



***MINUTES***  
PUBLIC COUNCIL MEETING  
August 20, 2012

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on August 20, 2012 at 7:30 p.m.

**Members Present**

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

**Staff Present**

Dawn Chaplin, CAO/Town Clerk  
Brian Winter, Development and Planning Officer  
Bernie Manning, Director of Public Works & Technical Services  
Kim Osmond, Office Clerk

**Regrets**

Councillor Peggy Roche  
Ann Picco, Executive Clerk

**Gallery**

There were a total of 8 people in attendance.

354-12      **Adoption of Agenda**

Motion – Councillor Smith / Councillor Tapper

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

Question called. Motion carried unanimously.

**Adoption of Minutes**

355-12      Motion – Councillor Smith / Councillor Tapper

**RESOLVED THAT** the Minutes of the August 6, 2012, Public Council Meeting be adopted, as presented with the following correction to Page. 2 in correspondence #3, which should read that Councillor Smith suggested the Town of Torbay send out a media release

informing the residents and the constituents represented by Council with reference to the information regarding the increase in property values from the Municipal Assessment Agency.

Question called. Motion carried unanimously.

**PROCLAMATIONS / PRESENTATIONS**

NL Sexual Assault Crisis and Prevention Centre – Sexual Violence Awareness Week, September 17 – 21, 2012.

356-12 Motion: Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay, do hereby proclaim September 17 – 21, 2012 as Sexual Violence Awareness Week and encourage all citizens to become involved in all activities organized throughout this week.

Question Called: Motion carried unanimously

**CORRESPONDENCE**

Correspondence from Resident concerning property at Civic 81-109 Camp Carey Road and property taxes.

Councillor Tapper inquired to the Director of planning what the zoning is in that area. Director of Planning confirmed the zoning as Agricultural. Refer to PLUD for review.

Correspondence from Resident concerning zoning and property taxes relating to Civic 111- 117 Camp Carey Road.

Refer to PLUD to determine if zoning can be reviewed when developing the new Municipal Town Plan.

Councillor Tapper advised that when Finance committee meets again it may need to review current tax structure for Conservation Land.

**CORRESPONDENCE & ACTION REPORT**

The Correspondence and Action Report, dated August 20, 2012, was discussed and accepted as presented.

- Item No. 3 – Councillor Byrne asked for update from Director of Public Works regarding the snow clearing, Director of Public Works advised that there is meeting scheduled regarding this matter and he will report back to Council.

- Item No. 8 – Councillor Tapper asked for an update regarding the Deed of Conveyance for the area of Tapper’s cove. CAO advised that we are still waiting on the formal deed from the Department of Transportation.
- Item No. 85 – Deputy Mayor Gallant inquired if Council Meeting Rules and Procedures had been completed; CAO advised that due to her involvement with the GBS Event she was limited in her time.

**COMMITTEE REPORTS**

**Economic Development**

No report.

**Finance**

The Financial Report, dated August 6 – August 17, 2012, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period August 6 – August 17, 2012, for 62 employees totaled \$76,435.59.

For the period August 6 – August 17, 2012, Accounts Payable invoices in the amount of \$145,109.05 were paid. These expenditures were within budget.

There are six (8) Main Operating Invoices totaling \$58,401.75 for approval:

357-12      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Credit Recovery Limited, for Collection for July 2012, in the amount of \$5,573.03.

Question called. Motion carried unanimously.

358-12      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to DBI, for Garbage Removal for July 2012, in the amount of \$7,801.00.

Question called. Motion carried unanimously.

359-12      Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Newfoundland Broadcasting Co. Ltd., for Great Big Sea Concert Advertising, in the amount of \$10,513.07.

Question called. Motion carried unanimously.

360-12 Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Stage Eleven Audio Visual, for Equipment for Great Big Sea Concert, in the amount of \$6,100.97.

Question called. Motion carried unanimously.

361-12 Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Tract Consulting for Adventure Park Research and Planning, in the amount of \$8,444.49.

Question called. Motion carried unanimously.

362-12 Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Trio Benefits., for Group Benefits for August 2012, in the amount of \$6,079.23.

Question called: Motion carried unanimously.

363-12 Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Viridis Branding for Design and Printing of Museum brochure, in the amount of \$6,186.75

Question called. Motion carried unanimously.

364-12 Motion – Councillor Tapper / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Viridis Branding for Design of Ad Campaign for heritage and theatre – 5 advertisements. Includes printing of posters, rack cards, coordination of media printing, in the amount of \$13,889.96.

