



***MINUTES***  
PUBLIC COUNCIL MEETING  
January 21, 2013

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on January 21, 2013 at 7:32 p.m.

**Members Present**

Mayor Bob Codner  
Councillor Mike Byrne  
Councillor Peggy Roche  
Councillor Carol Ann Smith  
Councillor Ralph Tapper  
Councillor Brian Whitty

**Staff Present**

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

**Regrets**

Deputy Mayor Geoff Gallant

**Gallery**

There were a total of 6 people in attendance.

016-13      **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Smith

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

Question called. Motion carried unanimously.

**Adoption of Minutes**

017-13      Motion – Councillor Tapper / Councillor Smith

**RESOLVED THAT** the Minutes of the January 7, 2013, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

**PROCLAMATIONS / PRESENTATIONS**

018-13      Motion – Councillor Byrne / Councillor Roche

**RESOLVED THAT** the Town of Torbay proclaim Monday, February 18, 2013 as Heritage Day, and call upon all citizens to celebrate the richness of our past and the promise of our future.

Question called. Motion carried unanimously.

**CORRESPONDENCE**

1. Wooden Boat Museum of Newfoundland & Labrador – Community Membership. *Deferred to Finance Committee.*
2. VOCM, Coats for Kids – Certificate of Appreciation. *For information purposes.*

**CORRESPONDENCE & ACTION REPORT**

The Correspondence and Action Report was accepted as presented.

**COMMITTEE REPORTS**

**Economic Development**

Councillor Roche advised that a copy of the Minutes of the Economic Development Committee Meeting, dated January 14, 2013, is included for Council's information. Any questions can be directed to her.

**Finance**

The Financial Report, dated January 7-18, 2013, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of January 7-18, 2013, for 31 employees totalled \$69,967.53.

For the period of January 7-18, 2013, Accounts Payable invoices in the amount of \$16,097.23 were paid. These expenditures were within budget.

There is one (1) Main Operating Invoice totaling \$6,914.38 for approval:

019-13      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve payment to Trio Benefits, for Group Benefits for January 2013, in the amount of \$6,914.38.

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.

Photocopier Tender Award

Replacement of the existing photocopier is an approved budget item for 2013. Four bids were received. To award the tender, a motion of Council is required. See motion below.

020-13      Motion – Councillor Tapper / Councillor Roche

**RESOLVED THAT** the Town of Torbay award Tender Number 2012004 – Supply and Installation of Multi-Function Colour Photocopier / Printer / Scanner / Fax Machine to the low bidder, Xerox Canada.

Question called. Motion carried unanimously.

**Human Resources and Administration**

Councillor Byrne gave an overview of items discussed at the Human Resources and Administration Committee Meeting, dated January 15, 2013.

Items discussed in the report included:

- Positions of Communication Coordinator and Clerk-Receptionist  
There were 48 applications received for the Communications Coordinator position and 65 applications received for the Clerk Receptionist position. Will have motions for these two positions for the next Council Meeting.
- Heritage Committee  
CAO is following up to determine the official status of the Committee. The constitution is still not finalized; and, Committee has not met since June, 2012. If no suitable response is received from an HR perspective will move forward.

**Planning and Land Use**

Councillor Smith gave an overview of items discussed at the Planning and Land Use Development Committee Meeting, dated January 16, 2013.

Items discussed in the report included:

1. Development Proposals
  - a) Proposal to develop a cemetery with storage building at 636-646 Bauline Line.
    - Director of Planning to meet with applicant to discuss further.
  - b) Proposal to subdivide and develop property at 15-17 Reardon's Lane.
2. Correspondence
  - a) Letter from property owner at Middle Three Island Pond Road – request for electrical installation.
    - This item will come up for discussion. The area is zoned as Rural (RUR), which doesn't permit development. The present cabins have been there for a number of years; and therefore, are allowed to stay as per Regulation 49.
    - Section 3.2.14 of the Town Plan states:  
*“New cottage development shall not be permitted in the Rural area, in keeping with policies of the St. John's Urban Region Regional Plan. Conversion of the existing cabins to permanent dwellings shall not be permitted unless the cabins are included within the Residential designation. This is to prevent premature urban expansion and demand for services in rural areas.”*
    - The entire area in question has been identified in the Recreation Master Plan as an area proposed for an Outdoor Adventure Park.
    - With considerable amount of discussion, Committee did not come to consensus; and, the Chair was asked if he would entertain a go-around for discussion.

Councillor Tapper served Notice of Motion on this matter. He advised he will prepare motion and have in Council's binders for the next Council Meeting. See motion below.

