



**MINUTES**  
PUBLIC COUNCIL MEETING  
August 4, 2014

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on August 4, 2014 at 7:33 p.m.

**Members Present**

Deputy Mayor Geoff Gallant  
Councillor Thomas Hall  
Councillor Peggy Roche  
Councillor Craig Scott  
Councillor Carol Ann Smith

**Staff Present**

Tina Auchinleck-Ryan, Director of Community Services  
Ann Picco, Executive Clerk  
Bernie Manning, Director of Public Works & Technical Services

**Regrets**

Mayor Ralph Tapper  
Councillor Mary Thorne-Gosse  
Dawn Chaplin, CAO/Town Clerk  
Brian Winter, Director of Planning

**Gallery**

There were a total of 14 people in attendance.

Deputy Mayor Gallant read aloud the Regular Public Council Meeting Protocol, and advised everyone that there would be a Question and Answer Session after the Council Meeting. He recognized and welcomed MHA Kevin Parsons, who was in attendance at tonight's meeting.

390-14      **Motion** – Councillor Hall / Councillor Smith

**RESOLVED THAT** in the absence of the Chief Administrative Officer/Town Clerk during the period of August 4-18, 2014, that Executive Clerk Ann Picco be appointed the Acting Town Clerk. Any operational matters are to be referred to the appropriate senior department staff member.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillor Hall, Councillor Roche, Councillor Scott, and Councillor Smith)

Against Motion: 0

Abstained: 0

**Adoption of Agenda**

391-14      Motion – Councillor Roche / Councillor Scott

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

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillor Hall, Councillor Roche, Councillor Scott, and Councillor Smith)

Against Motion: 0

Abstained: 0

**Adoption of Minutes**

392-14      Motion – Councillor Roche / Councillor Hall

**RESOLVED THAT** the Minutes of the July 21, 2014 Public Council Meeting be adopted as presented.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillor Hall, Councillor Roche, Councillor Scott, and Councillor Smith)

Against Motion: 0

Abstained: 0

**PROCLAMATIONS / PRESENTATIONS**

None.

**MAYOR'S REPORT**

Mayor Tapper provided a report, dated July 18 - 31, 2014, of his work and connections that he has made in the community over the past two weeks.

**CORRESPONDENCE**

1. Correspondence from resident - Water and Sewer Tax at 100 Country Drive. ***Referred to Finance and Administration Committee.***
2. Department of Municipal and Intergovernmental Affairs – Approval to Call Tenders-Replace of Lime Feed System-North Pond. ***For information purposes.***
3. Correspondence from resident - Permit Issued June 18, 2014. ***Referred to Planning, Land Use and Development Committee.***

## **CORRESPONDENCE & ACTION REPORT**

The Correspondence and Action Report, dated August 4, 2014, was accepted as presented.

## **COMMITTEE REPORTS**

### **Economic Development**

Councillor Hall provided an overview of items discussed under the Economic Development Committee Meeting, dated July 23, 2014.

Items discussed in the report included:

- Town Centre Feasibility Project
  - There is a partnership of companies, three in total, to come up with ideas and clarification on deliverables. They met with Economic Development Officer several days ago to review scope of study.
- Business Park Feasibility Update
  - Approval received from the airport to proceed with drilling program on their land for the groundwater wells.
- East Coast Trail Association MOU
  - There has been some back and forth on this document between the East Coast Trail Association and Economic Development Officer/Committee. Discussions look good and hoping to sign sometime soon.
- NL Irish Connection Festival 2015 Bid
  - The Town was successful in its bid to host portion of the festival. Submitted final itinerary/schedule for portion in 2015.
  - The Town will be putting out a request for assistance and volunteers.
- Commercially Zoned Land
  - Planning Consultant Reg Garland to assist in planning Town Centre.
- Next meeting to take place on August 20<sup>th</sup> at 5:30 p.m.

### **Finance & Administration**

The Financial Report, dated July 21-31, 2014, was accepted, as presented. Councillor Smith read out payroll and accounts payable information as per the report:

Payroll for the period of July 21-31, 2014, for 55 staff is \$90,006.27. This includes wages for staff and summer day camp staff.

For the period of July 21-31, 2014, Accounts Payable invoices in the amount of \$202,832.22 were paid. These expenditures were within budget.

There are four (4) Main Operating Invoices, in the amount of \$81,920.75 for approval:

393-14      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Avalon Paving and Excavating, for Repairs on Hickey’s Place, Piperstock Place, Western Island Pond Drive and Tapper’s Cove Hill Road, in the amount of \$28,998.06.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillor Hall, Councillor Roche, Councillor Scott, and Councillor Smith)

Against Motion: 0

Abstained: 0

394-14      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Cal LeGrow Insurance Limited, for Recreation Program Insurance Policy, in the amount of \$6,402.00.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillor Hall, Councillor Roche, Councillor Scott, and Councillor Smith)

Against Motion: 0

Abstained: 0

395-14      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Calleigh Enterprises Ltd., for Concrete bases for signage at Upper Three Corner Pond Park and Motion Playground, in the amount of \$6,497.50.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillor Hall, Councillor Roche, Councillor Scott, and Councillor Smith)

Against Motion: 0

Abstained: 0

396-14      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Receiver General for Canada, for Payroll deductions for July 16-31, 2014, in the amount of \$40,023.19.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillor Hall, Councillor Roche, Councillor Scott, and Councillor Smith)

Against Motion: 0

Abstained: 0

There are no capital invoices presented for approval.

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

### **Parks, Recreation and Community Services**

Councillor Hall provided an overview of items discussed under the Community Services Committee Meeting, dated July 31, 2014.

Items discussed in the report included:

- Calendar of Events
- Community Wellness Report
  - Report is with Municipal Affairs right now.
  - Meeting to be scheduled and update will be provided in near future.
- Dog Park
  - Location was discussed.
  - Proceeding as per Motion of Council at last Council Meeting.
- Killick Coast Game Update
  - This event is complete. It was a big success – great weather and opening ceremonies went well with lots of kids in attendance.
- Summer Program Update
  - All camps are going well as expected.
- Silver Spades Update

### **Planning, Land Use and Development**

Councillor Smith provided an overview of items discussed under the Planning, Land Use and Development Committee Meeting, dated July 29, 2014.

Items discussed in the report included:

1. Development Proposals
  - a) Proposal from Property owner to extend Woodbridge and Barkwood Lanes to develop his property with 33 unserviced building lots.
    - Motion to follow.
  - b) Proposal from Property owner 21 Browns Lane.
    - The application will be dealt with in the Building Application Report, dated August 1, 2014, Application Number C2014-136.
  - c) Proposal from property owner Crowe's Lane.
    - Committee discussed going back to property owner on various points. Reviewed proposal and agreed property owner to address some items.
    - It was agreed that while the property owner has addressed some of Committee's items, the issue of the road right of way width was not address. It was agreed that the Director of Planning would meet with the property owner to discuss the right of way issue and the Town current ground water study.

- d) Proposal from property owner 102-104 Bauline Line to have their property rezoned from Residential Subdivision Area (RSA) to Residential Large Lot (RLL) to accommodate a proposed 13 Lot unserviced subdivision development.
  - Committee reviewed proposal from property owner and it was agreed that there are a number of items that need to be addressed prior to committee making a recommendation on the proposal.
2. Correspondence
  - a) Crown Land Application Middle Three Island Pond Area.
    - Committee reviewed updated proposal and it was agreed that the proposal should be sent to EHJV for review because of its proximity to the Habitat Buffer zone.
  - b) Correspondence from property owner 14 Shea's Lane.
    - Director of Planning to get back to owner on issue.
  - c) Correspondence from property owner at 32 Lynch's Lane.
    - Motion to follow.
  - d) Correspondence from NF Design in relation to the woods path drainage ditch connecting Flora Drive to Indian Meal Line.
    - There has been some flooding over the past Winter. It was agreed that the Directors of Public Works and Planning, Land Use and Development are going to continue with further research and meeting with the Department of Transportation and Works as soon as meeting can be scheduled.
3. Other Items
  - a) Proposal from property owner 10 Eustace Lane.
    - Director of Planning is working on.
  - b) Accessory Building Location 54 Reddy Drive
  - c) Parking of Commercial Vehicles on Residential Lots
  - d) Automobile sales lot 996 Torbay Road
    - Motion from February 17, 2014:  
Motion to issue an order to 996 Torbay Road to have the property owner cease operation of his auto sales lot and to have all remaining automobiles that are for sale on the property removed within 90 days.
    - Motion to come forward.
4. PLUD Items for Correspondence and Action Report
  - a) Table attached for information.

*1. Development Proposals*

*Proposal from Property owner to extend Woodbridge and Barkwood Lanes to develop his property with 33 unserviced building lots.*

397-14      Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay give 69745 Newfoundland and Labrador Inc. approval in principal so they can proceed with engineering and design work on the

proposed 33 lot unserviced subdivision as outlined on Mae Design Limited's drawing number C-2, project no 2012.203. No permits will be issued until all standard conditions for developing within the Town of Torbay are met, 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.

For Motion: 5 (Deputy Mayor Gallant, Councillor Hall, Councillor Roche, Councillor Scott, and Councillor Smith)

Against Motion: 0

Abstained: 0

2. *Correspondence*

*Correspondence from property owner 32 Lynch's Lane.*

398-14 Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay reverse the back water tax bill for 32 Lynch's Lane, and give notice to the property owner that permission is granted to install water services to the property as per normal policy. The property shall be charged water tax starting September 1, 2014 whether or not the service is installed. This motion is subject to Finance and Administration approval.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillor Hall, Councillor Roche, Councillor Scott, and Councillor Smith)

Against Motion: 0

Abstained: 0

Councillor Smith provided a brief history on the above, and all agreed the above motion should be subject to approval by the Finance and Administration Committee.

3. *Other Items*

*Automobile sales lot 996 Torbay Road*

399-14 Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay rescind motion number 084-14. The proposed business application will be revisited when the required changes are completed to the Town Plan and Regulations.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillor Hall, Councillor Roche, Councillor Scott, and Councillor Smith)

Against Motion: 0

Abstained: 0

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Council discussed the above motion and rational for rescinding motion was questioned. It was discussed that an order was issued to have vehicles removed in 90 days. The 90 day limit has passed as of June and no action taken. This business owner is in a unique situation – he cannot set up business as he desires as he’s awaiting approvals from Provincial Government. Therefore, it’s appropriate that the Town cannot execute order.

*Building Applications Approved*

Under the Building Application Report, dated August 1, 2014, 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>
C2014-160	41 Patrick’s Path	Fence
B2014-163	90 Motion Drive	General Repairs
C2014-165	25 Cordelia Crescent	Fence
B2014-166	216 Bauline Line	General Repairs

*Building Applications for Approval*

Application: C2013-125  
Location: 21 Brown’s Lane  
Proposal: Duplex (Double Dwelling)  
Zoning: Residential Medium Density (RMD)

400-14 Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay Approve Application C2013-125, under the Applications for Approval section of the Building Application Report, dated August 1, 2014, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. The applicant is responsible for the installation of a sewer lift station and all future maintenance of the lift station.
3. A grading/drainage plan is required.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillor Hall, Councillor Roche, Councillor Scott, and Councillor Smith)

Against Motion: 0

Abstained: 0



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Application: C2014-162  
Location: 51 Pine Ridge Crescent  
Proposal: 24' x 32' Accessory Building  
Zoning: Residential Large Lot (RLL)

401-14 Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay Approve Application C2014-162, under the Applications for Approval section of the Building Application Report, dated August 1, 2014, 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.

For Motion: 5 (Deputy Mayor Gallant, Councillor Hall, Councillor Roche, Councillor Scott, and Councillor Smith)

Against Motion: 0

Abstained: 0

Application: C2014-167  
Location: Portion of 7 & 3-5 Dan's Loop  
Proposal: Single Family Dwelling  
Zoning: Residential Medium Density (RMD)

402-14 Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay Approve Application C2014-167, under the Applications for Approval section of the Building Application Report, dated August 1, 2014, subject to the following condition:

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

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillor Hall, Councillor Roche, Councillor Scott, and Councillor Smith)

Against Motion: 0

Abstained: 0

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Application: C2014-169  
Location: 504 Indian Meal Line  
Proposal: 26' x 34' Accessory Building  
Zoning: Residential Infill (RI)

403-14 Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay Approve Application C2014-169, under the Applications for Approval section of the Building Application Report, dated August 1, 2014, 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.

For Motion: 5 (Deputy Mayor Gallant, Councillor Hall, Councillor Roche, Councillor Scott, and Councillor Smith)

Against Motion: 0

Abstained: 0

*Business Applications for Approval*

Application: D2014-161  
Location: 1395 Torbay Road  
Proposal: General Business (Beauty Salon)  
Zoning: Mixed Development (MIX)

404-14 Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay Approve Application D2014-161, under the Applications for Approval section of the Business Application Report, dated August 1, 2014, subject to the following conditions:

1. All normal conditions and requirements for businesses within the Town of Torbay.
2. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
3. The development shall comply with the Town of Torbay Parking Requirements.
4. Approval(s) from Service NL is required.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillor Hall, Councillor Roche, Councillor Scott, and Councillor Smith)

Against Motion: 0

Abstained: 0

Business Applications to be Advertised

Application: D2014-164  
Location: 34 Flora Drive  
Proposal: In home daycare  
Zoning: Residential Large Lot (RLL)

405-14 Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay Defer for Advertisement Application D2014-164, under the Applications to be Advertised section of the Business Application Report, dated August 1, 2014, as per Condition 11 of the RLL Land Use Zone and Regulations 10, 33 and 90 of the Torbay Development Regulations.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillor Hall, Councillor Roche, Councillor Scott, and Councillor Smith)

Against Motion: 0

Abstained: 0

Application: D2014-168  
Location: 54 Forest River Road  
Proposal: Home Office for Plumbing Business  
Zoning: Residential Large Lot (RLL)

406-14 Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay Defer for Advertisement Application D2014-168, under the Applications to be Advertised section of the Business Application Report, dated August 1, 2014, as per Condition 11 of the RLL Land Use Zone and Regulations 10, 33 and 90 of the Torbay Development Regulations.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillor Hall, Councillor Roche, Councillor Scott, and Councillor Smith)

Against Motion: 0

Abstained: 0

Application: D2014-170  
Location: 983 Torbay Road  
Proposal: General Business (Executive Recruitment Firm)  
Zoning: Mixed Development (MIX)

407-14 Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay Approve Application D2014-170, under the Business Application Report, dated August 1, 2014, subject to the following conditions:

1. All normal conditions and requirements for businesses within the Town of Torbay.
2. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
3. The development shall comply with the Town of Torbay Parking Requirements.
4. Approval(s) from Service NL is required.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillor Hall, Councillor Roche, Councillor Scott, and Councillor Smith)

Against Motion: 0

Abstained: 0

### **Public Works**

Councillor Smith provided an overview of items discussed under the Public Works Committee Meeting, dated July 29, 2014.

Items discussed in the report included:

- Depot Update
  - Project consultants are in place and meetings have started.
  - Looking at design proceedings.
- Speed Calming
  - A new driver feedback sign has been purchased and will be installed on Mahon's Lane. The unit is a stationary solar powered digital display unit that is similar to communities in the region.
  - It was asked that data be looked at and reviewed as the sign is in area of the high school, therefore, drivers may use sign to see how fast they can drive.
  - It was noted that there is a resident in the area which other residents have made complaints of speeding.
- Kinsmen Centre Gate
  - Contractor has completed the installation of new fence and barrier gate at the entrance of the Kinsmen Centre parking area.
  - The gate is operational now and working well.

- Road Work Update
  - Tender for final piece of 2014 Gas Tax has been advertised, as per this past weekend.
  - Work to be completed as soon as possible. If not this Fall, then in the Spring.

## **ADVISORY COMMITTEES**

### **Environment**

Deputy Mayor advised that there will be a meeting in this quarter.

### **Heritage**

Councillor Roche advised the Committee is not meeting until September.

## **LIAISON COMMITTEES**

### **Jack Byrne Arena**

Facility Status Report – July 22, 2014

- Councillor Hall advised that the Arena is a popular venue. Upcoming events can be found on the Arena's website.

### **Northeast Avalon Joint Council**

Councillor Roche advised there will be a meeting in September.

### **Torbay Harbour Authority**

No report.

### **Torbay Volunteer Fire Department**

The below Meeting Notes and Minutes were included in packages for information:

- TVFD Meeting Notes, dated May 19, 2014
- Minutes of a June 2, 2014 Meeting
- TVFD Meeting Notes, dated June 16, 2014
- TVFD Meeting Notes, dated July 14, 2014

Councillor Scott provided an overview of the July 28<sup>th</sup> Meeting:

- A tour of the responding system for Council is in process of being arranged. This is a great tool for the Fire Fighters and the Department.
- The Department has requested that the dry hydrant at Gallows Cove Pond be checked – end of September.

- Members expressed concerns of line painting on Torbay Road. Following up with the Department of Transportation and Works.
- Public Relations - the Department attended a block party off Bridge Road at River Bank Place. Will have report for next week.
- Fire Ban is still in place.
- There have been 9 emergency calls since the last meeting. Past 140 calls now for the year.

### **Urban Municipalities Committee**

Councillor Smith advised that the next meeting will take place at the MNL Convention.

### **North East Avalon Regional (NEAR) Plan**

No report.

### **Municipal Assessment Agency Inc. (MAA)**

Councillor Roche advised that MAA had a delegation go to Halifax to visit organic sites and look at and review operations and systems. To be reviewed over next few years to make a decision.

### **Stewardship Association of Municipalities Inc. (SAM)**

Deputy Mayor Gallant advised there are no official updates. Starting schedule and invites for the Fall meeting, which will be taking place in Bonavista. Invites forthcoming soon.

### **Eastern Regional Service Board**

Councillor Roche advised that meeting is scheduled for first Wednesday of this month. Will provide an update for next Council Meeting.

### **Holy Trinity Elementary School Council**

No report.

### **NEW BUSINESS**

***Mayor Tapper*** - Absent

***Deputy Mayor Gallant***

Deputy Mayor thanked Council for current and continued support and assistance.

***Councillor Hall*** - Pass

***Councillor Roche*** - Pass

***Councillor Scott***

Councillor Scott discussed the Killick Coast Games. He thanked and congratulated Recreation and Public Works Staff for their help with events. At Opening and Closing Ceremonies, a lot of people passed along their complimentary comments about our Director of Community Services, Public Works Director and Staff and how they kept everything going. It was a great job.

He congratulated and thanked all volunteers. The Killick Coast Games is a great regional event, at which all towns participate. It was good to see kids getting along, competing and having fun.

Councillor Scott asked residents to please respect the open fire ban, which was done in consultation with the Torbay Volunteer Fire Department and Flatrock. The Department was called out twice on the weekend to the same home to put out a barrel fire. It could have been a more serious situation and people have to respect the ban in place.

***Councillor Smith*** - Pass

***Councillor Thorne*** - Absent

**ADJOURNMENT**

408-14      Motion – Councillor Smith / Councillor Hall

**RESOLVED THAT** the meeting be adjourned at 8:20p.m., as there was no further business.

Question called. Motion carried.

For Motion: 5 (Deputy Mayor Gallant, Councillor Hall, Councillor Roche, Councillor Scott, and Councillor Smith)

Against Motion: 0

Abstained: 0

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***Mayor***

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***CAO/Town Clerk***