



MINUTES
PUBLIC COUNCIL MEETING
December 8, 2014

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on December 8, 2014 at 7:32 p.m.

Members Present

Mayor Ralph Tapper
Deputy Mayor Geoff Gallant
Councillor Thomas Hall
Councillor Peggy Roche
Councillor Craig Scott
Councillor Carol Ann Smith
Councillor Mary Thorne-Gosse

Staff Present

Dawn Chaplin, CAO/Town Clerk
Tina Auchinleck-Ryan, Director of Community Services
Bernie Manning, Director of Public Works & Technical Service
Ann Picco, Executive Clerk

Regrets

Brian Winter, Director of Planning

Gallery

There were a total of 6 people in attendance.

Adoption of Agenda

Mayor Tapper advised that the order will change for tonight's Meeting Agenda, under Item 6 – Committees of Council. The Finance and Administration Committee reports will be reviewed first. Mayor referred to the Gallery and asked if anyone would like to present to Council. There were none.

578-14 **Motion** – Councillor Smith / Councillor Thorne-Gosse

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

Adoption of Minutes

579-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT the Minutes of the November 24, 2014 Public Council Meeting be adopted, as presented.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

PROCLAMATIONS / PRESENTATIONS / QUESTION & ANSWER SESSION

No Proclamations or Presentations.

MAYOR'S REPORT

Mayor Tapper provided a report, dated November 21 – December 4, 2014, of his work and connections that he has made in the community over the past two weeks.

CORRESPONDENCE

1. Memo from CAO – 2012-2014 Multi Year Capital Works Program - Motion / Department of Municipal and Intergovernmental Affairs – 2012-14 MYCW Program. ***CAO advised that this relates to an extension to the 2012/14 MYCW Program for the Depot construction. Minister Hutchings has approved subject to motion by Council. See below motion.***

580-14 Motion – Councillor Hall / Councillor Smith

RESOLVED THAT the Town of Torbay agree to the terms and conditions of the 2012-2014 Multi Year Capital Works Program Agreement Amendment #1 as outlined in Department of Municipal and Intergovernmental Affairs correspondence dated November 28, 2014, reference number COR/2014/07494-01. All projects to be completed by December 31, 2015.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

2. Department of Advanced Education and Skills – Registration Process for Labour Market Programs Support System (LaMPSS) Self-Serve Set Up for Access to Student Summer Employment Programs – High School and Post-Secondary for Summer 2015. ***For information purposes.***

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report, dated December 8, 2014, was discussed and accepted as presented.

- Item 1 – Mural at Tappers Cove
 - CAO noted that she met with the Heritage, Arts and Culture Coordinator who confirmed that the mural design will be underway during the Winter months. The Mural can then be mounted to the concrete wall when Spring arrives. The artist will be engaged with the Elementary School students as part of the Art Smarts Program.

COMMITTEE REPORTS

Finance & Administration

The Finance and Administration Report, dated November 24-December 5, 2014, was accepted as presented. Councillor Thorne-Gosse read out payroll and accounts payable information as per the report:

Payroll for the period of November 24-December 5, 2014, for 35 employees is \$69,010.02. The schedule for the 2014/2015 snow clearing season commenced on December 1, 2014

For the period of November 24-December 5, 2014, Accounts Payable invoices in the amount of \$64,545.26 were paid. These expenditures were within budget.

There were six (6) Main Operating Invoices, in the amount of \$117,533.70 for approval:

581-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT the Town of Torbay approve payment to CBCL Limited, for Town Centre Feasibility Study – Progress Payment, in the amount of \$29,893.02.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

582-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT the Town of Torbay approve payment to CBCL Limited, for Business Park Groundwater Testing/Drilling, in the amount of \$11,627.59.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

583-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT the Town of Torbay approve payment to CIBC Mellon, for Pension Contributions for November 2014, in the amount of \$15,033.36.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

584-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT the Town of Torbay approve payment to Receiver General for Canada, for Payroll Deductions for November 16-30, 2014, in the amount of \$14,500.06.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

585-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT the Town of Torbay approve payment to T2 Ventures Inc., for Garbage Collection for November 2014, in the amount of \$40,829.67.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

586-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT the Town of Torbay approve payment to Triware, for IT Support – Block of Time, in the amount of \$5,650.00.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

There were no Capital Invoices presented for approval.