021-13      Motion – Councillor Tapper / Councillor Whitty

**RESOLVED THAT** a Notice of Motion be served by Councillor Tapper at the next Public Council Meeting for full debate by Council Members.

Question called. Motion carried unanimously.

3. Zoning Amendment Requests  
Committee looked at zoning amendment requests, which are standard requests, as the Town is starting the process for the five year review. Proposals have been received for:
  - a) Ellard's Place
  - b) 528-566 Bauline Line
4. Other Items
  - a) Director of Planning provided Committee with an outline for the five year review, which is included for Council's review.

- b) Items from Public Works Committee
  - Committee discussed cross-over issues between Public Works and Planning Departments. Staff are going meet and then go back to respective committees for recommendations.

Building Applications Approved

For information purposes 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>
9918-13	14 Shea's Lane	14'x18' Accessory Building
9921-13	19 Kelly's Lane	12'x14' Accessory Building

Building Applications for Approval

**Application:** 9917-13  
**Location:** 1153 Torbay Road  
**Proposal:** 24' x 28' Commercial Storage Building  
**Zoning:** Mixed Development (MIX)

022-13 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9917-13, under the Applications for Approval section of the Building Application Report, dated January 18, 2013, subject to the following conditions:

1. The project shall conform to the requirements of the Mixed Development (MIX) Land Use Zone of the Torbay Development
2. The project shall meet the normal building requirements of the Town.
3. Approval from the following Government Agencies is required:
  - a. Service NL ( Fire and Life Safety Division)
  - b. Service NL ( Accessibility Division )

Question called. Motion carried unanimously.

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**Application:** 9919-13  
**Location:** 79 Upper Evening Path  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Infill (RI)

023-13      Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve Application 9919-13, under the Applications for Approval section of the Building Application Report, dated January 18, 2013, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. Provincial Government Services Centre, Operations Division Certificate of Approval is required for lot layout, well and septic system prior to release of a Building Permit.
3. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

**Application:** 9920-12  
**Location:** Lot # 3 (Portion of 1537-1547 Torbay Road)  
**Proposal:** Single Family Dwelling  
**Zoning:** Mixed Development (MIX)

024-13      Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay approve Application 9920-12, under the Applications for Approval section of the Building Application Report, dated January 18, 2013, subject to the following conditions:

1. The development shall meet the normal building requirements of the Town.
2. The property shall be serviced with municipal water and sewer services. This lot was included in the infill water study.
3. The development is subject to refundable security deposits for road damage and water and sewer connection in accordance with Council Policy.
4. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

**Building Applications to be Deferred**

**Application:** 9910-12  
**Location:** 636-646 Bauline Line  
**Proposal:** Cemetery Site  
**Zoning:** Rural (RUR)

025-13 Motion – Councillor Smith / Councillor Roche

**RESOLVED THAT** the Town of Torbay defer Application 9910-12, under the Applications to be Deferred section of the Building Application Report, dated January 18, 2013, pending public notification and consultation required in accordance with Regulation 33 of the Torbay Development Regulations, and that any explicit costs associated with the public notification and consultation be billed to the applicant.

Question called. Motion carried unanimously.

**Business Applications to be Deferred**

026-13 Motion – Councillor Smith / Councillor Byrne

**RESOLVED THAT** the Town of Torbay defer the following application, 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>
B1105-13	51 Pine Ridge Crescent	Consulting Services

Question called. Motion carried unanimously.

**Public Works**

Councillor Whitty advised that a copy of the Minutes of the Public Works Committee Meeting, dated January 16, 2013, is included for Council’s information. Any questions can be directed to him.

Councillor Byrne questioned water pressure on the north side of the community – repairs on Thorne’s Lane Pump House. Director of Public Works and Technical Services advised that the Town is waiting for a technician to come in at the end of the month; and, he believes the problem that happened was an isolated matter and won’t happen in the future.

**Recreation, Parks and Community Services**

Councillor Tapper advised that a copy of the Minutes of the Recreation Committee Meeting, dated January 15, 2013, is included for Council's information. Any questions can be directed to him.

With regards to the East Coast Trail Garbage, it was reported that the garbage buildup could be due to the students in the area and from vehicles parking in the area. Councillor Tapper requested that a large concrete garbage container be placed there.

Councillor Smith indicated that Recreation Newfoundland's 2013 provincial award program is coming up; and, she questioned if the Town had plans to nominate someone. The Director of Community Services advised that the matter will be coming up at the next Committee Meeting. It was indicated that Jeremy Mueller could be a candidate – he was named the 2012 Provincial Male Athlete and in October 2012 named the Canadian male Athlete. He has also earned a spot in the 2013 World Games for snowshoeing and is presently en route to South Korea.

