

Town of Bay Roberts
Minutes of Regular Council Meeting
Tuesday, August 21, 2012

Fifty Ninth Meeting of the Sixteenth Town Council
Town Hall, 321 Water Street, Bay Roberts, NL

In Attendance:

Council	Mayor Philip Wood Deputy Mayor Bill Seymour Councillor Gerald Greenland Councillor Walter Yetman Councillor Melvin Walsh
Staff	Nigel Black, Chief Administrative Officer Shirley Hawe, Town Clerk
Absent	Councillor Clarence G. Mercer Councillor Wade Oates

Also in Attendance: M.H.A. Glenn Littlejohn and Mrs. Leanne Littlejohn
Former Mayor Wilbur Sparkes
Former Mayor Eric Dawe and daughters Ruth and Corrine
Clarence H. Russell, Fire Chief
Nicholas Mercer, Compass Correspondent
Ralph and John Bussey, Gerald Snow, Susan Mercer and Brandi Gosse

1.0 Call to Order

1.1 Mayor Wood called the meeting to order at 7:00 p.m.

2.0 Delegations / Presentations
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2.1 Presentation of Queen's Jubilee Medals and Certificates

M.H.A. Glenn Littlejohn presented the Queen's Jubilee Medal and Certificate to former Mayor Wilbur Sparkes and Mayor Philip Wood presented same to former Mayor Eric Dawe.

M.H.A. Glenn Littlejohn, Mrs. Littlejohn, Mr. Wilbur Sparkes, Mr. Eric Dawe and daughters Ruth and Corrine left the Chambers.

3.0 Agenda / Minutes

3.1 Additions to Agenda

Motion 2012 – 352 – Seymour/Yetman

Resolved, that Public Works Committee minutes for August 13, 2012 be added to the agenda.

Carried unanimously

3.2 Approval of Agenda

Motion 2012 – 353 – Yetman/Walsh

Resolved, that revised agenda for August 21, 2012 be accepted.

Carried unanimously

3.3 Approval of Minutes

Motion 2012 – 354 – Greenland/Seymour

Resolved, that regular meeting minutes for July 17, 2012 be adopted as presented.

Carried unanimously

4.0 New Business / Staff Reports

Planning & Development Recommendations

4.1 Residential Building Application – 72-78 Butlerville Road

Motion 2012 – 355 – Greenland/Yetman

Resolved, that approval is given applicant, as per submitted application, to renovation into two residential rental units the existing building at 72-78 Butlerville Road, subject to the Town's Municipal Development Regulations and those required by all other regulatory departments.

Carried unanimously

4.2 Residential Building Application – 27 Earle's Road

Motion 2012 – 356 – Yetman/Walsh

Resolved, that applicant must publish in the Compass their intent to construct a dwelling at 27 Earle's Road with a 10% variance on the front yard setback.

Carried unanimously

4.0 New Business / Staff Reports

4.3 Residential Building Application – 794B Water Street

Motion 2012 – 357 – Seymour/Yetman

Resolved, that application to construct a dwelling at 794B Water Street is denied due to the property being zoned as “Mad Rock – Comprehensive Development Area”; and further, that the application be referred to the Town Planner for re-zoning consideration in the current plan amendment process.

Carried unanimously

Ralph and John Bussey left Chambers at 7:43 p.m.

4.4 Residential Building Application – 8 Fox Place

Motion 2012 – 358 – Yetman/Walsh

Resolved, that application to construct a dwelling at 8 Fox Place is denied based on the fact that any further development in that area will require that the property be developed in accordance with the Town’s Municipal Development Regulations with respect to subdivision standards.

Carried unanimously

4.5 Residential Building Application – 7 Harding’s Lane

Motion 2012 – 359 – Greenland/Yetman

Resolved, that approval is given applicant, as per submitted application, to construct a dwelling at 7 Harding’s Lane, subject to the Town’s Municipal Development Regulations and those required by all other regulatory departments and further, subject to all special conditions associated with an unfinished subdivision and that those conditions are fully detailed in the approval correspondence.