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

Seasonal Heavy Equipment Operator

At the November 24, 2014 Council meeting, a recommendation was put forth to hire individual as a seasonal heavy equipment operator. This recommendation was supported by Council by motion 576-14. Due to certification issues, the offer to hire was withdrawn. The Director of Public Works has put forth a recommendation for a new candidate. See motions below:

587-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT the Town of Torbay rescind Motion Number 576-14.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

588-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT the Town of Torbay hire Matthew Fitzpatrick as a seasonal heavy equipment operator for the 2014/2015 snow clearing season.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

Budget 2015

Councillor Thorne-Gosse thanked Councillor Hall, in absence of the Deputy Mayor, who formed part of the Finance and Administration Committee during the past month or so. She thanked CAO

Dawn Chaplin and Staff who spent a lot of time working on the 2015 Budget. Without their assistance, the Budget would not have been possible.

She presented and read aloud her speech in relation to the 2015 Budget. Highlights of her speech included:

- The Strategic Plan outlines the Town's vision for the community for the next four years.
 - Outlined initiatives have been provided resources for implementation in Budget 2015.
- Municipal Service Delivery Review
 - Project Consultant has completed a review of programs and services in 2014 to ensure the Town is utilizing taxpayers' dollars in an efficient and effective manner.
 - The Consultant has made 25 recommendations to Council, many of which will be implemented in 2015.
 - In 2015, the Town will develop a lifecycle asset management plan to identify costs to replace existing infrastructure and timelines for replacement.
 - Printed advertising material will be reduced by fifty percent.
 - Council will develop a financial principles policy to guide the municipality.
 - Service level standards will be approved by Council.
- Business tax structure review was completed in 2014.
 - In 2015, business tax rates will be brought in line with tax rates based on the average of the 15 urban municipalities studied. Tax rates for daycares and bed & breakfasts will be decreased in the New Year.
- Torbay is heavily reliant on residential property tax for its source of revenue, therefore, Council must explore means to diversify its tax base to reduce burden on residents.
 - 2015 will see implementation of initiatives from the consultant's report on the business park feasibility and town centre.
- In 2014 the Town was successful in receiving funding under the 2014-2017 Multi Year Capital Works Program and under the 2014-2019 Gas Tax Agreement.
- Council has set its capital budget at \$9,528,644.03 for the 2015 calendar year.
 - The new municipal depot will be constructed by this time next year.
 - Improvements will be made to the water treatment system at North Pond.
 - Funds have been allocated for Upper Three Corner Pond Park to construct a new multi-purpose building, replace the softball field lights, and extend the softball field.
 - Twelve municipal roads will be upgraded next year.
- Council will be undertaking a pedestrian safety study in 2015.
- In relation to compliance with federal wastewater regulations, the technologies have been identified and the Town must now move forward with capital to build.
- Council has submitted a funding application to the Building Canada Fund to support the construction of the new wellness center.
 - Funds have been allocated in 2015 to commence site development in preparation of a favorable application.
- Based on existing resources, to undertake the above noted capital projects in 2015, additional revenue is required, therefore:
 - In 2015 the commercial property mil rate will increase from 6.7 to 10.5.
 - Residential property tax will rise from 6.7 to 7.1 mils.

