



MINUTES
PUBLIC COUNCIL MEETING
December 10, 2012

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on December 10, 2012 at 7:34 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
Ann Picco, Executive Clerk

Regrets

Brian Winter, Director of Planning

Gallery

There were a total of 13 people in attendance.

542-12 **Adoption of Agenda**

Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

543-12 Motion – Councillor Tapper / Councillor Whitty

RESOLVED THAT the Minutes of the November 26, 2012, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

None.

CORRESPONDENCE

1. Correspondence from Resident concerning 2013 Budget. *For information purposes.*
2. Correspondence from Resident concerning Pole Line Refusal–Middle Three Island Pond area. *Deferred to the Planning and Land Use Development Committee.*
3. Correspondence from Resident concerning Pole Line Refusal–Middle Three Island Pond area. *Deferred to the Planning and Land Use Development Committee, along with the hand written letter that was recently received by Council Members.*

CORRESPONDENCE & ACTION REPORT

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

- Item No. 11 - Councillor Tapper asked for an update on the stewardship agreement and requested a timeline. Referred to the Director of Planning.

COMMITTEE REPORTS

Economic Development

Councillor Roche advised that the Minutes of the Economic Development Committee Meeting, dated December 3, 2012, was included for Council's information. She requested that Council Members forward any comments or questions to her.

Finance

The Financial Report, dated November 26 - December 7, 2012, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of November 26 - December 7, 2012, for 32 employees totalled \$62,659.39.

For the period of November 26 - December 7, 2012, Accounts Payable invoices in the amount of \$444,684.62 were paid. These expenditures were within budget.

There are seven (7) Main Operating Invoices totaling \$319,699.13 for approval:

MINUTES
PUBLIC COUNCIL MEETING
December 10, 2012

544-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Carl Thibault Fire Trucks Inc., for Pumper rescue truck acquisition, in the amount of \$224,959.27.

Question called. Motion carried unanimously.

545-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Clarke’s Trucking and Excavating, for Winter sand, in the amount of \$43,877.90.

Question called. Motion carried unanimously.

546-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to E.C. Boone, for Final progress payment for gateway sings, in the amount of \$8,398.73.

Question called. Motion carried unanimously.

547-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Murray’s Landscape Services, for Landscaping services for Jones Pond Subdivision entrance, in the amount of \$11,300.00.

Question called. Motion carried unanimously.

548-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Northeast Avalon Regional Arena, for Rental fee for community marketplace, in the amount of \$5,424.00.

Question called. Motion carried unanimously.

549-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Receiver General for Canada, for Payroll Remittance for November 16-30, 2012, in the amount of \$14,479.91.

Question called. Motion carried unanimously.

550-12 Motion – Councillor Tapper / Deputy Mayor

RESOLVED THAT the Town of Torbay approve payment to Tract Consulting Inc., for Adventure Park Concept, in the amount of \$11,259.13.

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.

Great Big Sea Concert

Councillor Tapper provided a report on the Great Big Sea Concert, part of Torbay250 Commemorations:

The income/expenses report pertaining to the Great Big Sea concert was included in Council's binders for information. Councillor Tapper noted that he received all good comments on the event, which was a major undertaking. Committee and Staff got the event up and running, and it went off very well, with the cooperation of the weather.

He further provided highlights of the Income Statement, as follows:

- There were approximately 4,400 tickets sold, with revenue in the amount of \$158,516.65.
- Town of Torbay funding totaled \$27,808.90.
- Community Sponsors funding totaled \$13,100.00.
- Total net revenue for the event totaled \$351,808.60.

Councillor Tapper discussed logistics for the Great Big Sea concert. The Town ran into some issues early in the summer with changes in staff, which had some impact on some of the Torbay250 events. The Town brought in a coordinator who, together with the CAO, put a lot of effort and energy into this event. Entertainment was the Town's biggest expense, which was not expected to be so high:

- Entertainment costs totalled \$215,299.98.

Although entertainment costs were high, it was felt that it was worthwhile to showcase Torbay.

Council further discussed the concert event indicating advertisements went above and beyond expectations – the Town's branding was advertised. The event was passed by word of mouth and through social media. It's something Torbay will remember for the rest of their lives. Council heard great reviews – people from outside the province said it was one of the best concerts they attended. Council commended the Torbay250 Committee and Staff as the commemorations overall were a huge success. While the Town did show a deficit, there truly was no deficit as the Town was profiled to so many people. People from all over North America were in attendance. Overall, it was a fantastic time and a night everyone will remember.

Councillor Tapper thanked the Torbay250 Committee. It was a small Committee, and with the help from Staff and CAO, many events got off the ground and went over very well.

Motions of Council - 2013 Budget

As Chair of the Finance Committee, Councillor Tapper read a statement that he had prepared in relation to the 2013 budget. He discussed 2013 property assessments and provided an overview of Committee's recommendations to Council. Councillor Tapper gave an overview of the 2013 Town of Torbay Budget process and highlighted some categorized expenditure initiative items, including Administration, Common Services, Fire Department, Public Works, Planning, Economic Development, Recreation, Heritage and Debt Charges.

He summarized that due to the high assessments in 2013, Committee recommended that the Town's mil rate decrease by 2.05, from 8.75 to 6.7. For seniors receiving the Guaranteed Income Supplement, Committee recommended introducing a Property Tax Reduction Policy, which will see a 20% tax savings for those who apply. All rates outlined in the Town's Tax and Fee Structure Schedule remain unchanged for 2012. The overall main operating budget for the Town of Torbay is \$7,438,135.77 and the Capital Works Budget is set at \$3,287,078.00.

Below are motions required for the adoption of the 2013 budget. For the below motions, same procedure was followed as per the 2007-2012 budgets (inclusive). The draft policies included for Council's review reflect current practice (with the exception of the property tax reduction policy). See required motions below.

551-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay write off taxes owing for the years 2006 and prior as these amounts are uncollectable. The total amount to be written off is \$23,239.11.

Question called. Motion carried unanimously.

552-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay continue collection procedures for taxes owing in the amount of \$557,901.86. This represents taxes owing for the years 2007 to 2012 inclusive.

Question called. Motion carried unanimously.

553-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT as per recommendations from the Department of Municipal Affairs and the Town's auditors, that the GST/HST rebate refunds be utilized to pay down existing capital debt.

Question called. Motion carried unanimously.

554-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay’s property mill rate for the 2013 taxation year be set at 6.7 mils.

Question called. Motion carried.
Against Motion: Deputy Mayor Gallant

Deputy Mayor Gallant requested an amendment to the 2013 budget, advising that a \$300,000.00 cut to the proposed 2013 budget could save taxpayers approximately \$100.00 each.

Mayor Codner called Point of Order indicating that the Deputy Mayor was in full agreement at the Finance Committee Meeting. Deputy Mayor replied indicating that he did speak about it, and feels that Council still have time to make these changes.

Deputy Mayor’s amendment read as follows:

That the Town of Torbay make the following cuts to the 2013 budget:

- *Strategic plan - \$10,000*
- *New van - \$55,000*
- *Dry hydrant - \$60,000*
- *Promotional booth - \$10,000*
- *Motion Lane lookout - \$7,000*
- *Sign gate for \$45,000*
- *Land acquisition - \$75,000*
- *Social supplies for Kinsmen Centre - \$6,000*
- *Exhibits - \$12,500*
- *Trails - \$50,000*

The Town of Torbay to increase the Development and Recreation levies by \$500 a piece.
The Town of Torbay to delay the vote on the 2013 budget until next Monday for review.

As there was no seconder to the above proposed amendment by the Deputy Mayor, the motion for the amendment failed.

