



MINUTES
PUBLIC COUNCIL MEETING
August 19, 2013

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on August 19, 2013 at 7:33 p.m.

Members Present

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

Staff Present

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

Regrets

Tina Auchinleck-Ryan, Director of Community Services

Gallery

There were a total of 16 people in attendance.

Adoption of Agenda

320-13 Motion – Councillor Byrne / Councillor Roche

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

321-13 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Minutes of the August 5, 2013, Public Council Meeting be adopted, with the following change:

- Page 2, under Correspondence section, Item 3 - change, “meeting with the Regional Appeal Board ...” to meeting with the Minister of Municipal Affairs ...

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

Presentation by Master Corporal Carl Dymond.

Mayor Codner introduced Master Corporal Dymond, and former Torbay resident, who was in attendance at tonight’s meeting, along with his two children and his mother and father. Mayor welcomed them all and provided a history of past wars and peacekeeping missions, including Afghanistan.

On behalf of Council and Staff, Mayor thanked Master Corporal Dymond for his commitment to the Country. He welcomed him home and Master Corporal Dymond provided a history of his work, efforts, and accomplishments, and presented Mayor Codner with a Torbay flag.

CORRESPONDENCE

1. Municipalities Newfoundland and Labrador – 2013 Convention Package. ***For information purposes.***
2. Department of Municipal Affairs – 2012-2014 Multi Year Capital Works Program. ***CAO advised this is confirmation of approval from Municipal Affairs for one year extension. All projects must be completed by December 31, 2014. This also includes funding for sports club house at Upper Three Corner Pond Park***
3. Department of Transportation and Works – Municipal Depot Site Location. ***Director of Public Works & Technical Services advised that this is approval in principal for new site at South Pond area. It’s a potential location for our depot site; and, the Town has to also obtain environmental approval.***
4. Department of Transportation and Works –Runoff Issues – Peter’s Place and North Side, Indian Meal Line. ***Mayor Codner provided history and discussed flooding issues surrounding this matter. Mayor to follow up and go back to the Department again. It was requested that the Mayor ask MHA to intervene as well.***

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report, dated August 19, 2013, was accepted as presented.

- Item No. 9 - Deputy Mayor asked for clarification of Regulation 78.2 and the ability to acquire land and trade. CAO advised that a legal opinion was received and forwarded to him.

Matter is currently with the Planning and Land Use Development Committee and will be discussed at the next meeting.

COMMITTEE REPORTS

Economic Development

Councillor Roche gave an overview of items discussed under the Economic Development Committee Minutes, dated August 13, 2013.

Items discussed in the report included:

- Review of Action Items from previous meeting on July 23rd
 - Business Social
 - An investigation of when a business social could take place is ongoing.
 - Tapper's Cove Events
 - Economic Development Officer is process of contacting the Harbour Authority. Councillor Byrne, as Harbour Authority Liaison, to speak with president and have him contact our Economic Development Officer.
 - Heritage, Arts and Culture Coordinator has been in contact with the High School, who are doing the mural project at Tappers Cove this Fall.
 - Councillor Smith questioned fish stew for this Fall. Councillor Byrne to bring back to the Harbour Authority and request they contact our Economic Developer.
 - Lacey Property
 - Director of Public Works & Technical Services and Heritage, Arts and Culture Coordinator are investigating the feasibility of the property as heritage. Results should be known for next Committee meeting and then on to Council.
- Project Updates
 - Economic Development Strategic Plan Progress Report
 - The EDSP is on target.
 - Business Park Feasibility Update / Groundwater Assessment
 - Consultant has been instructed to begin the process of completing the groundwater assessment.
 - Upper Three Corner Pond Park Project
 - All channels are being utilized to get this project up and running.
 - Torbay Community Market
 - Online registration of vendors is almost complete and will be launched before the next committee meeting.

- Small Business Week 2013
 - Runs from October 20th to 26th.

Finance

The Financial Report, dated August 5-16, 2013, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of August 5-16, 2013, for 46 employees totaled \$71,910.17.

For the period of August 5-16, 2013, 2013, Accounts Payable invoices in the amount of \$136,382.55 were paid. These expenditures were within budget.

There are four (4) Main Operating Invoices totalling \$66,857.16 for approval:

322-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Millier Dickinson Blais Inc., for Economic Development Strategic Plan Progress Payment #1, in the amount of \$13,475.25.

Question called. Motion carried unanimously.

323-13 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to T2 Ventures Inc, for Garbage / Recycling for July 2013, in the amount of \$40,014.00.

Question called. Motion carried unanimously.

324-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to TACK Marketing Inc., for Municipal Elections Campaign, in the amount of \$6,017.25.

Question called. Motion carried unanimously.

325-13 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Trio Benefits, for Group Benefits for August 2013, in the amount of \$7,350.66.

Question called. Motion carried unanimously.

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

Human Resources and Administration

Councillor Byrne gave an overview of items discussed under the Human Resources and Administration Committee Minutes, dated August 12, 2013.

Items discussed in the report included:

CAO confirmed resignation of the Development Control Officer effective August 16, 2013. Council has been made aware of the resignation and CAO to advise staff after this committee meeting. Committee asked CAO to review job description with the Director of Planning and bring forth recommendations on next steps to the next Committee meeting.

Councillor Byrne requested the next committee meeting take place before August 31, 2013 on this matter.

Planning and Land Use

Councillor Smith gave an overview of items discussed under the Planning and Land Use Development Committee Minutes, dated August 14, 2013.

Items discussed in the report included:

1. Development Proposals
 - a) Proposal from developer of property to the east of Jack Byrne Arena.
 - b) New Proposal from property owners at Doyle's and Quigley's Lane.
 - c) Correspondence from developer of a proposed 17 unit seniors' building off Kennedy's Brook Drive.
2. Five Year Review Items
 - a) Request from property owner at Humpity Marsh Road for rezoning.
3. Correspondence
 - a) Correspondence from property owners at South Pond Road area.
 - b) Reviewed email from company concerning installation of movie vending machine.
 - c) Correspondence from Municipal Affairs regarding National Building Code and Climate Change.
4. Other Items
 - a) Island Pond Brook Flood Plain Analysis – preliminary results.
 - b) CBCL Letter for information purposes.

Deputy Mayor questioned Regulation 78.2. Councillor Smith advised him that CAO will be attending next Planning and Land Use Development Committee Meeting for further discussion.

Building Applications Approved

Councillor Tapper and Councillor Whitty left the Council Chambers at 8:02 p.m, as it was determined that they were in a conflict of interest.

The following applications were approved subject to the normal conditions and requirements for building within the Town of Torbay:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
10051-13	170 Marine Drive	10' x 12' Accessory Building
10052-13	89 Reddy Drive	10' x 10' Accessory Building
10055-13	1046 Torbay Road	General Repairs
10056-13	41-43 Camp Carey Road	16' x 20' Accessory Building
10057-13	2 Anstey's Cove Lane	12' x 16' Accessory Building
10058-13	1693-1695 Torbay Road	14'x 12' Accessory Building & Demolition of Existing Accessory Building
10062-13	465 Indian Meal Line	16' x 20' Accessory Building
10063-13	11 Davalan Place	14' x 16' Accessory Building

Councillor Tapper and Councillor Whitty returned to the Council Chambers at 8:04 p.m.

Building Applications for Approval

Application: 9948-13
Location: 5 Country Drive
Proposal: 30' x 30' Accessory Building
Zoning: Residential Medium Density (RMD)

326-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9948-13, under the Applications for Approval section of the Building Application Report, dated August 15, 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.
3. Approval from the Department of Environment and Conservation (Water Resources Division) for the proposed location of the accessory building.

Question called. Motion carried unanimously.

Application: 10053-13
Location: 27-31 Gosse's & Rodger's Crescent
Proposal: Single Family Dwelling
Zoning: RI (Residential Infill)

327-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10053-13, under the Applications for Approval section of the Building Application Report, dated August 15, 2013, subject to the following condition:

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

Question called. Motion carried unanimously.