Question called. Motion carried unanimously.

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

**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 August 2, 2012.

Councillor Smith advised Council that PLUD visited the sites and the committee felt that it was time to get an updated estimate from Consulting Engineers and that PLUD hold off on any approvals until they have heard back as the study on file dates back to 2006.

Items discussed in the report included:

1. 1) **Development Proposals**

a) Proposal from property owner to develop 14 serviced building lots off Country Drive.

Committee viewed proposal, it was agreed that prior to considering any further serviced development that the Town would first have its consulting engineers do a review of the current water capacity of North Pond, along with an update to the infill study that was completed in 2006.

b) Proposal from the Department of Natural Resources to upgrade Great Pond Road for access to the Agricultural Area.

Committee reviewed proposal, it was agreed that prior to making a decision on the application that the Director of Planning contact the Dept of Environment to ensure that the upgrading and current agricultural use in the area will not interfere with the Town's future plans to develop Great Pond as a water supply.

c) Proposal from the property owner to develop 6 semi-serviced lots (water only) an extension to Hearn Place

Committee viewed proposal, it was agreed that prior to considering any further serviced development that the Town would first have its consulting engineers do a review of the current water capacity of North Pond, along with an update to the infill study that was completed in 2006.

Director of Planning to contact NF Design to request an estimate and outline to complete and updated infill study similar to the one completed in 2006.

2) Correspondence from Indian Meal Line in relation to Development to the rear of his property.

Director of Planning informed committee that he was onsite earlier the week with the town Engineer to ensure what is happening in the area is according to the approval in place. Director of Planning waiting to hear back from the Department of Transportation and Works on a plan of action for the area.

b) Correspondence from property owner 65 Lower Street

Director of Planning to make contact with property owner to resolve the issue.

c) Letter from Look Limited

Committee reviewed the correspondence and it was agreed that such infrastructure is normally the developer's responsibility and the Town has refrained from the contributing to such project's in the past.

**Applications to be Approved**

For information purposes, Councillor Smith advised that as per the Applications Approved section of the Building Application Report, dated August 16, 2012, the following applications have been approved and permits have been issued since the last Public Council Meeting:

<b><i>Application Number</i></b>	<b><i>Location</i></b>	<b><i>Proposal</i></b>
9812-12	181 Indian Meal Line	General Repairs
9815-12	149 Country Drive	12' x 12' Accessory Building
9816-12	20-22 Bridge Road	General Repairs

**Applications for Approval**

**Application:** 9804-12  
**Location:** 40 Motion Lane  
**Proposal:** Subsidiary Apartment  
**Zoning:** Residential Medium Density (RMD)

365-12      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve application 9804-12 under the Applications for Approval section of the Building Application Report, dated August 16, 2012, subject to all normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

**Application:** 9805-12  
**Location:** 5-7 Cordelia Drive  
**Proposal:** 19' X 24' Accessory Building  
**Zoning:** Residential Large Lot (RLL)

366-12      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve application 9805-12 under the Applications for Approval section of the Building Application Report, dated August 16, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

**Application:** 9806-12  
**Location:** 3 Sprucewood Lane  
**Proposal:** 24' X 28' Accessory Building  
**Zoning:** Residential Large Lot (RLL)

367-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve application 9806-12 under the Applications for Approval section of the Building Application Report, dated August 16, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

**Application:** 9807-12  
**Location:** 159 Indian Meal Line  
**Proposal:** 20' X 25' Accessory Building  
**Zoning:** Residential Medium Density (RMD)

368-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve application 9807-12 under the Applications for Approval section of the Building Application Report, dated August 16, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

**Application:** 9808-12  
**Location:** Portion of 30-48 Wind Gap Road Lot 1 (30 Wind Gap Road)  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

369-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve application 9808 -12 under the Applications for Approval section of the Building Application Report, dated August 16, 2012, subject to the following conditions within the Town of Torbay.

1. All normal conditions and requirements for building within the Town of Torbay.
2. Provincial Government Services Centre, Operations Division Certificate of Approval is required for lot layout, well and septic system prior to release of a Building Permit.

Question called. Motion carried unanimously.

**Application:** 9809-12  
**Location:** Portion of 30-48 Wind Gap Road Lot 1 (34 Wind Gap Road)  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

370-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve application 9809 -12 under the Applications for Approval section of the Building Application Report, dated August 16, 2012, subject to the following conditions within the Town of Torbay.

