



MINUTES
PUBLIC COUNCIL MEETING
February 15, 2016

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on February 15, 2016, at 7:31 p.m.

Members Present

Deputy Mayor Geoff Gallant
Councillor Peggy Roche
Councillor Craig Scott
Councillor Carol Ann Smith
Councillor Mary Thorne-Gosse
Councillor Brian Whitty

Staff Present

Dawn Chaplin, CAO/Town Clerk
Stephanie Kane, Director of Corporate & Community Services
Ann Picco, Deputy Clerk
Brian Winter, Director of Planning and Development

Absent

Mayor Ralph Tapper

Gallery

There were a total of seven (7) people in attendance.

Adoption of Agenda

065-16 Motion – Councillor Roche / Councillor Thorne-Gosse

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

Adoption of Minutes

066-16 Motion – Councillor Scott / Councillor Thorne-Gosse

RESOLVED THAT the Minutes of the February 1, 2016, Public Council Meeting be adopted, as presented.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

PROCLAMATIONS / PRESENTATIONS / QUESTION & ANSWER SESSION

- Secretary, Torbay Library Advisory Board
 - The Secretary read aloud a letter that the Town is already in receipt of.
 - She acknowledged present and past support from the Town and the Provincial Government allowing residents to access services.
 - She acknowledged donation for a couple months free rent by owners of the building, and urged Council to continue working to support.
 - The Library is unable to meet funding for lease, and is asking for further support in the amount of \$25,000 annually.
 - The Library is an essential service in the Community. Residents and people agree as petition was recently submitted to the Town with over 700 signatures.
 - They are looking at all alternatives, exploring options and establishing fundraising efforts.
 - Deputy Mayor Gallant advised that the above will be referred to the Corporate and Community Services Committee to look into and explore all avenues.

MAYOR'S REPORT

Mayor Tapper provided a report, dated January 29 – February 12, 2016, of his work and connections that he has made in the community over the past couple of weeks.

NOTICES OF MOTION

Councillor Smith provided a Notice of Motion that prior to deadline for submission next Thursday, that she will be providing colleagues with motion regarding the Torbay Library and its future.

CORRESPONDENCE

1. Municipalities Newfoundland and Labrador – 2016 Board Meeting. *For information purposes.*
2. Newfoundland & Labrador Public Libraries – Torbay Public Library Funding. *For information purposes.*
3. Newfoundland and Labrador Library Association – Torbay Public Library. *For information purposes.*
4. Save the Torbay Public Library – Petition. *For information purposes. Items 2, 3 and 4 are referred to the Corporate and Community Services Committee.*
5. Department of Municipal Affairs – 2015/2016 Fire Protection Vehicles Infrastructure Program. *For information purposes.*
6. Regional Transit Meeting for Northeast Avalon Minutes, dated February 8, 2016. *For information purposes. Councillor Roche attend meeting and asked if anyone had any questions. Deputy Mayor advised it's a good initiative and congratulated all councillors.*
7. Eastern Regional Service Board Minutes, dated November 25, 2015. *For information purposes. Councillor Roche advised to refer any questions to her.*

Councillor Thorne-Gosse questioned Item 6 a) ii – CAO Performance Review.
Councillor Roche advised process of their CAO evaluation, indicating she will forward copy of form/template to Councillor Thorne-Gosse.

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report, dated February 15, 2016, was discussed and accepted as presented.

- Item 2 – Open Air Regulations
 - Referred to the Infrastructure and Public Works Committee.
- The Town's Emergency Plan was questioned.
 - CAO advised presently in discussions with the Fire Chief. There is a sub-committee developed of three Members of the Torbay Volunteer Fire Department. Awaiting meeting date.

COMMITTEE REPORTS

Planning and Development

Items Discussed

Councillor Scott provided an overview of items discussed under the Planning and Development Committee Meeting Minutes, dated February 9, 2016.