555-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay adopt the tax and fee structure schedule for 2013 as presented. The 2013 schedule will be advertised in the January edition of the Northeast Avalon Times newspaper, posted on the Town’s website and printed in the 2012 year in review newsletter. This newsletter will be circulated to all residents, businesses and landowners.

Question called. Motion carried.
Against Motion: Deputy Mayor Gallant

Deputy Mayor Gallant requested an amendment, as follows:

That the Town of Torbay increase road service fees on new subdivisions to \$1,500 and increase recreation assessment levy to \$900 to reflect increases to residents.

As there was no seconder, the amendment failed.

556-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT as per motion 136-10, there will be no change to council remuneration for the 2013 calendar year. It will remain at the same level as 2012.

Question called. Motion carried unanimously.

557-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the 2013 operating budget for the Town of Torbay in the amount of \$7,438,135.77 be adopted as presented.

Question called. Motion carried.
Against Motion: Deputy Mayor Gallant

558-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT further to the approved funding under the 2012-2014 multi-year capital works program, that the proposed 2013 capital budget in the amount of \$3,287,078.00 be adopted.

Question called. Motion carried unanimously.

559-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the total budget for the 2013 fiscal year for the Town of Torbay be set at \$10,725,213.77.

Question called. Motion carried.
Against Motion: Deputy Mayor Gallant

560-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay renew its operating line of credit with RBC Royal Bank in the amount of \$400,000.00 for the 2013 calendar year.

Question called. Motion carried unanimously.

561-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT as a result of the completion of the Torbay 250 Celebrations and the fact that all project invoices are paid, that the project bank account now be closed.

Question called. Motion carried unanimously.

562-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT as a result of the 2012-2014 multiyear capital works program approval by the Department of Municipal Affairs, that the Town of Torbay open a separate bank account for project expenditures.

Question called. Motion carried unanimously.

563-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve the purchasing policy effective January 1, 2013.

Question called. Motion carried unanimously.

564-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the application of payments to accounts policy effective January 1, 2013.

Question called. Motion carried unanimously.

565-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve the application of payables and refunds to outstanding receivables policy effective January 1, 2013.

Question called. Motion carried unanimously.

566-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the accounts receivable to be current to obtain permits policy effective January 1, 2013.

Question called. Motion carried unanimously.

567-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve the property tax reduction for guaranteed income supplement recipients policy effective January 1, 2013.

Question called. Motion carried unanimously.

568-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve a 20% reduction for those residents in receipt of the Guaranteed Income Supplement under the Old Age Security Act for the calendar year 2013.

Question called. Motion carried unanimously.

569-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT in the absence of the Chief Administrative Officer/Town Clerk during the 2013 calendar year, that the Executive Clerk become a signing officer on the Town's main operating bank account. A subsequent motion of Council is required to confirm the specific time period of approval prior to the Chief Administrative Officer/Town Clerk's absence.

Question called. Motion carried unanimously.

570-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT in the absence of the Chief Administrative Officer/Town Clerk during the 2013 calendar year, that the Executive Clerk be authorized to approve preauthorized payment plans. A subsequent motion of Council is required to confirm the specific time period of approval prior to the Chief Administrative Officer/Town Clerk's absence.

Question called. Motion carried unanimously.

Councillor Tapper thanked all Council, Finance Committee, CAO, and Staff for their work and assistance in getting the Town's 2013 budget balanced.

Human Resources and Administration

No report.

Planning and Land Use

Councillor Smith gave an overview of items discussed at the Planning and Land Use Development Committee Meeting, dated December 5, 2012.

Items discussed in the report included:

1. Development Proposals
 - a) Kennedy's Brook Estates Bourne Holdings Development
 - Seeking further clarification, in particular from the Town's solicitor.
 - b) Proposal from Jack Byrne Arena to erect a Sign
2. Correspondence
 - a) Correspondence from property owner at Quigley's Lane regarding proposed residential garage extension.
 - Information is on the Building Application Report, dated December 7, 2012.
3. Zoning Amendment Requests.

Received a number of requests for rezoning amendments and proposals for development.

 - a) Proposal to develop land to the rear of 393 Indian Meal Line access through Woodbridge and Barkwood Lanes. Residential Subdivision Area (RSA) to Residential Large Lot (RLL).
 - b) Proposal to develop 130-140 Quigley's Lane access off Bypass Road. Residential Subdivision Area (RSA) to Residential Large Lot (RLL).

Councillor Tapper and Councillor Whitty left the Public Council Chambers at 8:22 p.m., as it was determined that they were in a conflict of interest.

- c) Proposal to develop 79-105 Byrne's Lane access through Whitty's Lane with an exit through Byrne's Lane. Residential Subdivision Area (RSA) to Residential Large Lot (RLL).
 - Councillor Smith advised that this will be dealt with as part of the five year review.

Councillor Tapper and Councillor Whitty returned to the Public Council Chambers at 8:23 p.m.

Councillor Tapper questioned if Committee will look at all areas of the community which are not serviced to make a zoning change overall.

4. Other Items
 - a) Backfilling and Excavation Regulations.

Presented to Council for adoption. Motion to follow. Council members advised of some typos/corrections to the regulations, as follows:

 - Page 2, Section 8.1, (b) – sentence to read, “The material is topsoil for landscaping purposes only.”

- Page 3, Section 8.4, (a), second line - the word “may” to be changed to “shall;” therefore, sentence reading, “In instances where six or more loads are being dumped or removed, a security deposit shall be required.”
- Page 3, Section 8.6, second line – the word “may” to be changed to “shall;” therefore, reading, “Any damage to neighboring properties shall be the responsibility of the permit holder; an additional deposit shall be required prior to release of a permit.”

Councillor Tapper thanked Committee for bringing these regulations forward, advising that it’s a policy that we desperately need due to circumstances over the last year. On a go-forward basis, the Town will have more control.

Deputy Mayor Gallant thanked Councillor Tapper for taking leadership when it came to these recent incidents regarding dumping. It was difficult with neighbours and friends, and commended him with treating everyone equally.

4. Other Items
a) Backfilling and Excavation Regulations

571-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay adopt the Backfilling and Excavation regulations pursuant to Section 413 of the Municipalities Act, Chapter M-24, S.N. 1999, with the three noted changes below. These regulations will come into effect on January 1, 2013, and will be referenced into the Municipal Plan currently under review.

- Page 2, Section 8.1, (b) – sentence to read, “The material is topsoil for landscaping purposes only.”
- Page 3, Section 8.4, (a), second line - the word “may” to be changed to “shall;” therefore, sentence reading, “In instances where six or more loads are being dumped or removed, a security deposit shall be required.”
- Page 3, Section 8.6, second line – the word “may” to be changed to “shall;” therefore, reading, “Any damage to neighboring properties shall be the responsibility of the permit holder; an additional deposit shall be required prior to release of a permit.”

Question called. Motion carried unanimously.

Building Applications Approved

For information purposes, Councillor Smith advised that as per the Applications Approved section of the Building Application Report, dated December 7, 2012, the following applications have been approved and permits have been issued since the last Public Council Meeting:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
9907-12	Great Pond Road	Road Upgrades
9908-12	46 Gosses & Rodgers Cres.	General Repairs
9909-12	28 Flora Drive	Single Family Dwelling

Building Applications for Approval

Application: 9903-12
Location: 71 Quigley's Lane
Proposal: 20' x 40' Extension to Existing Accessory Building
Zoning: Resident Infill (RI)

572-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9903-12, under the Applications for Approval section of the Building Application Report, dated December 7, 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

Councillor Whitty questioned if he was conflict of interest, and all agreed that he was not.

Application: 9857-12
Location: Portion of 14-16 Whittys Lane
Proposal: Single Family Dwelling
Zoning: Resident Infill (RI)

573-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer Application 9857-12, under the Applications to be Deferred section of the Building Application Report, dated December 7, 2012, for further investigation.