1. All normal conditions and requirements for building within the Town of Torbay.
  2. Provincial Government Services Centre, Operations Division Certificate of Approval is required for lot layout, well and septic system prior to release of a Building Permit.
- Question called. Motion carried unanimously.

**Application:** 9810-12  
**Location:** Portion of 30-48 Wind Gap Road Lot 1 (38 Wind Gap Road)  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

371-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve application 9810 -12 under the Applications for Approval section of the Building Application Report, dated August 16, 2012, subject to the following conditions within the Town of Torbay.

1. All normal conditions and requirements for building within the Town of Torbay.
2. Provincial Government Services Centre, Operations Division Certificate of Approval is required for lot layout, well and septic system prior to release of a Building Permit.

Question called. Motion carried unanimously.

**Application:** 9811-12  
**Location:** 24 Bride Road  
**Proposal:** 20' x 24 'Accessory Building  
**Zoning:** Residential Medium Density (RMD)

372-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve application 9811-12 under the Applications for Approval section of the Building Application Report, dated August 16, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.



Question called. Motion carried unanimously.

**Application:** 9813-12  
**Location:** 50 Weather Station Road  
**Proposal:** 24' x 30 'Accessory Building  
**Zoning:** Residential Infill (RI)

373-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve application 9813-12 under the Applications for Approval section of the Building Application Report, dated August 16, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

**Application:** 9814-12  
**Location:** 89 Motion Drive  
**Proposal:** 18' x 30 'Accessory Building  
**Zoning:** Residential Medium Density (RMD)

374-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve application 9814 -12 under the Applications for Approval section of the Building Application Report, dated August 16, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

**Application:** 9817-12  
**Location:** 41 Gosse's and Rodgers Crescent  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Medium Density (RMD)

375-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve application 9817-12 under the Applications for Approval section of the Building Application Report, dated August 16, 2012, subject to the following conditions:

1. The development shall meet the normal building requirements of the Town.
2. The property shall be serviced with municipal water and sewer services. The applicant is responsible to bring water and sewer services to the site as per motion 371-11. This lot was not included in the infill water study

3. The development is subject to refundable security deposits for road damage and water and sewer connection in accordance with Council Policy.
4. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

**Application:** 9818-12  
**Location:** 37 Gosse's and Rodgers Crescent  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Medium Density (RMD)

376-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve application 9818-12 under the Applications for Approval section of the Building Application Report, dated August 16, 2012, subject to the following conditions:

1. The development shall meet the normal building requirements of the Town.
2. The property shall be serviced with municipal water and sewer services. The applicant is responsible to bring water and sewer services to the site as per motion 371-11. This lot was not included in the infill water study.
3. The development is subject to refundable security deposits for road damage and water and sewer connection in accordance with Council Policy.
4. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

**Application:** 9750-12  
**Location:** 51 Western Island Pond  
**Proposal:** 14' x 34' Extension to Dwelling  
**Zoning:** Residential Large Lot (RLL)

377-12 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve application 9750-12 under the Applications for Approval section of the Building Application Report, dated August 16, 2012, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

**Applications to be Deferred**

None

**Crown Land Applications**

None

**Business Application Report, dated August 16, 2012.**

**Applications to be Approved**

The follow applications were advertised as per discretionary use regulations; there were no written responses received in response to the advertisements.

Application Number	Location	Proposal
B1091-12	51 Western Island Pond Drive	Home Office for a Construction Business
B1092-12	48 North Pond Road	Home Office for a Propane Service Business
B1093-12	5 Sallesnik Lane	Home Office for a Consulting Business
B1094-12	393 Bauline Line	Home Office for a Excavating Business
B1095-12	1 Victoria Place	Home Office for a Consulting Business

378-12      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve the following Applications, under the Applications to be Approved section of the Business Application Report, dated August 16, 2012 subject to the following condition:

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

There shall be no parking of commercial vehicles on the property.

Question Called: Motion carried unanimously

**Applications to be Advertised**

379-12      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay advertise the following Applications, under the Applications to be Advertised section of the Business Application Report, dated August 16, 2012 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 paid in advance by the applicant.

Question Called: Motion carried unanimously.

Application Number	Location	Proposal
B1096-12	453 Indian Meal Line	Pet Grooming Business
B1097-12	882 Torbay Road	General Repair Garage
B1098-12	5 Concepta's Place	Home Office for a Landscaping Business
B1099-12	5 Flora Drive	Home Office for a Mobile Floral Design Business

**Public Works**

No report.

**Recreation, Parks and Community Services**

Deputy Mayor Gallant gave an overview of items discussed at the Recreation Committee Meeting, dated August 15, 2012.