Items discussed included:

1. Development Proposals

- a) Proposal from potential property owner in the Middle Three Island Pond area to develop a parcel of crown land for the purpose of a Quarry site.
- The proposed location is adjacent to the Gosse's Pond Habitat Management Unit; and Eastern Habitat Joint Ventures did review the proposal. They had no major concerns.
 - The Director also noted that the Town did receive similar applications from the same applicant back 1999 and 2002 both were refused by Council. The 2002 refusal was later appealed; the Town's decision to refuse the application was upheld by the eastern regional appeal board. The applicant then filed an appeal at the Supreme Court of Newfoundland; again the Town's decision to refuse the application was upheld.
 - Committee agreed that all property owners in the area should be consulted on the application. The Director noted that it may take longer than the normal 7 days period considering most of the notifications will have to be mailed out. Committee agreed that the timeline should be extended to 14 days in this case.
 - The application will be dealt with in the Building Application Report DP2016-002.
- b) Proposal from property owner 47-59 North Pond Road to have water allocated for a proposed development.
- Property owner revisited his proposal and is now requesting that the Town allocate water for 20 lots.
 - Committee reviewed the proposal, after much discussion in relation to water allocations it was agreed that prior to making a recommendation on water allocations. Committee would like to make sure that applicants are ready and willing to move forward with their proposals within a timely fashion. This will ensure that water allocations are being utilized properly and not holding up other applicants that may be ready to develop.
 - The Director will meet with the property owner to discuss next steps.
- c) Proposal for potential development, Eagle Nest Ridge Phase 5 – 37 unserviced lots.
- The Director noted that the proposal is progressing along, one of the outstanding items is the open space requirement. Previously it was discussed that maybe the two developers in the area could combine open space areas adjacent to each other. This is not practical in this case.

- The Director also questioned who is actually determining the open space requirements now (planning, recreation, public works).
 - It was agreed to go to the Infrastructure and Public Works Committee.
2. Correspondence
- a) Letter from property owner 80 Dunphy's Lane.
 - Committee reviewed the letter from the property owner requesting that the Town rezone a portion of his property from a residential use to a commercial use. For the purpose of constructing 20 storage units.
 - It was noted that the area is next to conservation zone on north side of the beach. Agreed to send to Council for feedback due to proximity to Conservation Zone to get feel on how Council will move forward and ensure everyone is treated fairly,
3. Other Items
- a) Draft copy of the updated noise and nuisance regulations.
 - Committee to review and provide comments. The Director will then circulate to all Council for review and comments.
 - Director to also provide prior copy with changes noted.
4. Planning and Development Items for Correspondence and Action Report
- a) Attached for information.

Item 2, Encroachment on 32 Kelly's Lane was questioned. The Director noted that this matter will be settled in the near future.

Building Applications for Approval

Application: C2015-228/MV2015-033
Location: 20 Marine Drive
Proposal: 23' x 24' accessory building
Zoning: Residential Medium Density (RMD)

067-16 Motion – Councillor Scott / Councillor Whitty

RESOLVED THAT the Town of Torbay Approve Application C2015-228/MV2015-033, under the Applications for Approval section of the Building Application Report, dated February 12, 2016, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. The use of the accessory building is restricted to residential accessory use.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

Application: C2016-003
Location: 1205-1215 Torbay Road
Proposal: 9 unit, seniors' apartment/condominium complex
Zoning: Mixed Development (MIX)

068-16 Motion – Councillor Scott / Councillor Whitty

RESOLVED THAT the Town of Torbay Refer Application C2016-003, back to Committee for further review.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

It was noted that the above was advertised and correspondence was received. It was agreed to refer back to Committee.

Application: C2016-004/MV2016-001
Location: 42 Peter's Place
Proposal: 1,527 square foot accessory building
Zoning: Residential Infill (RI)

069-16 Motion – Councillor Scott / Councillor Whitty

RESOLVED THAT the Town of Torbay Approve Application C2016-004/MV2016-001, under the Applications for Approval section of the Building Application Report, dated February 12, 2016, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. The use of the accessory building is restricted to residential accessory use.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

Building Applications to be Deferred

Application: DP2016-002
Location: 454A Bauline Line
Proposal: Quarry
Zoning: Rural (RUR)

070-16 Motion – Councillor Scott / Councillor Whitty

RESOLVED THAT the Town of Torbay Defer Application DP2016-002, under the Applications to be Deferred section of the Building Application Report, dated February 12, 2016, for advertisement as per Regulations 10, 33 and 90 of the Torbay Development Regulations.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

It was noted that the above application is being advertised for fourteen days as there are seasonal properties close to the area and may take longer to track down residents.