- The mil rate increase will enable the Town to administer a total budget of \$17,609,697.81 in 2015.
- The Town will offer a 25% discount on property taxes to residents in receipt of the guaranteed income supplement in 2015.
- The main operating budget in 2015 will total \$8,081,053.78.
 - Remuneration will be frozen at the same rate as 2014.
 - A donation will be provided in 2015 to the East Coast Trail for upkeep and maintenance.
 - In 2015 Committee is recommending an increase in the honorarium for all Torbay Volunteer Fire Department firefighters.
 - 2015 will see an allocation for implementation of the pedestrian safety study.
 - Summer road maintenance will be completed, up and above the work slated to be completed under multi-year capital works and gas tax programs.
 - 2015 will see continued work on the flood plain analysis in the areas of Watt's Pond Brook and Whiteway's Pond Brook.
 - The community wide groundwater assessment study and crown land research project will be completed in 2015.
 - Council is continuing with the Town's business retention, expansion and attraction initiatives to help reduce tax burden on residents.
 - The Town will also work with neighbouring municipalities to reactivate the Killick Coast themed touring route and promote "our story" to tourists from home and abroad.
 - In 2015, the Town will be consulting with residents on types of programs they want to see in their community.
 - 2015 will see continued implementation of the open space management strategy.
 - To keep residents informed, the Town will proceed with installation of signage at the Torbay-St. John's boundary in 2015.
 - Work on Upper Three Corner Pond Park will commence to make it the recreation and sports hub of Torbay.
 - Funding will be allocated for the development of a community garden.
 - A phased approach will also commence pertaining to the development of a park on Barkwood Lane.
 - The Town explored the feasibility of relocating the museum to the Priest's House on Convent Lane, and it is anticipated that the Town will acquire early in 2015.
 - The Town will allocate funds in the 2015 budget to leverage funding from the provincial and federal governments to complete five initiatives as outlined in the Heritage Master Plan.
 - Council will continue to support the many community groups in our Town.
- More details regarding the Town of Torbay 2015 budget will be found on the Town's website in the coming days.

Motions of Council – 2015 Budget

Department budget presentations were held on October 29th, 30th, and November 3rd. Finance and Administration Committee met on November 5th, 15th, 19th, 25th to review all budget submissions and to prepare a draft budget for Council's consideration. On December 1st, Committee met with all Council to discuss the 2015 draft budget.

The required motions were located under a separate memo from CAO. Below are motions required for the adoption of the 2015 budget. For the below motions, CAO has followed same procedure as per the 2007-2014 budgets (inclusive). The motions required are as follows:

589-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT the Town of Torbay write off taxes owing for the years 2008 and prior as these amounts are uncollectable. The total amount to be written off is \$32,867.89.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

590-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT the Town of Torbay continue collection procedures for taxes owing in the amount of \$543,159.18. This represents taxes owing for the years 2009 to 2014 inclusive.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

591-14 Motion – Councillor Thorne-Gosse / Councillor Hall

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

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

592-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT the Town of Torbay adopt the tax and fee structure schedule for 2015 as presented. The 2015 schedule will be advertised in the December edition of the Northeast Avalon Times newspaper, posted on the Town's website and printed in the 2015 budget newsletter. This newsletter will be circulated to all residents, businesses and landowners.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

593-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT the Town of Torbay’s residential property mil rate for the 2015 taxation year be set at 7.1 mils.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

Council discussed the above motion, discussing the increase due to a very ambitious agenda for next year including initiatives in the Town’s Strategic Plan. Torbay is very dependent on residential property tax and Council discussed funding options to support the needs of the Town, including business tax incentives. They discussed the Municipal Service Delivery Review, which identified ways to save money and come up with revenue initiatives. Council discussed the need for new fiscal framework.

Councillor Smith thanked Committee Chair Councillor Thorne-Gosse, CAO and Staff for the work that they have put into this Budget.

Mayor Tapper thanked Committee, Chair, Deputy Mayor Gallant, and Councillor Hall for their work on the 2015 Budget. He advised he’s looking forward to all initiatives as listed in Councillor Thorne-Gosse’s speech, and he further discussed the below:

- Start of the new Town Centre, which includes the Wellness and Community Centre.
 - Consultant is doing presentation to Council next week in relation to the Town Centre concept.
- Diversified taxation and new business in the Town will be central focal point once we have the Municipal Plan Review done.
- He discussed the need to spend money in order to relieve tax burden from residential property owners.
- The Town is taking the initiative with Gas Tax Funding.
 - Residents will see a lot accomplished in the upcoming year, including resurfacing of roads.
- The past year, since election, was very busy for Council and a number of studies were completed and some efforts accomplished.
- Major component will be the water study – the Town is very involved with the St. John’s regional service group. A report will come out in early Spring, which could have some major impact on our community.

594-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT the Town of Torbay’s commercial property mil rate for the 2015 taxation year be set at 10.5 mils.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

595-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT as per motion 136-10, there will be no change to Council remuneration for the 2015 calendar year. It will remain at the same level as 2012, 2013 and 2014.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

596-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT the 2015 operating budget for the Town of Torbay in the amount of \$8,081,053.78 be adopted.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

597-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT the 2015 capital budget for the Town of Torbay in the amount of \$9,528,644.03 be adopted.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

598-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT the 2015 total budget for the Town of Torbay in the amount of \$17,609,697.81 be adopted.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

599-14 Motion – Councillor Thorne-Gosse / Councillor Hall

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 2015 calendar year.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

Deputy Mayor Gallant called Point of Order before next motion indicating possibility of conflict of interest. It was agreed that he leave the Council Chambers.

Deputy Mayor Gallant left the Public Council Chambers at 8:14 p.m. as it was determined that he was in a conflict of interest.

600-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT the Town of Torbay accept the KPMG Service Delivery Review Final Report dated October 28, 2014.

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

Deputy Mayor Gallant returned to the Public Council Chambers at 8:15 p.m.

601-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT the Town of Torbay approve a 25% tax reduction for those residents in receipt of the Guaranteed Income Supplement under the Old Age Security Act for the calendar year 2015. This tax reduction applies to primary residences only.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)
Against Motion: 0
Abstained: 0

Council discussed the above motion indicating that there is a segment of our population, including our seniors, who really struggle from month to month. It was noted that the Town will still be offering equal payments over 12 months at no interest, which helps not only our seniors but others who are financially burdened.

602-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT in the absence of the Chief Administrative Officer/Town Clerk during the 2015 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.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)
Against Motion: 0
Abstained: 0

603-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT in the absence of the Chief Administrative Officer/Town Clerk during the 2015 calendar year, that the Executive Clerk be authorized to approve pre-authorized 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.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)
Against Motion: 0
Abstained: 0

Councillor Roche left the Public Council Chambers at 8:18 p.m. She wished all a Merry Christmas and a safe, healthy, Happy New Year.

Deputy Mayor Gallant took over as Chair of the Public Council Meeting at 8:20 p.m.

Planning, Land Use and Development

Councillor Scott provided an overview of items discussed under the Planning, Land Use and Development Committee Meeting, dated December 2, 2014.

Items discussed in the report included:

1. Development Proposals

- a) Proposal from Property owner at 15 Barron's Lane to construct an accessory building. Reviewed from November 4, 2014 Planning, Land Use and Development Meeting:

- Committee reviewed the proposal submitted along with a letter from the Town's Planning Consultant. It was agreed that prior to making a recommendation on the application that Committee would suggest that all of Council visit the site.

Reviewed from December 2, 2014 Planning, Land Use and Development meeting:

- Committee reviewed the proposal to construct an accessory building in front of the main dwelling on Barron's Lane.
- Committee inquired as to what makes this case different than other similar applications that were refused do to the proposed location being in front of the dwelling.
- Committee discussed the difficulties for the owner to put garage in back of property. The house is set back further on the property and doesn't meet current regulations. It is an older property. Committee looked at and reviewed the proposed plot plan.

Reviewed Regulation 38 (2) (b), which reads as follows:

Regulation 38 Accessory Buildings

(2) (b) Notwithstanding Section 38 (2) (a), the Council may approve the location of an accessory building closer to the street line than is the main dwelling where the Council considers that the location of an accessory building as required under Section 38 (2) (a) would pose a severe inconvenience or hazard, and provided that the location of the accessory building would not pose a threat to road safety.

- It was agreed, that the property owner has very limited choices for the location of an accessory building because of the location of his home and the large rock outcrop.
- Committee is going to recommend that council exercise it discretion under regulation 38(2) (b) and regulation 10 to allow the accessory building to be built in front of the building line of the residence.
- A notification will be sent out to the surrounding properties.
- The application will be dealt with in the Building Application Report, dated December 5, 2014, application number C2014-206.

Councillor Thorne Gosse questioned proposal from owner of 15 Barron's Lane, indicating that all Council Members were asked to visit site; however, it is her understanding that to date this hasn't taken place. She advised she would like to review the area residents' letter advising of the proposed building. She asked that this application be deferred until all Council have had

opportunity to visit area to see what they're voting on prior to residents being advised of proposed building. She noted that the Town's Consultant came back and their advice was that the application does not meet the Town's regulations. Mayor advised that this will be dealt with under the Building Application Report. Councillor Smith advised it's important to note that this is recommendation to use Council's discretion for consideration of approval.

b) Proposed plot plan from 21 Brown's Lane for new duplex building.

- Committee reviewed proposed plot plan and it was agreed that the maximum setback of 32 meters should be adhered to and that the only reduction in rear yard depth that could be permitted would be a 10% variance.

c) Draft proposal from Rogers Communications

- This is in relation to a cell phone tower.
- Committee reviewed the drawings provided, and it was agreed that the Director would inquire why the pole design has changed from the original slim pole design to a larger pole and whether or not there is a better location for the pole than on the side of the Town office.
- Mayor, Director of Planning and Councillor Scott met with Rogers Communications after they withdrew their application or intentions to put tower behind the area of the church. They approached the Town to see if we could consider installation closer to the Town Hall. When their drawing was reviewed, it was noted that pole was not same as originally discussed. Director of Planning to go back to see why change in design.

2. Correspondence

a) Email from property owner of 288-294 Marine Drive.

- Committee reviewed the email correspondence from the property owner in relation the removal order on his property. Committee agreed that the order should remain in place until the appeals from the other two property owners are dealt with.
- In this case, there appears that there is no need to enforce the order as there may be no blockage on this property.
- It appears that another resident may have put something on his property without his knowledge.

3. Other Items

a) 2015 Flood Plain Mapping.

- Committee reviewed letter and plan provided, it was agreed that the information should be added to the Town's zoning maps during the plan review.

b) Storm Drainage review by Progressive Engineering on the woods path drainage ditch Indian Meal Line.

- Director gave an overview of the review completed by Progressive Engineering. He also noted that he had already sent the review to the developer and requested a meeting to discuss. The developers engineer is out of the country until next week,

when he returns the developer will have him review the information and a meeting time will be set.

- Committee agreed that because of the time of year there are two issues a short term fix and a long term fix. It was agreed that the Town should wait to react until the developer has had a chance to respond to the review.

c) Community Wide Ground Water Study Project.

- Director gave Committee an update on the project, the project is on schedule and on track to be completed towards the end of February.

d) 1205 Torbay Road Business Operation site clean up

- Director informed Committee that he has made contact with the property owner and requested that the issues be resolved. The property owner has responded and indicated that the equipment would be removed this week and the other issues dealt with as soon as possible.

e) Town Plan and Development Regulations Review.

- Committee discussed the plan review, Director noted that there seems to be only a couple of items that need to be further discussed.
- Both members agreed that it is time to move on with the review and if the items are brought up during the public meeting that then Council can further discuss and deal with it. A meeting date should be set for early in the New Year.

4. Planning, Land Use and Development Items for Correspondence and Action Report

a) Table attached for information.

Building Applications Approved

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>
C2014-237	6 Barkwood Place	Single Family Dwelling
C2014-238	13 Woodbridge Lane	Single Family Dwelling
C2014-239	16 Woodbridge Lane	Single Family Dwelling
C2014-240	14 Woodbridge Lane	Single Family Dwelling
C2014-241	18 Woodbridge Lane	Single Family Dwelling
C2014-242	30 Woodbridge Lane	Single Family Dwelling

Building Applications to be Deferred

Application: C2014-206
Location: 15 Barron's Lane
Proposal: 30' x 30' Accessory Building
Zoning: Residential Medium Density (RMD)

604-14 Motion – Councillor Scott / Mayor Tapper

RESOLVED THAT the Town of Torbay Defer Application C2014-206, under the Applications to be Deferred section of the Building Application Report, dated December 5, 2014, so that Council can provide notices of the application to neighbouring property owners prior to Council making a decision on the application.

Question called. Motion carried.

For Motion: 4 (Mayor Tapper, Deputy Mayor Gallant, Councillors Scott, and Smith)

Against Motion: 2 (Councillors Hall and Thorne-Gosse)

Abstained: 0

Councillor Smith discussed that notification was given to Council to visit site and would hope that all members did try to get there so they would know the issues. She discussed that should Council delay another two weeks, it will be very precedent setting.

Council discussed the above motion and application. Position of the accessory building was discussed – there is a history about this site, it is an older home and there is no impact to any area resident where location is proposed on applicant's property. The property owner has limited choices of location due to rock wall that currently exists. It was noted that this is a motion to defer application and not to approve. This motion provides approval for notices of application be sent to area residents. It's still going back to the Planning, Land Use and Development Committee and then next Council Meeting for vote.

Councillor Thorne-Gosse advised that she would like to see deferred until all Council Members have visited the site to know what they're voting on. She noted the application is against the Town's regulations and she disagrees with deferring to provide notices to area residents, as this would appear that Council is in favour. She asked that the motion be deferred.

Mayor Tapper called Point of Order – application is to be deferred for notice to residents. He questioned if it would be proper for Councillor Thorne-Gosse to amend motion to defer on other grounds. As Chair, Deputy Mayor Gallant advised point of order not well taken as Council cannot defer a deferral. See below motion:

605-14 Motion – Councillor Thorne-Gosse / Councillor Hall

RESOLVED THAT the Town of Torbay defer sending out letters advising residents of proposed new accessory building until all Council has the opportunity to view site.

Question called. Motion defeated.

For Motion: 3 (Mayor Tapper, Councillors Hall, and Thorne-Gosse)

Against Motion: 3 (Deputy Mayor Gallant, Councillors Scott and Smith)

Abstained: 0

Councillor Smith indicated that Council cannot make motion in this manner – to take action prior to decision. Colleague has made motion to same measure that defers to period of same time. She asked that Roberts Rules of Order be referred to. As Chair, Deputy Mayor allowed the above motion.

Business Applications for Approval

Application: D2014-234
Location: 1 Victor Place
Proposal: General Business (Chauffeur Business)
Zoning: Residential Large Lot (RLL)

606-14 Motion – Councillor Scott / Mayor Tapper

RESOLVED THAT the Town of Torbay Approve Application D2014-234, under the Applications for Approval section of the Business Application Report, dated December 5, 2014, subject to the following conditions:

1. The project shall conform to the requirements of the Residential Large Lot (RLL) Land Use Zone of the Torbay Development Regulations.
2. The project shall meet the normal building requirements of the Town.
3. The business will be subject to Business Tax in accordance with the published schedule of Taxes and Fees for the Town of Torbay.
4. Approval from Service NL is required.
5. There shall be no parking of commercial vehicles on the property.
6. The development shall comply with the Town of Torbay Parking Requirements.

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

Mayor Tapper resumed as Chair of the Public Council Meeting at 8:46 p.m.

Economic Development

No report.

Parks, Recreation and Community Services

No report.

Public Works

Councillor Smith provided an overview of items discussed under the Public Works Committee Meeting Minutes, dated December 3, 2014.

Items discussed in the report included:

- MYCW (Depot)
 - Consultants are progressing with design and layout. They are continuing in accordance with contract and will be providing a design report this week.
 - Verbal report from Director of Planning that he's meeting with consultants today and will hear more.
 - All going well - construction will be completed in 2015 as planned.
 - As Committee is seeing the plan and design place, it was questioned if the rest of Council will see what's being proposed.
 - Councillor Smith advised that the design has already been shared with Council. Waiting on Architects rendering.
 - Mayor noted that what Council has seen is external only.
- Wastewater BAT
 - Report has been completed and shared with all Council Members.
 - Council has a meeting confirmed with the Department of Municipal and Intergovernmental Affairs to determine best course of action going forward in interest of time and in preparation of opportunities for funding in the New Year.
- Correspondence
 - Skippers Landing
 - Department of Public Works have requested engineering consultants complete a review and provide Planning and Development with a report for the surrounding area.
 - Flooding Issues
 - Department of Public Works is continuing to complete shouldering and cleaning of road side ditches that have been affected by flooding November 1, 2014. Restoration of drainage easements have also been completed and staff attending to further items as they arise.
 - Consultant's Report concerning flooding in vicinity of Flora Drive/Peter's Place/Indian Meal Line.
 - Public Works Director to review and provide suggestions to Planning and Development for next course of action.
 - Public Works and Planning, Land Use and Development Committees overlap and meet.
- Strategic Plan
 - Proceeding upgrading at Whiteway's Pond as per recommendations.
 - Clearing out some areas while tidying up others. Director advised dead trees, windfalls, etc., will be taken to pit.

- With regards to brush that's growing outside fence, Director advised this will be cleared in the Spring. Inside fence has been completed.

Deputy Mayor questioned Gosse's and Rodger's Crescent and Lacey's Hill, advising rocks have washed onto the road and needs to be looked into.

ADVISORY COMMITTEES

Environment

No report.

Heritage

Councillor Hall advised that Committee did have a meeting. Minutes will be adopted at next Council Meeting.

LIAISON COMMITTEES

Jack Byrne Arena

Deputy Mayor Gallant an overview of items discussed under the Jack Byrne Arena Facility Status Report, dated November 28, 2014.

Items discussed in the report included:

- Next Board Meeting
 - December 18, 2014.
- Upcoming Events
 - December 7
 - Jack Byrne Arena will co-sponsor Breakfast with Santa.
 - Councillor Smith questioned the event advising that the Arena was the full sponsor, as she understands. The Arena chooses a group for an event charity of choice - they do one event like this a year. Spoke to the Director of Community Services prior to meeting today, and she noted that there are some groups in Torbay that want to apply for this for next year. The Town will encourage them to get their application in sooner. She advised the Deputy Mayor that if she has incorrect information to let the Town know.
 - For the foreseeable future there are no interruptions in the regular activity schedule.
 - Tickets are now on sale for EMCA's scheduled for April 2015. Tickets are available at the box office.

- Financial Status
 - The Arena is on target with its operating budget and is expected to show a surplus at the year end.
 - It was questioned that with surplus this year, if a mechanism could be put in place to reduce towns' fees for use of facility. Deputy Mayor noted that this matter was discussed. The Arena has, as part of strategic plan, a maintenance plan and GICs. Funds are put aside for operational matters – a reserve fund.
 - Mayor noted that as listed on his Mayor's Report, he met with three other representatives from Jack Byrne Arena to discuss a couple items. One was the Town's recent community market – a letter was drafted and will be passed on to our Arena representatives to provide to the Arena Board. The issue was the bank machine which went down, therefore, sales were lost at the market. And secondly, juggling of events at the Arena. A free skate is held once per month that could bring in revenue which could be put towards our own events. Information will be passed on to the Board.
- Operations Update
 - Jack Byrne Arena will be moving forward with a feasibility study in the near future to determine the interest and viability of an arena extension.
 - We have submitted applications to ACOA and IBRD for financial assistance to upgrade infrastructure and equipment
- Board Update
 - The lease agreement between the four communities and the Arena Board is presently being reviewed by legal counsel and should be ready for circulation to the towns by the end of the year.

Northeast Avalon Joint Council

No report.

Torbay Harbour Authority

No report.

Torbay Volunteer Fire Department

Councillor Scott provided a verbal report of recent Meeting Minutes of December 1, 2014, as follows:

- There have been 8 emergency calls since last meeting.
- A resident donated homemade schooners/boats to the Fire Department.
- The Department is donating \$500.00 to the local food bank, which they do every year.
- Old fire truck has been sold.
- The old pumper is also gone – it has been donated to another community.
- The special needs party is taking place this Saturday at 1:30 p.m. at St. Nicholas Hall.

Urban Municipalities Committee

No report.