Items discussed in the report included:

- Adventure Park, New Trails and Wellness Centre  
The Western Island Pond Trail will start soon with pegs being repined in order to carry out upgrades which will happen in early fall. Committee is still researching funding for the Wellness Centre.
- Skippers Landing Ext.  
This is also being reviewed by the committee and the consideration of connecting the area with the current Western Island Pond Playground.
- Skateboard Park

The new skate board park has been installed successfully; it has been upgraded to be on par with the City of St. John's. *An official opening ceremony will take place on August 24, 2012 at 3:00 pm.*

- Dinner Theatre  
This event will take place on Saturday, September 15, 2012 at Holy Trinity High School.
- Big Bike Ride  
A tentative date of September 13, 2012 is being considered.
- Ronald McDonald Walk  
Scheduled on September 22, 2012 at 11:30 am.
- Killick Coast Games  
Opening ceremonies to take place on August 26, 2012 at the Justina Centre in the Town of Logy Bay-Middle Cove-Outer Cove.
- Dog Park  
Committee considered the location of Whiteway Pond as a potential area for a dog park, the area will be looked at closer.
- Beautification Awards  
No representation by Council at this event.
- NCC  
Committee has been in contact with the NCC regarding a Coastal Park and the Gully.
- Tidy Towns  
The Town of Torbay withdrew from the Tidy Towns competition due to limited staff resources.

### **Technical Services**

No report.

### **SPECIAL COMMITTEES OF COUNCIL**

No report.

### **LIAISON COMMITTEES**

#### **Heritage/Museum**

No report.

#### **Jack Byrne Arena**

Deputy Mayor Gallant informed Council that there a new board member – Matthew Byrne.

#### **Northeast Avalon Joint Council**

Councillor Whitty reported that the next meeting will take place in September.

**Northeast Avalon Regional Plan**

No Report.

**Torbay Harbour Authority**

Councillor Byrne reported that the food fishery went very well, that Department of Fisheries and Oceans informed that all went well and all fees were paid. There was a contest held on the final day for the biggest fish, the winner Neil Taylor was awarded a new Shakespeare rod and reel.

**Torbay Volunteer Fire Department**

Councillor Byrne gave an overview of items discussed at the Torbay Volunteer Fire Department Meetings, dated August 13, 2012.

Items discussed in the report included:

Constitutional review – hopefully will be ready by September to be presented to Council.

The Department has received two quotes for break-away vests for traffic control purposes.

Mutual Aid Agreements – adjustments have been made.

Budget meeting – was to be set up but due to vacation schedules will have to re-schedule.

Received 7 emergency calls since last meeting. To date, there have been 142 calls.

The New Pumper will be arriving on time, Councillor Byrne inquired if there would be an official ceremony for the new pumper, and the CAO confirmed it would take place.

**Urban Municipalities Committee**

Councillor Smith advised that the next meeting will take place in the Fall.

**NEW BUSINESS**

***Mayor Codner*** - Pass

***Deputy Mayor Gallant***

Wished to thank all the Skateboarders in the community for making the most of the new Skateboard Park and the new equipment.

***Councillor Byrne*** - Pass

***Councillor Roche*** – Absent

***Councillor Smith*** – Pass

***Councillor Tapper***

ATV's – Councillor Tapper expressed concern with the large amount of ATV's on Torbay Road and the excessive speed of the ATV's. He noticed that there have been pathways made through the production hill causing damage to the landscape.

It was the common consensus of Council that if this type of activity is witnessed, that it should be reported to the RNC immediately.

MHA Meeting - Councillor Tapper expressed concern that a meeting with the MHA needs to be set up in order to discuss the location of the new depot. The CAO advised Council that she had written the Minister of Municipal Affairs and MHA – Kevin Parsons to request a meeting in earliest possible time.

Coyotes – Seminar to be held in early October.

***Councillor Whitty***

Property Taxes - Councillor Whitty expressed his concern with the media attention surrounding property tax. He suggested that Council and residents express their concern regarding the likely increases in property taxes and that concerns should be carried forward to the MHA and the next MNL meeting.

Senior Citizens –Home Care

Councillor Whitty would like Council to consider taking action on helping seniors.

It was the common consensus of Council that senior's issues need to be addressed in relation to taxes and affordable housing. That the issue is discussed with the MHA at the next scheduled meeting and that finance committee to present some research regarding seniors issues at next meeting.

**ADJOURNMENT**

380-12      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the meeting be adjourned at 8:38 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***