Executive Committee

No reports or motions.

Corporate and Community Services

The Corporate Services Report, dated February 1 - 12, 2016, was accepted as presented. Councillor Thorne-Gosse read out payroll and accounts payable information:

Payroll for the period of February 1 - 12, 2016, for 33 employees, totalled \$79,153.28.

For the period of February 1 - 12, 2016, Accounts Payable invoices in the amount of \$192,090.30 were paid. These expenditures were within budget.

There is three (3) Main Operating invoices presented for approval.

071-16 Motion – Councillor Thorne-Gosse / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to AMEC Foster Wheeler Americas limited, for Holdback for Depot, in the amount of \$8,588.00.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

072-16 Motion – Councillor Thorne-Gosse / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to TRIO Group Benefits, for Insurance, in the amount of \$8,274.91.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

073-16 Motion – Councillor Thorne-Gosse / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Waterwerks Communications, for Communications RFP, in the amount of \$7,420.05.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

It was noted that the above is a progress payment.

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

Councillor Thorne-Gosse provided an overview of items discussed under the Corporate and Community Services Committee Meeting Minutes, dated February 11, 2016.

Items discussed included:

Corporate Services

1. Library

- There was lengthy discussion about the Library. Committee will be meeting later this week to further discuss.

2. Donation Requests

- On hold and referred to next meeting.

Community Services

1. Summer Camps
 - Last year's attendance and stats were reviewed and plans for this year were discussed.
 - An inclusion coordinator will be hired this year.
2. Canada Day
 - The Director updated committee on meeting with former Town Mayor Codner, regarding events on Canada Day.
 - The July Drive will focus on the 100th anniversary of Beaumont Hamel. There will also be a service at St. Nicholas's church with a walk to the monument to follow for the wreath laying.
 - All particulars are being reviewed.
3. Plan B
 - With expectation of a funding announcement, CAO has discussed with Architecture 49 regarding moving the current schedule forward. They indicated that they could start two weeks earlier with the schematic design.
4. Fitness Classes
 - Deferred to next meeting.
5. Soccer AGM
 - AGM was held on January 28th, however there was no one in attendance, with exception of Past President, and Portugal Cove – St. Phillip's Soccer President. This meeting was advertised through Facebook, Twitter, e-mail to last year's registrants and through the Town's newsletter.
 - Recommending going back to emails and advise individuals that were registered last year to advise that program is in jeopardy. The Town may have to look at possibility of hiring someone to get involved in that.
6. Time in Torbay
 - The Director of Corporate and Community Services advised that the date of event will be July 15th – 17th. The tentative schedule for the weekend was discussed.

Next Meeting is scheduled for Wednesday, February 17th, 2016 at 1:00pm

Infrastructure, Public Works, Public Safety and Shared Services

Councillor Scott provided an overview of items discussed under the Infrastructure and Public Works Committee Meeting Minutes, dated February 4, 2016.

Items discussed included:

1. Updates

A. MYCW - 2012-2014 - Municipal Depot Design Project

- The Director advised that the builder is back on site after holiday break and have the structural portion of building approximately is complete. The project is moving along and the exterior sheeting of building has proceeded.

B. Capital Investment Plan - 2015

1) Multi-Purpose Building (UTC)

- The Director advised that the builder is on site continuing with the framing portion of project.

2) Torbay Pedestrian Safety Review

- The committee has requested the consultant present to council during the scheduled committee meeting of February 22, 2016 at 6:00. The committee welcomes all members.

2. Recreational Facilities

- Looked at building for Plan B and discussed.
- Awaiting approval for re-profile from the Department of Municipal and Intergovernmental Affairs.
- Director of Public Infrastructure and Public Works has reviewed drawings and consulted with Community Services for review.
- New cameras for Kinsmen center are scheduled for install and should provide better coverage of facility and help address security concerns.

3. Correspondence & Action Report Items

- Salerno Place
 - Town staff and committee has reviewed resident concerns and it has been forwarded to the town consultant for investigation.
 - Resident has been informed and with updated once findings have been concluded.
- Moore's Valley Rd
 - Town staff and committee has reviewed resident concerns and it has been forwarded to the town consultant for investigation.
 - Resident will be informed and with updated once findings have been concluded.
- Gosse's and Rogers
 - Resident concerns have been forwarded to the Planning and Development Committee.
 - Resident will be informed and updated once findings have been concluded.

4. Any Other Business: none
5. Scheduling of the next meeting
 - Meeting was scheduled for Tuesday February 23 at 4:30pm at Town Hall.

ADVISORY COMMITTEES

Environment

Deputy Mayor Gallant advised that a meeting will be scheduled in the near future.

Heritage

The below minutes were included in Council's packages for information.

- Minutes of the Torbay Heritage Advisory Committee Meeting, dated November 2, 2015.
- Minutes of the Torbay Heritage Advisory Committee, dated February 8, 2016.
 - Councillor Roche highlighted the below:
 - Manning Awards
 - Acquisition of Priest's House
 - Woodfine's Falls
 - Awarding of ACOA funding
- Minutes of the Torbay Beach Committee Meeting, dated November 26, 2015.
- Torbay Beach Committee – Recommendation, dated November 30, 2015.
 - Councillor Roche read recommendation aloud:
 - The Beach Committee requests that the Heritage Committee suggest to the Town that the area of the Torbay Beach known as “The Battery” be treated as The Battery Park and in so doing request that the Town maintain this area including placing a picnic table and garbage container in the area.
 - Recommendation to be forwarded to the Infrastructure and Public Works Department.
 - Council discussed that all initiatives were great, but discussed ensuring all information is forwarded to the Director of Infrastructure and Public Works to ensure part of work plan.

LIAISON COMMITTEES

Jack Byrne Arena

Councillor Smith discussed her shock of hearing the Chair of the Jack Byrne Arena announcing this morning through media the matter of second ice surface. After recent meeting that really

showed concerns and hurdles needing to be overcome before moving into the second ice surface. The Board meeting is scheduled for next Tuesday night and she will be in attendance.

Northeast Avalon Joint Council

The Minutes of the Northeast Avalon Joint Council, dated December 9, 2015, were included in Council's packages for information.

Councillor Whitty advised that a meeting with MPs Whalen and McDonald will be scheduled in the near future.

Torbay Harbour Authority

No report.

Urban Municipalities Committee

No report.

Holy Trinity Elementary School Council

Councillor Thorne Gosse advised that they were supposed to have a meeting last Tuesday, however meeting was for parent representatives only. The meeting pertained to new school.

Holy Trinity High School Council

Councillor Scott advised did have a meeting a couple of weeks ago, which matters were discussed including grad donation.

NEW BUSINESS

Mayor Tapper - Absent

Deputy Mayor Gallant

Deputy Mayor Gallant thanked all Councillors for their support for him filling in as Mayor and Chair.

Councillor Roche - Pass

Councillor Scott - Pass

Councillor Smith - Pass

Councillor Thorne-Gosse – Pass

Councillor Whitty - Pass

QUESTION & ANSWER SESSION

Deputy Mayor Gallant referred to the Gallery and asked if anyone had any questions or comments in relation to tonight's Council Meeting. The following had comments:

- Resident of Civic 36 Lynch's Lane
 - Resident questioned the Pedestrian Safety Study, discussing issues of safety and speeding, especially on Torbay Road.
 - Deputy Mayor advised this is of high priority for residents and Council, advising information will be made public once known.

NEXT PUBLIC COUNCIL MEETING

The next Public Council Meeting will take place on Monday, February 29, 2016, 7:30 p.m., Council Chambers, Torbay Town Hall.

ADJOURNMENT

074-16 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the meeting be adjourned at 8:18 p.m., as there was no further business.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

Deputy Mayor

CAO/Town Clerk