North East Avalon Regional (NEAR) Plan

Mayor Tapper advised that meeting is scheduled for this Thursday evening.

Municipal Assessment Agency Inc. (MAA)

No report.

Stewardship Association of Municipalities Inc. (SAM)

No report.

Eastern Regional Service Board

No report.

Holy Trinity Elementary School Council

No report.

NEW BUSINESS

Mayor Tapper

Mayor Tapper thanked all Finance Committee Members for preparation of tonight's 2015 Budget.

He noted that this is the last Council Meeting for this year and he thanked all for their cooperation over the past number of months, indicating there's a lot more work do in the New Year.

Mayor thanked Staff for their work on all events over the past week or so. A lot of effort was put into these events.

He referred to the Gallery and advised he appreciates all who attend almost every Council Meeting.

Mayor wished everyone a great Christmas and he's looking forward to the New Year. He advised to stay safe over the holidays.

Deputy Mayor Gallant

Deputy Mayor advised it was an honour and pleasure to serve as Deputy Mayor for another year. He thanked Council for their cooperation and hard work and he thanked residents for their support.

He thanked Staff for their hard work.

He wished all a Merry Christmas and a Happy New Year.

Councillor Hall

Councillor Hall wished all a Merry Christmas.

Councillor Roche – Absent

Councillor Scott

Councillor Scott discussed Town events over the last week or so that he attended, including:

- Christmas Tree Lighting
- Seniors' Dinner
- Breakfast with Santa
- Night Time Santa Claus Parade

He advised that on Sunday past, he went to the Fire Department Breakfast with Santa at the School.

He thanked all Council and Staff for participating in events and he thanked residents who came out. It's nice to see so many people taking part in our events. He thanked all volunteers who assisted, indicating it's nice to see this time of year.

He wished a Merry Christmas to all.

Councillor Smith

Councillor Smith advised she also attended all but one of the events listed above, indicating it's nice to see how happy people are to attend our events, including the Night Time Santa Claus Parade. Many people attended the parade shouting compliments along the way. It's been a good year and looking forward to 2015. A lot of work to be done in the New Year.

She wished everyone a Merry Christmas and a Happy New Year.

Councillor Thorne-Gosse

Councillor Thorne-Gosse discussed email from Resident of Bauline Line and issue of empty hydraulic fluid container over embankment. She noted that the heavy equipment is back on property again, and questioned when something will be done with this ongoing issue.

She thanked the Director of Community Services and her Staff for all recent events over the past couple of weeks. Without their organization and dedication the events wouldn't have been such a success.

Councillor Thorne-Gosse wished all a Merry Christmas and healthy, Happy New Year.

QUESTION & ANSWER SESSION

Mayor Tapper asked if anyone in the Gallery had any questions pertaining to tonight's meeting. The below had questions/comments:

- Resident of Civic 21 Bridge Road
 - Resident advised she liked the real Christmas tree just outside the Town Hall.
 - She advised that she walked Bourne's Close, indicating that the duck pond is really nice and a job well done.
 - Resident discussed property taxes and questioned discount for seniors. Mayor Tapper clarified that there's a 25% discount for residents in receipt of the Guaranteed Income Supplement (GIS). She questioned seniors who don't receive GIS. Mayor advised there is a payment plan for twelve months in place with no interest.
- Resident of Civic 105 Indian Meal Line
 - Resident advised her disappointment in the Budget, discussing the increase in the Mil Rate. She advised she's not a recipient of GIS, but soon to be a senior. She advised residents were hit hard in the last ten years with property assessment increases.
 - She questioned if water tax would be increased. CAO clarified there is no increase in water tax.
 - Resident discussed the Bypass Road in the area of Whiteway's Pond, indicating there are ATVs in the area and have heavily damaged the woods with tracks. Director of Public Works clarified that it's a contractor clearing brush in the overgrown area of Whiteway's Pond. Brush will be removed and area remediated in the Spring.
 - She wished all a Happy Christmas.

ADJOURNMENT

607-14 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the meeting be adjourned at 9:09 p.m., as there was no further business.

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

Mayor

CAO/Town Clerk