Question called. Motion carried unanimously.

Business Applications to be Advertised

574-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer the following Application, under the Applications to be Advertised section of the Business Application Report, dated December 7, 2012, pending public notification and consultation as 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>
B1103-12	37 Easterbrook Drive	Child Care Business

Question called. Motion carried unanimously.

575-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer the following Applications, under the Applications to be Advertised section of the Business Application Report, dated December 7, 2012, pending public notification and consultation as 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>
B1104-12	112 Reddy Drive	Consulting Business

Question called. Motion carried unanimously.

Public Works

Councillor Whitty advised that Minutes of the Public Works Committee Meeting, dated December 5, 2012, was included in Council’s binders for information.

Councillor Tapper questioned the depot and requested that a timeline be established, as it will need to be dealt with early in the New Year. Director of Public Works and Technical Services advised that there are three options for the depot, which have been submitted to the Provincial Government. Waiting to hear word back.

Recreation, Parks and Community Services

No report.

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Roche advised that an update of events was given at the last Council Meeting.

As events are over for the Torbay250 celebrations, it was agreed to remove this section from the Agenda.

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 Thursday, December 13th. The Town of Torbay is hosting the next meeting on January 16, 2013.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

Councillor Byrne advised there should be an official announcement coming soon.

Torbay Volunteer Fire Department

Councillor Byrne provided an overview of items discussed under the TVFD Meeting Notes, dated November 19th and December 3rd, 2012.

Items discussed in the report included:

- As of last meeting, there are 221 calls so far this year.
- Councillor Byrne commended members of the Torbay Volunteer Fire Department - they are available 24/7 and they are on the go night and day, regardless of holidays or weather. We're very lucky for the service that they provide.
- The Department members are very happy with the new emergency vehicle.

Urban Municipalities Committee

Councillor Smith provided a verbal update at the last Council Meeting. The official draft minutes were emailed out to all Council Members for information.

NEW BUSINESS

Mayor Codner

Mayor Codner advised that he received a call from a member of the RNC who's heading up patrols in the area. He asked the Mayor to sit on a temporary committee as liaison. Mayor requested that if anyone has any information or concerns in the Town, to advise him and he will pass along to the RNC.

He further discussed concerns of speeding in the area of the school where children are trying to cross the road. He noted that drivers have been ticketed in the area.

Deputy Mayor Gallant

Deputy Mayor discussed correspondence he received from a resident concerning the Night Time Christmas Parade. A concern was the lighting, as you can't see the floats well. The resident suggested not doing a night time parade or making a better effort to showcase the floats.

He discussed the Question and Answer session after Council Meetings. The last session did go a little longer than expected. On a go-forward basis, would like sessions to be 15 minutes only.

Deputy Mayor thanked all Council for 2012. This is the last adoption of a budget as present Council together. He thanked Councillor Tapper for his hard work into the budget – great job, just disagreed with it. It's been great working with everyone even though we don't always agree. This Council did well and there are more good things to do. He thanked everyone and wished everyone a Merry Christmas.

Councillor Byrne - Pass

Councillor Roche

Councillor Roche wished everyone Merry Christmas and a Happy and safe New Year. She encouraged all to be careful on the roads and watch for moose. Will see everyone back in January.

Councillor Smith

Councillor Smith discussed road safety and community policing. There was a serious accident recently in the area of Mahon's Lane in which someone was seriously injured. The young person had to be removed from a vehicle using the Jaws of Life. She suggested the need of policing there - random presence during lunch hours when school is out, around 11:30 a.m. On a regular basis, have to look at areas where there's higher risk – the area of the school is a high risk area.

She wished everyone – Council, Staff, Residents, and Gallery – a Merry Christmas and a Happy New Year, and to enjoy the season safely.

Councillor Tapper - Pass

Councillor Whitty - Pass

ADJOURNMENT

576-12 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the meeting be adjourned at 8:44 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk