



MINUTES
PUBLIC COUNCIL MEETING
August 5, 2013

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on August 5, 2013 at 7:30 p.m.

Members Present

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

Staff Present

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

Regrets

Councillor Mike Byrne
Tina Auchinleck-Ryan, Director of Community Services
Ann Picco, Executive Clerk

Gallery

There were a total of 16 people in attendance.

Adoption of Agenda

294-13 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

295-13 Motion – Councillor Roche/ Deputy Mayor Gallant

RESOLVED THAT the Minutes of the July 22, 2013, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

None

CORRESPONDENCE

1. Department of Municipal Affairs – Public Hearing Commissioner, St. John’s Urban Region Regional Plan Amendment #8, 2012.
Mr. T.W. Strickland has been appointed as the new Public Hearing Commissioner, in accordance with Section 19 of the Urban and Rural Planning Act.

2. Correspondence from Eastern School District concerning Bus Turnaround at Bernice Drive.
Mayor Codner and Council discussed in detail the bus turnaround at Bernice Drive. It was the common consensus of Council that the matter be investigated further and the possibility of looking at the developer/engineer who designed the road for accountability. Councillor Smith stated that she felt it was not the financial responsibility of the town to fix these roads once put there by developers. That maybe we could look into what other towns are doing in similar situations. Council felt it was not financially feasible in this year’s budget to correct this issue, may be possible to review for next year’s budget.

296-13 Motion – Councillor Smith/ Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay respond with written correspondence completed by the CAO to the Eastern School District to inform Darrin Feehan, the Manager of Student Transportation that the correspondence regarding Bernice Drive Bus Turnaround was tabled at a meeting of Council on August 5, 2013. It was discussed and determined by Council that the Town is not in a financial position to consider expanding the turnaround at Bernice Drive.

Question called. Motion carried unanimously

3. Eastern Newfoundland Regional Appeal Board – Concerned Citizens of Torbay v. Town of Torbay.
Councillor Smith asked that Council consider deferring this piece of correspondence until a meeting with the Minister of Municipal Affairs which had already been scheduled take place for further clarification.
Deputy Mayor Gallant felt the correspondence letter was clarification enough and that the appellant be paid the amount of money equal to the appeal fee.

297-13 **Motion** - Deputy Mayor Gallant/ Councillor Tapper

RESOLVED THAT the Town of Torbay in accordance with Section 44(3) of the *Urban and Rural Planning Act, 2000*, pay the appellant – The Concerned Citizens of Torbay an amount of money equal to the appeal fee, including taxes, paid by the appellant to the Board.

Question Called. Motion Carried

For Motion: Deputy Mayor Gallant, Councillor Tapper, Councillor Roche and Councillor Whitty.

Against Motion: Mayor Codner and Councillor Smith

4. Correspondence from resident concerning Development of 51 Indian Meal Line and Subdivision of Property at 51-55 Indian Meal Line.

Reviewed at Planning and Land Use Development Committee meeting as per Item 2. g) held on July 30, 2013.

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report, dated August 5, 2013, was discussed and accepted as presented.

Councillor Smith requested updates on the following:

Item No. 1 – Trail in Jones Pond Area, Councillor Smith asked if there has been any notifications been given those who may be responsible for the barriers and structure blocking off the trail.

CAO to speak to solicitor regarding this issue and to retrieve the file for review so Council may address the issue.

Item No. 7 – Torbay Heritage Committee, Councillor Smith would like to move forward with this and will bring forward at next meeting when Councillor Byrne is present.

Item No. 28 – Properties in Question on the Quarry Road and off the Bypass Road. Councillor Smith looking for a date as to when the town can expect action and be corrected.

Item No .42 – Tree Cutting in Forest Landing.

CAO and Mayor were to have meeting with resident but the resident failed to attend. Councillor Smith recommended that a letter of written notification be sent by the CAO to arrange a meeting and indicate in the letter a time period for response.

PAGE 8 (47, 50 and 54) – Councillor Smith asked that items 47, 50 and 54 be marked as complete. Mayor Codner indicated the No. 47 was still incomplete as there were follow ups to be done with the school once it commences again in September.

Councillor Roche requested updates on the following:

Item No. 64 - Road Resurfacing at Convent Lane and North Pond Road

Director of Public Works and Technical Services advised that the town is awaiting documents from the provincial government which will enable them to proceed with approval from the province.

COMMITTEE REPORTS

Economic Development

Councillor Roche gave an overview of items discussed under the Economic Development Committee Minutes, dated July 23, 2013.

Items discussed in the report included:

Bridge Upgrading - Search of funding was on-going with regard to the bridge upgrading. Some heritage funding has been uncovered and large contributions are being sought. The bridge in the Heritage Plan was in fact located on the beach, and was not the bridge in question on Moore's Valley road.

Lacey Property – An update to the Lacey Property on where the project stands crosses over into three departments – Economic Development, Public Works and Heritage. Economic Development officer reported that he is in contact with government departments and agencies in respect to potential funding sources to support the redevelopment of the Lacey property.

Director of Public Works and Technical Services has been in contact with NL Design regarding having a survey completed to assess the property internally and externally for a costing on repairing the property.

Heritage, Arts and Culture Coordinator has been in touch with Heritage Foundation's representative Andrea O'Brien in the past week to have an historical significance assessment completed on the property. Also based on requirements for Municipal and Provincial Heritage Designations of Buildings, Structure and Land, the Lacey property would require a "Statement of Significance" in order to be considered a candidate for heritage designation and will be based on the exterior of the building only.

Councillor Roche put forward a Notice of Motion:

That the Town of Torbay defer the possible demolition of the Lacey property for 30 days or until a response was received from the Municipal Outreach Officer – Andréa O'Brien of the Heritage Foundation of Newfoundland and Labrador on whether or not the property is granted a "Statement of Significance".

Deputy Mayor Gallant put forth a motion that the Town of Torbay reconsider the time frame and extend the deferment to 60 days. There was no seconder therefore the motion was lost.

It was also acknowledged by the Economic Development Committee of the outstanding contributions that District Drugs have made to the community and town events throughout their fifty year presence in the town. District Drugs would be recognized as a Gold Sponsor in the next edition of the North East Avalon Times.

The next meeting is scheduled for August 12th, 2013.

Finance

The Financial Report, dated July 22 – August 2, 2013, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of July 22 – August 2, 2013, for 46 employees totaled \$72,391.39.

For the period of July 22 – August 2, 2013, Accounts Payable invoices in the amount of \$405,017.60 were paid. These expenditures were within budget.

There are five (5) Main Operating Invoices totalling \$296,667.32 for approval:

298-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Atlantic Powertrain & Equipment, for Excavator, trailer, ditching bucket and thumb, in the amount of \$147,669.74.

Question called. Motion carried unanimously.

299-13 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Newfoundland Power Co. Ltd., for Group billing for July 2013, in the amount of \$5,047.40.

Question called. Motion carried unanimously.

300-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Receiver General for Canada, for Payroll Remittance for July 16-31 2013, in the amount of \$31,628.18.

Question called. Motion carried unanimously.

301-13 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Toromont, for Backhoe, in the amount of \$106,672.00.

Question called. Motion carried unanimously.

302-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Triware, for Tech Support-block of time, in the amount of \$5,650.00.

Question called. Motion carried unanimously.

There are no capital invoices for approval

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

Equipment Tenders

The Town of Torbay recently advertised a tender for the supply of a Utility Van. This vehicle will be used in the Public Works Department, specifically for water and sewer work.

Acquisition of the vehicle is a budgeted item for 2013. Tenders closed on July 22, 2013. Two tender packages were picked up and two submissions were received. A motion of Council is required to award the tender.

303-13 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve award Tender #2013004A for the supply of a utility van to Terra Nova Motors in the amount of \$38,428.00 plus HST for a total price of \$43,423.64. This is a budgeted item for 2013. No financing will be required.

Question called. Motion carried unanimously.

Human Resources and Administration

No Report

Councillor Smith expressed sincere thanks and appreciation to the front line staff on behalf of Council. She expressed the level of professionalism used by the front end staff on a daily basis regardless of the situations they have to deal with.

Planning and Land Use

Councillor Smith gave an overview of items discussed under the Planning and Land Use Development Committee Minutes, dated July 30, 2013.

Items discussed in the report included:

Building Applications Approved

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

Application Number	Location	Proposal
10036-13	130-132 Indian Meal Line	10' x 12' Accessory Building
10038-13	156-160 Country Drive	12' x 16' Accessory Building
10041-13	14 Reddy Drive	13' x 12' Accessory Building
10042-13	10-14 Karon Drive	16' x 20' Accessory Building
10049-13	406 Pine Line	Front Patio Deck

Building Applications for Approval

Application: 9918-13
Location: 14 Shea's Lane
Proposal: 1/2 Storey Extension to Single Family Dwelling
Zoning: RMD (Residential Medium Density)

304-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9918-13, under the Applications for Approval section of the Building Application Report, dated August 1, 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: 10035-13
Location: Portion of 40-44 Quarry Road
Proposal: Single Family Dwelling
Zoning: RI (Residential Infill)

305-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10035-13, under the Applications for Approval section of the Building Application Report, dated August 1, 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: 10037-13
Location: Portion of 1-13 Ellard's Lane
Proposal: Single Family Dwelling
Zoning: Residential Medium Density (RMD)

306-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10037-13, under the Applications for Approval section of the Building Application Report, dated August 1, 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: 10040-13
Location: 529-531 Indian Meal Line
Proposal: Single Family Dwelling with Subsidiary Apartment
Zoning: Residential Infill (RI)

307-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10040-13, under the Applications for Approval section of the Building Application Report, dated August 1, 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: 10043-13
Location: 10 Reddy Drive
Proposal: Demolition/Removal of Existing Mobile Home and Construction of a new Single Family Dwelling
Zoning: Residential Small Lot (RSL)

308-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10043-13, under the Applications for Approval section of the Building Application Report, dated August 1, 2013, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. Demolition/removal of existing mobile home prior to issuing building permit.

Question called. Motion carried unanimously.

Application: 10044-13
Location: 3 Riverbend Place
Proposal: 18' x 20' Accessory Building
Zoning: RMD (Residential Medium Density)

309-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10044-13, under the Applications for Approval section of the Building Application Report, dated August 1, 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: 10045-13
Location: 45 Moores Valley Road
Proposal: Single Family Dwelling
Zoning: Residential Large Lot (RLL)

310-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10045-13, under the Applications for Approval section of the Building Application Report, dated August 1, 2013, 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 upgrading/extension of Moores Valley Road to the proposed property from the end of the existing paved surface.
3. The land required to extend and widen the right of way shall be deeded to the Town
4. The applicant is responsible for all costs endured to extend and widen Moores Valley Road including engineering, legal and all construction costs.

5. The applicant shall provide a design drawing completed by an engineer outlining the conditions listed above, which will require approval from the Town's engineering consultants.

Question called. Motion carried unanimously.

Application: 10046-13
Location: 35 Motion Lane
Proposal: 24' x 24' Accessory Building
Zoning: Residential Medium Density (RMD)

311-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10046-13, under the Applications for Approval section of the Building Application Report, dated August 1, 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 to be confirmed in the field by the Town's Planning Department.

Question called. Motion carried unanimously.

Application: 10047-13
Location: 433 Indian Meal Line
Proposal: 30' x 34' Accessory Building & removal of existing accessory building
Zoning: RI (Residential Infill)

312-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10047-13, under the Applications for Approval section of the Building Application Report, dated August 1, 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. Existing accessory building to be removed.

Question called. Motion carried unanimously.

Application: 10048-13
Location: 2 Katrina Place
Proposal: 28' x 32' accessory building
Zoning: RLL (Residential Large Lot)

313-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10048-13, under the Applications for Approval section of the Building Application Report, dated August 1, 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.

Business Applications for Approval

Application: B1121-13
Location: Various locations throughout the Town
Proposal: Mobile Vending Operation (24' x 8' Gourmet Food Trailer)
Zoning: N/A

314-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application B1121-13, under the Applications for Approval section of the Business Application Report, dated August 1, 2013, subject to the following conditions:

1. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
2. All normal conditions and requirements for businesses within the Town of Torbay.

Question called. Motion carried unanimously.

Business Applications to be Advertised

315-13 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 1, 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>
B1120-13	500-502 Indian Meal Line	Home office for contracting-roofing business

Question called. Motion carried unanimously.

316-13 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 1, 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>
B1122-13	4 Thomas Gardens	Home office for engineering consulting business

Question called. Motion carried unanimously.

317-13 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 1, 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>
B1123-13	7 Cherrywood Drive	Home office for oil & gas quality consulting

Question called. Motion carried unanimously.

318-13 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 1, 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>
B1124-13	486-488 Bauline Line	Home office for plumbing business

Question called. Motion carried unanimously.

Public Works

No report

Recreation, Parks and Community Services

No report

Technical Services

No report

SPECIAL COMMITTEES OF COUNCIL

None

LIAISON COMMITTEES

Heritage/Museum

No report

Jack Byrne Arena

No report

Northeast Avalon Joint Council

No report

Northeast Avalon Regional Plan

No report

Torbay Harbour Authority

No report

Torbay Volunteer Fire Department

No report – minutes deferred

Urban Municipalities Committee

Next meeting to take place August 16th, 2013 in Corner Brook

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Lacey Property (Property by the church) - Asked that the demolition deadline be reviewed once all committees reported back to Council.

Beach Committee: Deputy Mayor Gallant advised Council that he had met with several residents concerning the beach. That the group of residents had great ideas on what should be done with the beach. Deputy Mayor Gallant asked that Council create a Subcommittee under the Recreation, Parks and Community Services where residents would make recommendations to Council on what they would like to see done at the beach and report to Council which would give them the opportunity to formalize the committee.

CAO noted that the forming of a committee or sub-committee should be deferred until it is reviewed and discussed by the Human Resources and Administration.

Deputy Mayor Gallant thanked all Council members for attending the meeting and forming a quorum.

Councillor Byrne - Absent

Councillor Roche

Resurfacing of Roads – addressed earlier in the Correspondence and Action report

Councillor Smith - Pass

Councillor Tapper

Councillor Tapper thanked the Public Works Staff for their great work they had completed on the Tapper's Cove Beach.

Councillor Tapper asked for clarification on a permit that was issued back in November to improve Great Pond Road. Received a call concerning the work the contracting had been completing on the road. He was advised by the caller that the town had stopped work going on in the area so therefore they were not able to finish.

Director of Planning noted that the proper approvals were not in place at the time, that the approvals were to come from the town before work could commence.

Councillor Whitty - Pass

ADJOURNMENT

319-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the meeting be adjourned at 9:25 p.m. as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk