



***MINUTES***  
PUBLIC COUNCIL MEETING  
October 15, 2012

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on October 15, 2012 at 7:30 p.m.

**Members Present**

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

**Staff Present**

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

**Regrets**

Councillor Peggy Roche  
Councillor Ralph Tapper

**Gallery**

There were a total of 6 people in attendance.

463-12      **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**

464-12      Motion – Deputy Mayor Gallant / Councillor Byrne

**RESOLVED THAT** the Minutes of the October 1, 2012, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

**PROCLAMATIONS / PRESENTATIONS** – None

**CORRESPONDENCE**

1. Town of Conception Bay South, Office of the Mayor – Atlantic Mayors Congress Meeting. ***Mayor Codner is attending.***
2. Federation of Canadian Municipalities – Diamond Jubilee, 60<sup>th</sup> Anniversary of Her Majesty Queen Elizabeth II's accession to the Throne as Queen of Canada, Medal Program. ***For information purposes.***
3. Municipalities Newfoundland and Labrador Board of Directors – Memo to Members. ***For information purposes***
4. Department of Municipal Affairs – Training and Professional Development Opportunities for 2012/2013. ***For information purposes. CAO advised that information has been circulated to Finance and Administrative Staff, as well.***

Mayor Codner and Council congratulated CAO, Dawn Chaplin, on receiving her recent designation, Master Municipal Clerk, through the MMC Program, IIMC. The Mayor noted that she's third in the Province to receive this designation.

**CORRESPONDENCE & ACTION REPORT**

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

- Deputy Mayor Gallant questioned Item No. 25 – Flood Plain Analysis. Director of Planning advised that the consultant was told to proceed. Hoping to be completed by January, 2013.

**COMMITTEE REPORTS**

**Economic Development**

Councillor Whitty gave an overview of items discussed at the Economic Development Committee Meeting, dated September 27, 2012.

Items discussed in the report included:

- The Economic Development Officer is looking to revive the Chamber of Commerce in the area. He is getting some response.
- The Community Market is this weekend coming, October 20<sup>th</sup>. There was lots of interest from vendors – 69 in total. Also attracting interest from community residents.
- Business Park Feasibility – waiting on ground water assessment quotes.
- Business Seminars are taking place during Small Business Week – October 15<sup>th</sup> to 19<sup>th</sup>.
- Budget Submission 2013 has been outlined to the Finance Committee.
- Business Awards Night is taking place on November 20<sup>th</sup> at the Kinsmen Centre.

**Finance**

The Financial Report, dated October 1 - 12, 2012, was accepted, as presented. Deputy Mayor Gallant read out payroll and accounts payable information as per the report:

Payroll for the period of October 1 - 12, 2012, for 25 employees totalled \$51,092.09.

For the period of October 1 - 12, 2012, Accounts Payable invoices in the amount of \$71,548.43 were paid. These expenditures were within budget.

There are two (2) Main Operating Invoices totaling \$31,234.38 for approval:

465-12      Motion – Deputy Mayor Gallant / Councillor Smith

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

Question called. Motion carried unanimously.

466-12      Motion – Deputy Mayor Gallant / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve payment to E.C. Boone, for Secondary Gateway Signage, in the amount of \$23,433.38.

Question called. Motion carried unanimously.

There are no capital invoices presented for approval.

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

**Human Resources and Administration**

Councillor Byrne advised that Committee are scheduling a meeting for next Tuesday evening. Will forward details at next Council Meeting.

*Deputy Mayor Gallant took over as Chair of the Public Council Meeting at 7:41 p.m.*

**Planning and Land Use**

Councillor Byrne gave an overview of items discussed at the Planning and Land Use Development Committee Meeting, dated October 10, 2012.

Items discussed in the report included:

1. Development Proposals
  - a) Proposal from property owner at 50 Great Pond Road to rebuild and enlarge existing porch.
    - Committee reviewed proposal from property owner and the DOP gave an overview of the history of the property. It was decided that with all the history with the property (past refusals and appeals) that the proposal should be sent to the Towns planning consultant for review prior to a decision being made.
  - b) Proposal from 595 Indian Meal Line to subdivide and develop the property into 10 new unserviced building lots.
    - Below are Committees comments from a previous meeting:
      - We should request pre development and post development runoff calculations.
      - Lot sizes were not indicated on the plan
      - Developer to check the proposed grade of road to ensure that the maximum 10 % can be accomplished
      - Developer to check with the Town of Portugal Cove St. Phillips in relation to the rear portions of lots 8, 9, and 10.
    - The applicant has provided the information requested for review, the runoff calculations have been reviewed by the Town engineer and all is fine.
    - Committee reviewed the proposal it was agreed that with the new information provided and the okay from the Towns engineer on the runoff calculations that the proposal was now ready for approval in principal.
    - It was agreed that the committee would recommend the development for approval with all normal conditions with the addition of that a grading plan would be required along with a drainage plan. Motion to follow.
2. Correspondence
  - a) Correspondence from Developer of Flora Drive Extension.
    - Committee reviewed correspondence from developer it was decided that the letter should be reviewed and discussed by all of Council prior to a decision being made. See motion below.

467-12 Motion – Councillor Byrne / Mayor Codner

**RESOLVED THAT** the Town of Torbay stick with status quo of this particular site; and, that we refuse request at this time.

Question called. Motion carried unanimously.

- b) Correspondence from the Department of Natural Resources, in relation to proposed upgrades to Great Pond Road.
- Committee reviewed proposal, DOP informed committee that the entire road upgrade is within the Town's watershed protection area around Great Pond. It is not currently protected under the water resources act by the department of environment.
  - DOP advised that the upgrade was being completed to provide a property owner with access to his Christmas tree farm.
  - The main issues with the proposal are:
    - Construction in the water shed area
    - The possible effect that the Christmas tree farm may have on the water quality in Great Pond
    - Improved access to the area for other people, possibility of more dumping and traffic in the water shed area.
  - Committee agreed that before a recommendation would be made on the proposal that the Towns engineer should review the proposal to ensure that the upgrading would not have any adverse effect on the water shed area. (They should look at drainage from the upgrade, type of material being used and any other item that they feel may have a negative effect on the water shed.)
- c) Correspondence from Developer 314 Indian Meal Line
- Committee reviewed correspondence from developer. It was agreed that no construction should occur on the property prior to all conditions of the approval in principle letter dated April 18, 2012 being completed and a development agreement being executed.

## **1. Development Proposals**

- b) **Proposal from 595 Indian Meal Line to subdivide and develop the property into 10 new unserviced building lots.**

468-12      Motion – Councillor Byrne / Mayor Codner

**RESOLVED THAT** the Town of Torbay give JLH Developments Limited approval in principal so they can proceed with engineering and design work on the proposed 10 lot unserviced subdivision as outlined on Mae Design drawing number C-2, project no 2012.065. No permits will be issued until all standard conditions for developing within the Town of Torbay are met, with the addition of a grading plan and a drainage plan to be provided and a Development Agreement is signed. As per normal procedure the proposal will be sent to the Public Works Department and Recreation Department for review.

Question called. Motion carried unanimously.

For information purposes, Councillor Byrne advised that as per the Applications Approved section of the Building Application Report, dated October 11, 2012, the following applications have been approved and permits have been issued since the last public Council Meeting:

<b>Application Number</b>	<b>Location</b>	<b>Proposal</b>
9869-12	1 Bernice Drive	10' x 16' Accessory Building
9870-12	158-162 Indian Meal Line	General Repairs
9871-12	16 Edgewater Lane	Single Family Dwelling
9873-12	7 Eagle Ridge Drive	Single Family Dwelling
9874-12	19 Nathaniel Drive	Single Family Dwelling

**Building Applications for Approval**

**Application:** 9867-12  
**Location:** 29 Western Island Pond Drive  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Large Lot (RLL)

469-12 Motion – Councillor Byrne / Mayor Codner

**RESOLVED THAT** the Town of Torbay approve Application 9867-12, under the Applications for Approval section of the Building Application Report, dated October 11, 2012, subject to the following conditions:

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:** 9872-12  
**Location:** 863 Torbay Road  
**Proposal:** Extension to Existing Commercial Building  
**Zoning:** Industrial General (IG)

470-12 Motion – Councillor Byrne / Mayor Codner

**RESOLVED THAT** the Town of Torbay approve Application 9872-12, under the Applications for Approval section of the Building Application Report, dated October 11, 2012, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. Approval from the following Government Agencies is required:
  - a. Government Services ( Fire and Life Safety Division)
  - b. Government Services ( Accessibility Division )
  - c. Government Services (Operations Division)

Question called. Motion carried unanimously.

**Application:** 9876-12  
**Location:** Portion of 71-79 Country Drive (Dwelling to front on Dan's Loop)  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Medium Density (RMD)

471-12 Motion – Councillor Byrne / Mayor Codner

**RESOLVED THAT** the Town of Torbay approve Application 9876-12, under the Applications for Approval section of the Building Application Report, dated October 11, 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. This lot was accounted for in our infill 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:** 9878-12  
**Location:** 174 North Pond Road  
**Proposal:** 28' x 32' Accessory Building  
**Zoning:** Residential Medium Density (RMD)

472-12 Motion – Councillor Byrne / Mayor Codner

**RESOLVED THAT** the Town of Torbay approve Application 9878-12, under the Applications for Approval section of the Building Application Report, dated October 11, 2012, subject to the condition that the use of the accessory building is restricted to

residential accessory uses. DOP to confirm the exact location of accessory building to be confirmed prior to release of permit.

Question called. Motion carried unanimously.

**Application:** 9879-12  
**Location:** 50 Flora Drive  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Large Lot (RLL)

473-12 Motion – Councillor Byrne / Mayor Codner

**RESOLVED THAT** the Town of Torbay approve Application 9879-12, under the Applications for Approval section of the Building Application Report, dated October 11, 2012, subject to the following conditions:

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.
3. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

**Application:** 9880-12  
**Location:** 17 Russworthy Place  
**Proposal:** 20' x 24' and 8' x 12' Accessory Buildings  
**Zoning:** Residential Medium Density (RMD)

474-12 Motion – Councillor Byrne / Mayor Codner

**RESOLVED THAT** the Town of Torbay approve Application 9880-12, under the Applications for Approval section of the Building Application Report, dated October 11, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.



**Building Applications to be Deferred**

**Application:** 9868-12  
**Location:** 129 Country Drive  
**Proposal:** Extension to Existing Accessory Building  
**Zoning:** Residential Medium Density (RMD)

475-12 Motion – Councillor Byrne / Mayor Codner

**RESOLVED THAT** the Town of Torbay defer Application 9868-12, under the Applications to be Deferred section of the Building Application Report, dated October 11, 2012, pending further review of the application. (Confirm the actual size of the existing accessory building.)

Question called. Motion carried unanimously.

**Application:** 9875-12  
**Location:** 50 Great Pond Road  
**Proposal:** Replace Existing Porch with Larger Porch  
**Zoning:** Water Shed (WAT)

476-12 Motion – Councillor Byrne / Mayor Codner

**RESOLVED THAT** the Town of Torbay defer Application 9875-12, under the Applications to be Deferred section of the Building Application Report, dated October 11, 2012, pending further review of the application. DOP to seek input from Towns Planning Consultant.

Question called. Motion carried unanimously.

**Application:** 9877-12  
**Location:** 21 Brown's Lane  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Medium Density (RMD)

477-12 Motion – Councillor Byrne / Mayor Codner

**RESOLVED THAT** the Town of Torbay defer Application 9877-12, under the Applications to be Deferred section of the Building Application Report, dated October 11, 2012, for final review and recommendation.

Question called. Motion carried unanimously.

*Mayor Codner resumed as Chair of the Public Council Meeting at 8:00 p.m.*

**Public Works**

No report.

**Recreation, Parks and Community Services**

Deputy Mayor Gallant gave an overview of items discussed at the Recreation Committee Meeting, dated October 10, 2012.

Items discussed in the report included:

- Bourne Holdings.
  - Open space requirements was discussed. This is the area where Committee are looking to develop a duck pond, and will require use of 10 percent green space to do that. Discussion to place as to taking full 10 percent, or part of and taking remainder as development of the duck pond.
- Skipper Landing
  - Open space for this area was discussed, as well as creating a trail for the open space in this development. In process of getting clarification on this.
- Adventure Park
- Seniors Community Recreation Grant
- Hall of Fame
  - Taking place on November 10<sup>th</sup>. More details to be announced.
- Fall Community Guide has just been released.

Councillor Smith questioned discussion comments/terminology under Developments section, Item No. 1 – Bourne’s Holdings, 2<sup>nd</sup> paragraph; and, requested that wording be changed. CAO to discuss with Director of Community Services.

She requested that Council receive invites via Microsoft Outlook for all events.

**Technical Services**

No report.

**SPECIAL COMMITTEES OF COUNCIL**

**2012 Celebrations**

No report.

**LIAISON COMMITTEES**

**Heritage/Museum**

No report.

**Jack Byrne Arena**

No report.

**Northeast Avalon Joint Council**

Councillor Whitty advised that there is a meeting scheduled on October 17<sup>th</sup> in Colliers. Will be meeting with the Minister of Municipal Affairs.

**Northeast Avalon Regional Plan**

No report.

**Torbay Harbour Authority**

Councillor Byrne advised that there's a meeting scheduled with the Torbay Harbour Authority and all parties on Wednesday, October 17<sup>th</sup>. Will provide a report for the next Council Meeting.

**Torbay Volunteer Fire Department**

Councillor Byrne gave an overview of items discussed in the Torbay Volunteer Fire Department Meeting Notes, dated October 8, 2012:

Items discussed in the reports included:

- Constitution.
  - Provided all Council Members with a copy. Any changes will be highlighted in red. Some changes are being mandated by Emergency Services and is consistent with other fire departments. He requested if anyone has any commentary to call or email him with comments.
  - Mayor suggested a meeting be arranged with the Fire Chief, Councillor Byrne, CAO for discussion purposes as some of the technical matters are difficult to understand. Then bring back to Council. CAO to set deadline for Council's feedback, forward a reminder to all members of Council, and schedule a meeting.
- There 183 calls to date. The Department is expecting this year, may go as high as 250 calls.
- The Department discussed several safety items. Fire fighters have been advised to slow down.
- The Department was busy with Fire Prevention Week, including:
  - School inspections, elementary and high school, including Flatrock.
  - Open House took place last Wednesday and Thursday at 7:00 p.m. There was a great turnout.

- The Department's volunteers put in a lot of time and effort. They're very active in the public work aspect, including Bonfire night, Trunk or Treat, Pumpkin Patrol, Christmas Parade, etc., just to highlight some of the work that they do.
- Councillor Byrne noted that the Department recently participated in a competition where volunteers were timed in getting into their gear in two minutes. They did the competition in one minute and 24 seconds. Fire Fighter Karen Greely won the competition. Councillor Byrne thanked Mayor Codner for attending.

### **Urban Municipalities Committee**

Councillor Smith advised that a meeting was held during the MNL Conference. Councillor Roche represented the Town in her absence. Will have an update at the next Council Meeting.

### **NEW BUSINESS**

#### ***Mayor Codner***

Mayor Codner advised that water levels at North Pond were checked today. Levels are down approximately 48" below the spillway. This is the lowest it has been in a few years.

#### ***Deputy Mayor Gallant***

Deputy Mayor Gallant questioned 10 percent fair market value process and questioned what the Town is going to do.

Mayor Codner advised that the Town will do what other towns have been doing – taking 10 percent of assessed value. With regards to assessed value, we need to determine the effective date of appraisal. Assessed value may not represent the fair market value. We need to determine what fair market value is and get an appraisal done. We have to determine effective date of appraisal, as market values change.

Deputy Mayor advised that he would like Council to write down process and vote on it. CAO advised that an independent appraiser does all this research. Information will be referenced in his report.

He questioned departmental presentations to the public.

He asked if Council would be in favour of having pre-budget consultations to residents or a forum to get feedback.

Deputy Mayor put forward a Notice of Motion that Torbay hold budget consultations before the final budgets.

CAO advised this will be discussed at Finance Committee Meeting, and then recommendation brought forward to Council.

Deputy Mayor thanked Councillor Roche who attended the MNL Conference with him. They had great conversations; and, he thanked her for being involved and engaged.

***Councillor Byrne***

Councillor Byrne discussed the East Coast Trail advisory. There was a lot of damage due to the last tropical storm. He asked if locally we could bring to TETC to do walk of trail systems to see if trees were down and maybe have them cleared as a group. Mayor Codner clarified that a lot of the trees have already been cleared.

Councillor Byrne advised that the Town of Flatrock is a recent Torngat Award winner; and, he extended his congratulations to them. He suggested that the Town submit an application for next year.

***Councillor Roche*** -Absent

***Councillor Smith***

Councillor Smith advised that two Council Meetings ago, she was nominated for member of the Trio Board. She officially confirmed that she was successful and is now a member of the Trio Board, representing municipalities. She is getting some correspondence and will require a debrief. Mayor Codner congratulated her on behalf of Council.

***Councillor Tapper*** -Absent

***Councillor Whitty*** - Pass

**ADJOURNMENT**

478-12      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the meeting be adjourned at 8:25 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***