Carried unanimously

4.6 Residential Mini Home Application – 387 Water Street

Motion 2012 – 360 – Yetman/Greenland

Resolved, that approval is given applicant, as per submitted application, to install a mini home (trailer) at 387 Water Street, subject to the Town’s Municipal Development Regulations and those required by all other regulatory departments and further, subject to the following conditions being met within three months from the date the mini home arrives on the lot:

- a) The home is placed on a permanent foundation or otherwise permanently supported and fixed, with wheels and axles removed, and shall be provided with a visible foundation or skirting acceptably similar in appearance to foundations of dwellings in the immediate area;
- b) The home shall be new, certified as meeting construction standards set by the Canadian Standards Association, or, where a used home, certified as meeting the standards

4.0 New Business / Staff Reports

specified above, or such prior standards, found on inspection to be in excellent condition and safe and fit for residential occupancy; and,
c) The exterior siding, trim material, and roofing, is uniform and in good repair.
Carried unanimously

4.7 Green's Road Extension – Proposed Road

Discussion took place with two possible options presented to the developers and the matter was then referred back to the Planning and Development Committee for further review.

4.8 Fence Request – 15 Bishop's Road

Motion 2012 – 361 – Seymour/Greenland

Resolved, that approval is given applicant, to construct a privacy fence subject to the Town's Fence Regulations with an exception that the privacy fence may be raised to 10ft high on the south side boundary only at 15 Bishop's Road.

Opposed: Councillor Walsh

Motion Carried

4.9 Residential Building Application – 14 Captain's Place

Motion 2012 – 362 – Greenland/Yetman

Resolved, that approval is given applicant, as per submitted application, to construct a dwelling at 14 Captain's Place, subject to the Town's Municipal Development Regulations and those required by all other regulatory departments.

Carried unanimously

4.10 Residential Building Application – 179D Water Street

Motion 2012 – 363 – Yetman/Greenland

Resolved, that approval is given applicant, as per submitted application, to construct a dwelling at 179D Water Street, Jubilee Estates, subject to all town services ie. garbage collection, street lighting, snow clearing, road maintenance, etc., terminating at the main road, Water Street, and further, subject to the Town's Municipal Development Regulations and those required by all other regulatory departments.

Carried unanimously

4.11 Residential Building Application – 65-67 Water Street

Motion 2012 – 364 – Yetman/Walsh

Resolved, that approval is given applicant, as per submitted application, to construct a dwelling at 65-67 Water Street, subject to the Town's Municipal Development Regulations and those required by all other regulatory departments.

Carried unanimously

4.0 New Business / Staff Reports

4.12 Residential Building Application – 32 Country Road

Motion 2012 – 365 – Yetman/Seymour

Resolved, that approval is given applicant, as per submitted application, to construct a dwelling at 32 Country Road, subject to the Town's Municipal Development Regulations and those required by all other regulatory departments.

Carried unanimously

4.13 Residential Building Application – 13 Butlerville Road

Motion 2012 – 366 – Greenland/Yetman

Resolved, that approval is given applicant, as per submitted application, to construct a dwelling at 13 Butlerville Road, subject to the Town's Municipal Development Regulations and those required by all other regulatory departments.

Carried unanimously

4.14 Residential Building Application – 47 Barrack's Road

Motion 2012 – 367 – Yetman/Greenland

Resolved, that approval is given applicant, as per submitted application, to construct a dwelling at 47 Barrack's Road, subject to the Town's Municipal Development Regulations and those required by all other regulatory departments.

Carried unanimously

4.15 Residential Building Application – 74 Badcock Boulevard

Councillor Yetman declared a Conflict of Interest and left Chambers.

Motion 2012 – 368 – Greenland/Walsh

Resolved, that approval is given applicant, as per submitted application, to construct a dwelling at 74 Badcock Boulevard, subject to the Town's Municipal Development Regulations and those required by all other regulatory departments.

Carried unanimously

Councillor Yetman returned to Chambers.

4.16 Residential Building Application – 60 Badcock Boulevard

Motion 2012 – 369 – Yetman/Seymour

Resolved, that approval is given applicant, as per submitted application, to construct a dwelling at 60 Badcock Boulevard, subject to the Town's Municipal Development Regulations and those required by all other regulatory departments.

Carried unanimously

4.0 New Business / Staff Reports

4.17 Residential Building Application – Green’s Road Extension/Pepper’s Road

Motion 2012 – 370 – Seymour/Yetman

Resolved, that application to construct dwelling at Green’s Road Extension/Pepper’s Road is referred to Planning and Development Committee for further review.

Carried unanimously

4.18 Application to Subdivide Land – 226 Neck Road

Motion 2012 – 371 – Yetman/Walsh

Resolved, that application to subdivide land at 226 Neck Road is referred to Planning and Development Committee for further review.

Carried unanimously

4.19 Home Occupation Application – 448 Water Street

Motion 2012 – 372 – Greenland/Seymour

Resolved, that approval is given applicant, to open and operate a sewing seamstress business, Sew It Seams, at 448 Water Street, subject to the Town’s Municipal Development Regulations, other pertinent regulations and those required by all other regulatory departments.

Carried unanimously

Gerald Snow, Susan Mercer & Brandi Gosse left Chambers at 8:25 p.m.

4.20 Accounts Payable – July 2012

Motion 2012 – 373 – Walsh/Seymour

Resolved, that accounts payable for July 2012 is approved.

Carried unanimously

5.0 Correspondence for Action

5.1 Street Upgrading & Paving – Badcock Boulevard

Motion 2012 – 374 – Greenland/Yetman

Resolved, that approval is given to award the contract for Street Upgrading and Paving – Phase II – Badcock Boulevard to Concord Paving Limited in the amount of \$174,464.65.

Carried unanimously

5.0 Correspondence for Action

5.2 Private – Floating Docks – Royal Canadian Legion

Motion 2012 – 375 – Walsh/Seymour

Resolved, that Royal Canadian Legion correspondence regarding private floating docks is placed on file.

Carried unanimously

5.3 Safety Concerns – 25 Duncan Road Noise & Nuisance Regulations - Solicitor for 25, 14 & 20 Duncan Road

Deputy Mayor Seymour was determined to be in Conflict of Interest & left Chambers.

Motion 2012 – 376 – Greenland/Yetman

Resolved, that both items of correspondence are referred to the CAO for a detailed response.

Carried unanimously

Deputy Mayor Seymour returned to Chambers.

5.4 Quarry Concerns/Unauthorized Usage – 48A Butlerville Road

Motion 2012 – 377 – Yetman/Walsh

Resolved, that correspondence regarding unauthorized quarrying at 48A Butlerville Road and offer to sell gravel to town is referred to Public Works Committee for review.

Carried unanimously

5.5 Manhole Cover – Spaniard’s Bay Resident

Motion 2012 – 378 – Greenland/Walsh

Resolved, that correspondence from a resident of Spaniard’s Bay regarding damages sustained from hitting a pothole in Bay Roberts is referred to the Executive Committee for response.

Carried unanimously

5.6 Water Runoff Concern – 86 Shearstown Road

Motion 2012 – 379 – Yetman/Walsh

Resolved, that correspondence requesting a meeting regarding water runoff at 86 Shearstown Road is referred to the CAO and Works Superintendent to schedule.

Carried unanimously

5.0 Correspondence for Action

5.7 Parking Concerns – 211 Water Street

Motion 2012 – 380 – Seymour/Yetman

Resolved, that correspondence regarding parking concerns near 211 Water Street is referred to both Public Works & Municipal Enforcement Committees for review.

Carried unanimously

5.8 Road Shoulder – 475-479 Wareham’s Lane

Motion 2012 – 381 – Walsh/Yetman

Resolved, that correspondence requesting placement of a shoulder on both sides of Wareham’s Lane is referred to Public Works Committee for review.

Carried unanimously

5.9 Water Runoff Concern- 108 Shearstown Road

Motion 2012 – 382 – Yetman/Seymour

Resolved, that correspondence requesting a meeting regarding water runoff at 108 Shearstown Road is referred to the Public Works Committee for review.

Carried unanimously

5.10 Municipal Tax Interest Charges – Badcock’s Road

Motion 2012 – 383 – Walsh/Yetman

Resolved, that correspondence requesting discontinuation of interest charges on current year municipal taxes is referred to Finance Committee.

Carried unanimously

5.11 Battle of the Brains – Bay Roberts Crime Prevention

Motion 2012 – 384 – Walsh/Greenland

Resolved, that correspondence from Bay Roberts Crime Prevention seeking a donation in support of the Battle of the Brains Competition is referred to Finance Committee for action.

Carried unanimously

5.12 Proclamation – Sexual Violence Awareness Week

Motion 2012 -385 – Yetman/Walsh

Resolved, that September 17th – 21st, 2012 is declared Sexual Violence Awareness Week and the proclamation is signed and returned to NL Sexual Assault Crisis and Prevention Centre.

Carried unanimously

6.0 Correspondence for Information

6.1 Bareneed Road Bridge – Dept of Transportation

Motion 2012 – 386 – Walsh/Yetman

Resolved, that Department of Transportation & Works correspondence regarding Bareneed Road Bridge repairs be forwarded to M.H.A. Littlejohn and concerned resident.
Carried unanimously

6.2 2013 Assessment Roll Value Changes – MAA

Motion 2012 – 387 – Walsh/Greenland

Resolved, that Municipal Assessment Agency correspondence regarding an increase in property values for the 2013 Assessment Roll is referred to Finance Committee for review.
Carried unanimously

6.3 Nomination Form – MNL Board of Directors

Motion 2012 – 388 – Walsh/Greenland

Resolved, that MNL Board of Directors nomination form is placed on file.
Carried unanimously

6.4 Conference – Wooden Boat Museum

Motion 2012 – 389 – Yetman/Walsh

Resolved, that the Wooden Boat Conference information is placed on file.
Carried unanimously

6.5 Appreciation – Communities in Bloom

Correspondence was tabled expressing appreciation to the Green Committee for their hospitality.

6.6 Appreciation – L. T. Stick Family

Correspondence was tabled expressing appreciation to the Town Council of Bay Roberts for renaming CB Access Road to LT Stick Drive in honour of Leonard T. Stick.

7.0 New Business / Committee Reports

Executive/Finance Committee

7.1 Motion 2012 – 390 – Walsh/Yetman

Resolved, that approval is given to sell to the purchaser for an amount of \$1,000 a small piece of town owned land adjacent to 2 Bay Shore Estates in order to make the purchasers lot more suitable for development and further, the purchaser is responsible to cover all transaction/legal costs associated with the sale.
Carried unanimously

7.0 New Business / Committee Reports

7.2 Motion 2012 – 391 – Walsh/Yetman

Resolved, that owner of property, 238 Country Road, account # BAYRO010 is advised that their request to have a reduction in business taxes due to reduced occupancy in 2011 and 2012 is denied given that it is not a Council policy to pro-rate taxes based on occupancy or other factors.

Carried unanimously

Public Works Committee

7.3 Motion 2012 – 392 – Greenland/Yetman

Resolved, that Public Works Committee minutes for August 13, 2012 are accepted.

Carried unanimously

Municipal Enforcement Committee

7.4 Motion 2012 – 393 – Walsh/Yetman

Resolved, that Municipal Enforcement Committee minutes for July 20 and August 16, 2012 are accepted.

Carried unanimously

7.5 Motion 2012 – 394 – Walsh/Yetman

Resolved, that property owners of 16 Badcock Boulevard are advised that landscaping materials ie grass sods/seeded topsoil must be removed from the town road shoulder easement which has been slated for a pedestrian gravel walking area.

Carried unanimously

Fire Department

Fire Chief Russell noted the department has answered 72 calls so far this year with most of those motor vehicle accidents and asked Council to consider right hand turns only in a specific area of C. B. Highway. Also, Chief Russell voiced objection to suggested removal of painted “STOP” wording on pavement at fire hall.

8.0 Resolutions from Privileged Meetings

8.1 Motion 2012 – 395 – Greenland/Seymour

Resolved, that privileged meeting Motions 2012 – 347, 348, 349, 350 & 351 are ratified.

Carried unanimously

9.0 Councillor Concerns / Notice of Motions

9.1 Motion 2012 – 396 – Greenland/Yetman

Resolved, that the new Garbage and Refuse Regulations be adopted and shall come into effect on August 22, 2012.

Carried unanimously

10.0 Adjournment

10.1 Motion to Adjourn

Motion 2012 – 397 – Walsh/Seymour

Resolved, that Council now adjourned the regular meeting at 10:00 p.m.

Carried unanimously

Philip Wood, Mayor

Shirley Hawe, Town Clerk