Councillor Smith also questioned the SOGO Grant. The Director of Community Services advised that the Sports and Wellness Coordinator is working with Allied Youth on this matter.

**Technical Services**

No report.

**SPECIAL COMMITTEES OF COUNCIL**

None.

**LIAISON COMMITTEES**

**Heritage/Museum**

Councillor Byrne advised that there has been no meeting; and, he's in process of doing some background work when it comes to this Committee. Councillor Byrne and Councillor Tapper discussed meeting to review issues relating to various historic areas in the community, their designations, and the five year plan. The Heritage, Arts and Culture Coordinator has also provided him with some information, which he has reviewed. Mayor Codner discussed Liddy's, which goes back to the 1870's, indicating that it has a lot of history and should also be designated.

**Jack Byrne Arena**

Councillor Tapper advised that two new representatives/members are required to the Board.



**Northeast Avalon Joint Council**

Councillor Whitty advised that a meeting was held here in Torbay on January 16<sup>th</sup>; and, will forward Minutes once he receives them.

Councillor Roche indicated that the next meeting is on February 20<sup>th</sup> in Logy Bay-Middle Cove-Outer Cove.

**Northeast Avalon Regional Plan**

No report.

**Torbay Harbour Authority**

Councillor Byrne provided a verbal update:

- A contractor has been awarded for the marginal wharf at Tapper's Cove.
- The Town, Harbour Authority, and Department of Fisheries and Oceans met before Christmas.
- The agreement on responsibility is gone to lawyer.
- In process of securing top of road. Contractor was in and had gate posts set up. The posts were shifted after contractor left. The contractor fixed the posts, however, they were removed. The Harbour Authority do have a strong lead on what took place; and, hopefully will get some action to have these types of issues taken care of legally in the near future.

**Torbay Volunteer Fire Department**

Councillor Byrne provided highlights of a meeting that took place last week:

- Had record year last year, 2012 – 238 calls in total.
- The Torbay Volunteer Fire Department has increased the number of their members.
- Constitution has been reviewed and input/comments received from Council Members. Councillor Byrne put forth a Notice of Motion that he will be presenting the Torbay Volunteer Fire Department Constitution at the next Council Meeting.
- The Department had a request from the Town of Logy Bay-Middle Cove-Outer Cove concerning manning their facilities; and, they requested statistical information. The possibility of Torbay providing extra help or taking over was discussed. Councillor Byrne suggested that this be brought through Council and then the Department. Mayor Codner advised that he talked to the Mayor of LMO, who indicated that the Town has commissioned their own report; and, when it's ready, he will be in touch.
- Fire Department Members depend mostly on their cell phones and texts for fire/emergency calls. He asked for emergency backup when it comes to cell phone for service in the event of power outages, as Members rely on their cell phones for call outs. He requested that the Public Works Department look into and bring back to the Department.

**Urban Municipalities Committee**

Councillor Smith advised that they're hoping to have a meeting at the Economic Development Summit, which is taking place the first weekend in March, 2013.

She further advised that she's a member of the Trio Board; and, their first meeting will be held on February 1 / 2, 2013.

**NEW BUSINESS**

***Mayor Codner*** - Pass

***Deputy Mayor Gallant*** - Absent

***Councillor Byrne***

Councillor Byrne discussed the number of emergency calls that the Torbay Volunteer Fire Department received for 2012 – 238 calls in total, which was a record year. He noted that during the last snow storm, with the power outage, Members of the Department left their homes to man the stations in case of emergency response. He wanted to acknowledge the service that Members provide to the Community; and, he extended a thank you to the Department for their service and work.

He also extended a thank you to the Public Works Staff during the recent snow storm, which was close to a record snow fall. Staff did a great job. He indicated that we're a big town, and we didn't hear a lot of complaints. Superb job when it comes to snow clearing.

***Councillor Roche*** - Pass

***Councillor Smith*** - Pass

***Councillor Tapper*** - Pass

***Councillor Whitty***

Councillor Whitty thanked Members of the Torbay Volunteer Fire Department and Public Works Staff.

He indicated that he has an elderly neighbor who, during the last snow storm, couldn't get out due to the amount of snow on his property. He advised that another neighbor helped him out, indicating that this is what Torbay is all about.

**ADJOURNMENT**

027-13      Motion – Councillor Smith / Councillor Tapper

**RESOLVED THAT** the meeting be adjourned at 8:10 p.m., as there was no further business.

Question called. Motion carried unanimously.

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*Mayor*

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*CAO/Town Clerk*