Application: 10054-13
Location: 8 Easterbrook Drive
Proposal: 20' x 24' Accessory Building
Zoning: Residential Medium Density (RMD)

328-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 10054-13, under the Applications for Approval section of the Building Application Report, dated August 15, 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.
3. Location to be confirmed in the field by the Town's Planning Department.

Question called. Motion carried unanimously.

Application: 10059-13
Location: 8 Rattling Brook Road
Proposal: 32' x 36' Accessory Building and Proposed Second Driveway
Zoning: RLL (Residential Large Lot)

329-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10059-13, under the Applications for Approval section of the Building Application Report, dated August 15, 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.
3. Proposed location of the second driveway to be confirmed in the field by the Planning and Public Works Departments.

Question called. Motion carried unanimously.

Application: 10060-13
Location: 23 Flora Drive
Proposal: 36' x 38' Accessory Building (RV Storage)
Zoning: RLL (Residential Large Lot)

330-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 10060-13, under the Applications for Approval section of the Building Application Report, dated August 15, 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: 10061-13
Location: 5 Concepta's Place
Proposal: 28' x 32' accessory building
Zoning: RLL (Residential Large Lot)

331-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10061-13, under the Applications for Approval section of the Building Application Report, dated August 15, 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: 10064-13
Location: 2-6 Ryan's Road
Proposal: 18' x 22' accessory building
Zoning: RI (Residential Infill)

332-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 10064-13, under the Applications for Approval section of the Building Application Report, dated August 15, 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.
3. Location to be confirmed in the field by the Town's Planning Department.

Question called. Motion carried unanimously.

Business Applications to be Advertised

333-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer the below Application, under the Applications to be Advertised section of the Business Application Report, dated August 15, 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 paid in advance by the applicant.

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1125-13	37-39 Karon Drive	Home office for Logistics Consultant Business

Question called. Motion carried unanimously.

Public Works & Technical Services

Councillor Whitty gave an overview of items discussed under the Public Works Committee Minutes, dated August 16, 2013.

Items discussed in the report included:

- Plumbing Requirements
 - The Town of Torbay has established a Plumbing Contractor License Register and Plumbing Certification Release Form. These documents will provide the Town with the necessary controls on the work being performed in the Town.
- MYCW
 - Depot site evaluation ongoing.
- Ryan's Road
 - Town's staff and engineering consultants are reviewing and will provide a report to Committee once concluded.
- Doyle's & Quigley's
 - Consultants have reviewed and have provided the Town with a solution and budget. Town staff are reviewing.
- Ditching Program
 - The Public Works Department has commenced the 2013 ditching and similar to last year staff will ditch and remediate designed zones throughout the Town.
- Eustace Lane
 - Referred to Planning to review the parameters agreed upon and provide a recommendation.

The Town of Torbay has established a Plumbing Contractor License Register and Plumbing Certification Release Form. These documents will provide the Town with the necessary controls on the work being performed in the Town. The liability will in turn be placed on the professional contractor and not the home owner or Town.

334-13 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay adopt the Plumbing Contractor License Register and the Plumbing Certification Release Form effective October 1, 2013.

Question called. Motion carried unanimously.

Recreation, Parks and Community Services

Deputy Mayor Gallant gave an overview of items discussed under the Department of Community Services Committee Minutes, dated August 13, 2013.

Items discussed in the report included:

- Reports on Trails/Town Centre Update
 - Director gave update to Council on July 29th. Work is continuing on the noted projects.
- Program Update
 - Killick Coast Games – closing ceremonies took place on August 15th.
 - Outdoor Movie – scheduled for August 21st.

- Pat Dawe Tournament – scheduled for September 6th – 8th.
 - Councillor Tapper noted that there are talks of getting a Torbay team together. If interested, contact Director of Community Services.
- Community Guide – Fall Guide is currently being worked on.
- Big and Small – taking place on September 8th at Jack Byrne Arena.
- Open Space
 - Deputy Mayor Gallant discussed Regulation 78.2 and noted an ad in the recent Northeast Avalon Times paper whereby another town has acquired land through a land swap. Discussion is ongoing to find out exactly how the Town can go forward. Councillor Byrne requested that this matter be reviewed with the Director of Planning.

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

None.

LIAISON COMMITTEES

Heritage/Museum

No report.

Jack Byrne Arena

Deputy Mayor Gallant advised that the Arena has a new website published. They're on Facebook, as well. He reported that there are no major updates, and you can find a schedule on their website.

Northeast Avalon Joint Council

No report.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

Councillor Byrne provided an update on the recent food fishery. He advised the fishery went off with great participation. There was an incidence of vandalism – rope cables and cutting tables

were thrown into the water and life rings were tied up into knots. This matter was handed over to the RNC.

The Harbour Authority thanked Council for all the support shown towards them. They thanked the Town's outside staff for their work, assistance and promptness - they also thank them for brush clearing in preparation for the food fishery and collection of garbage.

Torbay Volunteer Fire Department

Councillor Byrne gave an overview of items discussed under the Torbay Volunteer Fire Department Meeting Notes, dated July 15, 2013.

Items discussed in the report included:

- The Communications Room is still a work in progress.
- A new lieutenant position has been elected due to a resignation.
- There have been 22 calls since the last meeting. Overall, calls are down from last year.
- There has been a resignation by Flatrock fire fighter – position will be filled shortly.
- Thank you to everyone who showed up to buy tickets at the Department's booth at the St. John's Regatta. It was a very successful event.

Councillor Byrne noted article in the August's Northeast Avalon Times – "Firefighter rescues Torbay family." He noted the commitment that our fire fighters make every day during all hours. Councillor Byrne asked if the Town could recognize the Torbay Volunteer Fire Fighter for his recent rescue of the family.

Urban Municipalities Committee

Councillor Smith noted she attended a recent UMC Meeting this past weekend. She will provide notes for the next Council Meeting.

She highlighted some items from the meeting:

- Safety regulations for skateboard parks – helmet regulations and enforcement.
- Fiscal framework – CAO has been invited to participate.
- Presentation by Habitat for Humanity.
- NL Power presentation concerning LED street lights. It was questioned why street light costs are being raised 7% for all municipalities when residential costs are going down. NL Power have committed to coming back with information.
- Presentation from NL Health Line. Will ask Council to consider periodic promotion of NL Health Line number – they have dedicated nurses all across the Province who answer questions.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant discussed Open Space, Green Space and Regulation 78.2. The Town do have ruling/answer regarding fair market vs. raw land value. It's financially advantageous and practical to acquire land – he noted that he's not in favor of acquiring cash fair market value. He discussed acquiring land and trading for other property in other areas, further discussing the proposed recreation center and the Town's budget. Deputy Mayor indicated that a neighbouring community have acquired land and traded for another area of land, saving taxpayers hundreds of thousands of dollars. He indicated Torbay could do this; accept and integrate into plans including the open space management strategy. He asked Council to consider on a go forward basis. He referenced the recent Northeast Avalon Times paper, August, 2012, an article on page four.

Deputy Mayor thanked Staff for taking care of resident's concern and installing trash cans on the beach.

Councillor Byrne

Councillor Byrne discussed the recent Public Hearing that took place last week on August 15th. He advised that he attended the meeting and was very pleased with commentary and level of professionalism from all involved.

Councillor Roche

Councillor Roche provided an update on Moore's Valley Road property. She advised that an onsite visit took place and a report is in process of being completed. Once report received, Council can then make decision.

Councillor Smith - Pass

Councillor Tapper

Councillor Tapper discussed motion at last meeting to pay Concerned Citizens of Torbay appeal fee, and he questioned if and when Council were going to make payment. He questioned if a meeting with the Minister of Municipal Affairs went ahead on this matter and if there was a report.

Mayor Codner reported that the meeting did go ahead and it's now gone to legal for further analysis. Councillor Smith advised that Committee were hoping to have correspondence back for tonight's meeting from the Minister's office, but expecting now by the end of the week. Motion is still intact but matter is under further review. She also noted 30 days to make payment.

Councillor Whitty - Pass

ADJOURNMENT

335-13 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the meeting be adjourned at 8:39 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk