 Hearn Place
Proposal: 20' x 26' Accessory Building
Zoning: RMD (Residential Medium Density)

118-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9936-13, under the Applications for Approval section of the Building Application Report, dated April 11, 2013, subject to the following conditions:

1. The use of the accessory building is restricted to residential accessory use.
2. There shall be no construction within the Conservation Land Use Zone.
3. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

Application: 9937-13
Location: 44 Convent Lane
Proposal: 12' x 16' Accessory Building, 8' x 12' Accessory building (Greenhouse)
Zoning: RMD (Residential Medium Density)

119-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9937-13, under the Applications for Approval section of the Building Application Report, dated April 11, 2013, subject to the following conditions:

1. The use of the accessory buildings 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: 9940-13
Location: 38 Motion Drive
Proposal: 26' x 26' Accessory Building
Zoning: RMD (Residential Medium Density)

120-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9940-13, under the Applications for Approval section of the Building Application Report, dated April 11, 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: 9942-13
Location: 22 Edgewater Lane
Proposal: 26' x 32' Accessory Building
Zoning: RLL (Residential Large Lot)

121-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9942-13, under the Applications for Approval section of the Building Application Report, dated April 11, 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: 9943-13
Location: 942-950 Torbay Road
Proposal: 26' x 32' Accessory Building
Zoning: Mixed Development (MIX)

122-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer Application 9943-13, under the Applications to be Deferred section of the Building Application Report, dated April 11, 2013, for further review.

Question called. Motion carried unanimously.

Application: 9944-13
Location: 79 Upper Evening's Path
Proposal: Single Family Dwelling with In-law suite/double dwelling
Zoning: Residential Infill (RI)

123-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer Application 9944-13, under the Applications to be Deferred section of the Building Application Report, dated April 11, 2013, pending public notification and consultation required in accordance with Regulation 33 of the Torbay Development Regulations, and that any explicit costs associated with the public notification and consultation be billed to the applicant.

Question called. Motion carried unanimously.

Building Applications to be Refused

Application: 9941-13
Location: Portion of 47-59 Byrne's Lane
Proposal: Subdivision of land and construction of a single family dwelling with 18' x 23' Accessory Building
Zoning: Residential Infill (RI)

124-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay refuse Application 9941-13, under the Applications to be Refused section of the Building Application Report, dated April 11, 2013, for the following reason:

1. The proposed extension to Byrne's Lane is contrary to the Towns Development Regulation number 80 (c) (ii).

80. Subdivision Design Standards

No permit shall be issued for the development of a subdivision under these Regulations unless the design of the subdivision conforms to the following standards:

- (c) *The maximum length of any cul-de-sac shall be:*
 - (ii) *300m in areas not served by or planned to be served by municipal piped water and sewer services.*

Question called. Motion defeated.

For Motion: Councillor Smith and Councillor Byrne.

Against Motion: Mayor Codner, Councillor Roche, Councillor Tapper, and Councillor Whitty.

Council discussed the above motion, referencing the Town's Development Regulation 80 pertaining to subdivision design standards. Council members questioned if the regulation related to the application. They discussed definition of cul-de-sac and the 300 meter maximum road length. It was noted that the applicant is willing to extend the road and construct a bulb at the end, which would provide turning room for heavy equipment and emergency vehicles. It was mentioned that a previous permit was approved for a home beyond the 300 meter maximum, at which time the lane was also extended.

Director of Planning indicated that a cul-de-sac is any dead end street. The road is over 400 meters, so any further extension is adding to non-confirming of street. Councillor Smith advised that the above application was discussed at Committee in full. Committee cannot support the application as it is contrary to the Town's established regulations.

Business Applications for Approval

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

125-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application B1113-13, under the Applications for Approval section of the Business Application Report, dated April 11, 2013, subject to the following conditions:

1. The approval is for a change in use from a residential dwelling to an office use only.

2. There shall be no parking of large commercial vehicles on the property.
3. There shall be no storage of commercial materials on the property.
4. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
5. The development shall comply with the Town of Torbay Parking Requirements.
6. The Town reserves the right to inspect the site at anytime, if the above noted conditions are found to be in default then approvals may be withdrawn.
7. Approval from the following Government Agencies is required:
 - a. Service NL (Fire and Life Safety Division)
 - b. Service NL (Accessibility Division)
 - c. Service NL (Operations Division)

Question called. Motion defeated.

For Motion: Councillor Smith and Councillor Byrne.

Against Motion: Mayor Codner, Councillor Roche, Councillor Tapper, and Councillor Whitty.

Council members discussed the above motion indicating that the application was to turn a home into an office building with approximately six to eight employees as per residents' correspondence. It was noted that neighbours were strongly against the application; and, that the home would be for office use only and not residential in any part. It would be completely business in a residential area. Council discussed the Town's regulations and most members agreed that the application was against zoning and regulations and would alter the character of the neighborhood.

Councillor Byrne noted that Committee reviewed all correspondence received from residents relating to the above application. The application was recommended to be approved with the seven conditions. Councillor Smith also advised that Committee spent considerable amount of time reviewing the application and correspondence to make best decision within the Town's regulations. She noted that the property does have a considerable amount of capacity, therefore parking would not be an issue. The application dealt only with taking a large home and converting to business site for approximately six to eight engineers. With regards to traffic on Indian Meal line, the road does run through a couple communities therefore you cannot control increased traffic.

Application: B1115-13
Location: 1469 Torbay Road
Proposal: Home Based Consulting Business
Zoning: Mixed (MIX)

126-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application B1115-13, under the Applications for Approval section of the Business Application Report, dated April 11, 2013, 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.

Crown Land Applications for Approval

Application: C1036-13
Location: Backland located west of 595 Indian Meal Line (see attached sketch)
Proposal: Possible Future Residential Development
Zoning: Residential Large Lot (RLL)

127-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application C1036-13, under the Crown Land Application Report, dated April 11, 2013.

Question called. Motion carried unanimously.

Public Works

Councillor Whitty provided an overview of items discussed at the Public Works Committee Meeting, dated April 11, 2013.

Items discussed in the report included:

- Snow and Ice Control Policy
 - The 2012-2013 snow and ice control program is near completion. Town staff have started the development of a new policy and guidelines to reflect the best practices of the Town.
 - Director of Public Works and Technical Services advised that timeline is approximately one month.
- Tenders (Solid waste and Recycling)
 - Town staff have completed final details and is preparing a tender for competition.
- Plumbing Certificate
 - Staff will provide documentation and certification for committee approval next meeting.
- Paving
 - Town staff will be paving, cutting, and filling potholes once summer maintenance season begins and asphalt plant opens.

Councillor Smith thanked the Town's operators for snow clearing in Torbay this winter. The Town received calls advising operators are doing a great job; and, she asked the Director of Public Works and Technical Services to advise staff of same.

Recreation, Parks and Community Services

Councillor Tapper provided an overview of items discussed at the Recreation Committee Meeting, dated April 9, 2013.

Items discussed in the report included:

- A meeting was held today at noon. Director of Planning did presentation concerning work on Inner/Outer Loops. It was very informative and appreciated the presentation.
- The Outer Loop was discussed.
 - Identified under the Open Space Strategy.
 - Consultant identifying land owners, especially Crown land and corridors.
 - Work is ongoing.
- Community Guide
 - Guide is posted online.
- Summer Camp/Sports Camp
 - Note that registration is online only for this year. Advertising through Green Communications and the North East Avalon Times.
 - Library has agreed to open the morning of May 15th to families who do not have access to a computer. They have four computers.

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

None.

LIAISON COMMITTEES

Heritage/Museum

Councillor Byrne advised possibility of getting this group together; and, hopefully good news in near future.

Jack Byrne Arena

No report.

Northeast Avalon Joint Council

Councillor Whitty advised that the next meeting is in Avondale on Wednesday evening, April 17th.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

Mayor Codner advised that meeting was held with DFO. Waiting to get something definite and secured with them.

Torbay Volunteer Fire Department

Councillor Byrne advised that he attended the last meeting and that the Minutes will be on the Agenda for the next Council meeting.

The Department celebrated their 39th Anniversary on April 9th; and, he thanked everyone who serves on the Fire Department and wished them continued success in years to come.

Urban Municipalities Committee

No report.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant – Absent

Councillor Byrne

Councillor Byrne discussed the RNC presentation to Council on April 8th by RNC June Layden and Ms. Jean Bishop. They visited communities to provide policing reports. He noted that the crime rate on the North East Avalon has dropped because police force has increased. They went through various types of calls they receive and they advised that repetitive media makes incidences seem much worse than what they actually are. We do live in a great place.

Councillor Roche - Pass

Councillor Smith

Councillor Smith discussed the recent RNC presentation and agreed with Councillor Byrne's comments. We hear repetitive media all day; Torbay has under two percent stats for summary offences. RNC's comment to remember is that most of the people that we have to worry about on the North East Avalon are not strangers to the police force.

Councillor Tapper - Pass

Councillor Whitty - Pass

ADJOURNMENT

128-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the meeting be adjourned at 8:36 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk