



MINUTES
PUBLIC COUNCIL MEETING
January 6, 2014

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on January 6, 2014 at 7:37 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 Services
Brian Winter, Director of Planning
Ann Picco, Executive Clerk

Gallery

There were a total of 4 people in attendance.

Adoption of Agenda

001-14 Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

002-14 Motion – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Minutes of the November 25, 2013 Public Council Meeting be adopted as presented.

Question called. Motion carried unanimously.

Council referred to the requested edits to the Minutes of the November 25, 2013 Public Council Meeting, as discussed at, and referred to in the Minutes of, the Public Council Meeting of December 9, 2013. Deputy Mayor Gallant called Point of Order, indicating that the Minutes

should not be changed as per Councillor Smith's comments, as she was not in attendance at the Public Council Meeting of November 25th. Mayor Tapper agreed Point of Order well taken, and there were not changes to the Minutes of November 25, 2013.

003-14 Motion – Councillor Hall / Councillor Smith

RESOLVED THAT the Minutes of the December 9, 2013 Public Council Meeting be adopted with the following change:

- Page 8 – comments regarding Motion 500-13 – Deputy Mayor Gallant asked that it be reflected in the Minutes his comment that application go back to Committee before making a motion for approval.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

None.

MAYOR'S REPORT

Mayor Tapper provided a report, dated December 5, 2013 – January 2, 2014, of his work and connections that he has made in the community over the past two weeks.

CORRESPONDENCE

1. Correspondence from resident concerning property located at 2 Moore's Valley Road. ***CAO clarified that the individual in charge of the Estate is asking for an extension to the Town's recent demolition order until the Spring to confirm his options regarding restoration of the building. Council discussed Council's recent motion for demolition of this property and information in the resident's letter. It was agreed that this correspondence be deferred for further clarification – that CAO investigate with staff if he was notified in writing of any decisions of past regarding recent heritage review/assessment. See motion below:***

004-14 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay request CAO to investigate and confirm information contained in the above Correspondence 1, dated December 19, 2013, and provide Council with information prior to the next Council Meeting. This relates to property located at 2 Moore's Valley Road,

Question called. Motion carried unanimously.

2. Municipal Assessment Agency – News Release – Board Members Elected. *For information purposes. Mayor congratulated Councillor Roche on her position as Urban Director.*
3. Habitat for Humanity – Town of Torbay Proposal. *Mayor Tapper discussed that there may be some properties to consider in the area of Indian Meal Line. There may be Crown land to explore as an option. Deferred to the Planning, Land Use and Development Committee.*

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report, dated January 6, 2014, was accepted as presented.

- Councillor Scott questioned Item No. 2 – TVFD Open Air Regulations. CAO reported that there is no new information. As there is a new Minister, the Town to write further correspondence.

COMMITTEE REPORTS

Economic Development

No reports or motions.

Finance & Administration

2014 Budget

As Chair of the Finance and Administration Committee, Councillor Mary Thorne-Gosse read a speech she had prepared in relation to the Town's 2014 Budget.

Speech highlights included:

- There will be no mil rate increase on property tax. The mil rate will stand at 6.7 mils.
- The Town will continue to offer a 20% discount on property taxes to residents in receipt of the guaranteed income supplement.
- Main operating budget for 2014 will be \$7,737,851.69.
- Multi-year capital works project initiatives include lights for the ball field at Upper Three Corner Pond Park, a new community center, a booster station for Indian Meal Line, and road improvements for Mahon's Lane and Morris Avenue.
- 2014 will see relocation of existing municipal depot.
- A review of programs and services will be conducted by an external consultant and the Town will be proceeding with a call for proposals for service providers.
- A review of the Town's business tax structure will be conducted in 2014 with a recommendation back to the Finance and Administration Committee for the 2015 fiscal year.
- Council remuneration for 2014 will be frozen and at same rate as 2013.

- Council will be providing a donation to the East Coast Trail towards its upkeep and maintenance in 2014.
- 2014 will see the 40th Anniversary of the Torbay Volunteer Fire Department which is a vital service to our community. Based on the risk management assessment, 2014 will see the removal of the 1974 pumper and unit #3, a standard pickup truck from the department fleet and the acquisition of a new truck.
- 2014 will see the continued implementation of the Public Works vehicle and equipment replacement strategy.
- 2014 will see the implementation of a crack sealing program for road maintenance, as well as the implementation of a traffic calming policy.
- 2014 will see a pilot bulk garbage curbside pick up program. The Great Torbay Pick Me Up will be revitalized to encourage waste reduction.
- From a planning perspective, 2014 will see continued work on floodplain analysis, adoption of the subdivision guidelines and installation of a dry hydrant on the north side of the community. The Five Year Review of our municipal plan will be completed, as well.
- Torbay Council is committed to reducing tax burden on residents; and, therefore will be continuing with business retention, expansion, and attraction initiatives. With regards to the business park, work continues on the groundwater assessment, which is expected to be completed by March 31st.
- With regards to Economic Development, the Town is working with federal and provincial governments and moving forward with the implementation of key initiatives. A study will be undertaken to identify business opportunities to support our new community center with linkages to the historic Torbay Beach.
- Thirty-one Recreation programs in 2014 will continue to focus on developing sense of community, along with health and wellness initiatives.
- Upgrades to the trail behind the Western Island Playground will be completed in 2014 and the development of open space in the Bourne Development as a duck pond.
- Torbay will host the Killick Coast Regional Games in 2014. Summer programs will be expanded with the end goal being all programs accessible to all residents.
- The Town will continue to support our volunteer groups and volunteer recognition events will be refocused in 2014.
- The Town will continue to support its rich history and heritage through preservation and promotion in 2014. This year will also see the Town exploring the possibility of relocating the museum.

Further to the December 17 and 28, 2013 Finance and Administration Committee meetings and Committee's meeting with Council to review and discuss the 2014 draft budget on January 3, 2014, please find below the motions required for the adoption of the 2014 budget. For the below motions, the same procedure was followed as per the 2007-2013 budgets (inclusive). The motions required are as follows:

005-14 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay write off taxes owing for the years 2007 and prior as these amounts are uncollectable. The total amount to be written off is \$26,814.26.

Question called. Motion carried unanimously.

006-14 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay continue collection procedures for taxes owing in the amount of \$426,657.47. This represents taxes owing for the years 2008 to 2013 inclusive.

Question called. Motion carried unanimously.

007-14 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

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.

008-14 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay adopt the tax and fee structure schedule for 2014 as presented. The 2014 schedule will be advertised in the January edition of the Northeast Avalon Times newspaper, posted on the Town's website and printed in the 2014 budget newsletter. This newsletter will be circulated to all residents, businesses and landowners.

Question called. Motion carried unanimously.

009-14 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay's property mil rate for the 2014 taxation year be set at 6.7 mils. This mil rate remains unchanged from the 2013 calendar year.

Question called. Motion carried unanimously.

010-14 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

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

Question called. Motion carried unanimously.

011-14 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT the 2014 operating budget for the Town of Torbay in the amount of \$7,737,851.69 be adopted as presented.

Question called. Motion carried unanimously.

Mayor, Deputy Mayor, and Council Members commended and thanked the Finance and Administration Committee members and CAO Dawn Chaplin for their hard work in preparation of the 2014 budget.

012-14 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

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 2014 calendar year.

Question called. Motion carried unanimously.

013-14 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve a 20% tax reduction for those residents in receipt of the Guaranteed Income Supplement under the Old Age Security Act for the calendar year 2014.

Question called. Motion carried unanimously.

014-14 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay proceed with a call for proposals for the following service providers: engineering, auditing, legal, planning, surveying, assessment appeals commissioner and municipal plan review commissioner, etc.

Question called. Motion carried unanimously.

CAO to check and confirm wording of a previous motion of Council concerning call for proposals for service providers and provide for next Council Meeting.

015-14 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay proceed with an external review of programs and services within the first quarter of 2014. This review will ensure we are operating in an efficient and effective manner, with the best use of taxpayer's dollars.

Question called. Motion carried unanimously.

016-14 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT in the absence of the Chief Administrative Officer/Town Clerk during the 2014 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's Clerk absence.

Question called. Motion carried unanimously.

017-14 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT in the absence of the Chief Administrative Officer/Town Clerk during the 2014 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's Clerk absence.

Question called. Motion carried unanimously.

Councillor Smith presented a motion pertaining to TETC and terms of reference. See motion below:

018-14 Motion – Councillor Smith / Councillor Thorne-Gosse

RESOLVED THAT following the similar process in 2013, that access to expense the 2014 Torbay Environment and Trails Committee (TETC) be suspended until a draft terms of reference for TETC is presented and adopted by Council, using the Town's new terms of reference template.

Question called. Motion defeated.

For Motion: Councillor Scott, Councillor Smith, and Councillor Thorne-Gosse.

Against Motion: Mayor Tapper, Deputy Mayor Gallant, Councillor Hall, and Councillor Roche.

Deputy Mayor discussed that TETC's draft terms of reference were sent to previous Council; and, that the Town should pay reimbursement to volunteers for last year. Councillor Smith called Point of Order, indicating that this doesn't pertain to the motion.

Council discussed the Town of Torbay's Committees pertaining to regulations, indicating that all committees are required to have a terms of reference in place, especially for financial purposes. It was noted that the terms of reference were deferred until new council in place. See motion below:

019-14 Motion – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay reimburse these volunteers of amount of money spent last year as long as they have something to substantiate.

Question called. Motion carried unanimously.

Recreation, Parks and Community Services

No report or motions.

Planning, Land Use and Development

Building Applications Approved

None.

Some of the application numbers have changed from the previous format. The Town is currently using a new planning program. The applications numbers are generated by the new program. Outlined below are the application types:

- B - Building**
- D - Development**
- C - Building & Development**
- DM – Demolition**
- S – Subdivision of Land**

Building Applications for Approval

Application: C2013-024
Location: Portion of 13-23 Byrne’s Lane (dwelling to be situated off of Tantum View Lane)
Proposal: Single Family Dwelling
Zoning: Residential Infill (RI)

020-14 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT the Town of Torbay approve Application C2013-024, under the Applications for Approval section of the Building Application Report, dated January 2, 2014, subject to the following condition:

1. The development shall meet the normal building requirements of the Town.

Question called. Motion carried unanimously.

Application: C2013-032
Location: 2 Gosse's & Rodger's Crescent
Proposal: Single Family Dwelling
Zoning: Residential Medium Density (RMD)

021-04 Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT the Town of Torbay approve Application C2013-032, under the Applications for Approval section of the Building Application Report, dated January 2, 2014, subject to the following condition:

1. The development shall meet the normal building requirements of the Town.

Question called. Motion carried unanimously.

Building Applications to be Deferred

Councillor Smith left the Public Council Chambers at 8:49 p.m., as it was determined that she was in a conflict of interest.

Application: C2013-028
Location: Portion of 51-81 Mahon's Lane (Lot 1)
Proposal: Single Family Dwelling
Zoning: Residential Infill (RI)

022-14 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT the Town of Torbay defer Application C2013-028, under the Applications to be Deferred section of the Building Application Report, dated January 2, 2014, for further review by the PLUD Committee.

Question called. Motion carried unanimously.

Application: C2013-029
Location: Portion of 51-81 Mahon's Lane (Lot 2)
Proposal: Single Family Dwelling
Zoning: Residential Infill (RI)

023-14 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT the Town of Torbay defer Application C2013-029, under the Applications to be Deferred section of the Building Application Report, dated January 2, 2014, for further review by the PLUD Committee.

Question called. Motion carried unanimously.

Application: C2013-030
Location: Portion of 51-81 Mahon's Lane (Lot 3)
Proposal: Single Family Dwelling
Zoning: Residential Infill (RI)

024-14 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT the Town of Torbay defer Application C2013-030, under the Applications to be Deferred section of the Building Application Report, dated January 2, 2014, for further review by the PLUD Committee.

Question called. Motion carried unanimously.

Application: C2013-031
Location: Portion of 51-81 Mahon's Lane (Lot 4)
Proposal: Single Family Dwelling
Zoning: Residential Infill (RI)

025-14 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT the Town of Torbay defer Application C2013-031, under the Applications to be Deferred section of the Building Application Report, dated January 2, 2014, for further review by the PLUD Committee.

Question called. Motion carried unanimously.

Councillor Smith returned to the Public Council Chambers at 8:53 p.m.

Application: 10110-13
Location: 41 Torquay Drive
Proposal: 24' x 30' Extension to Existing Accessory Building
Zoning: RLL (Residential Large Lot)

026-14 Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT the Town of Torbay defer Application 10110-13, under the Applications to be Deferred section of the Building Application Report, dated January 2, 2014, until the appeal has been heard and a decision made by the Eastern Regional Appeal Board.

Question called. Motion carried unanimously.

Public Works

Councillor Smith provided a verbal report:

- She discussed the municipal depot, advising that the Public Works Committee held a special meeting on January 3rd to review information. Information will be sent out for third party independent review, and then back to Committee for recommendation, which will then be presented to Council for consideration in approximately two weeks time.
- She congratulated the Public Works team under the leadership of the Director of Public Works, Bernie Manning, and the Supervisor of Outside Operations, Shawn Kelly. Public Works staff have shown exceptional work during very trying times over the holiday season. She extended a thank you to the Public Works staff from Council and compliments to the team for the work they have done in the past few weeks.

Mayor Tapper echoed Councillor Smith's comments above, indicating outside operations went smoothly with the amount of snow and freezing temperatures. The Public Works staff put in long shifts and we really need to be grateful for their experience they show behind the wheel of any vehicle they operate.

ADVISORY COMMITTEES

Environment – No report.

Heritage – No report.

LIAISON COMMITTEES

Jack Byrne Arena

No report.

Northeast Avalon Joint Council

No report.

Torbay Harbour Authority

No report.

Torbay Volunteer Fire Department

Councillor Scott noted that highlights from the Torbay Volunteer Fire Department Meeting Notes dated December 2, 2013 were provided at the last Public Council Meeting.

He further noted that the Department has a new Captain and that he attended their recent Christmas social.

The Department has been extremely busy since the New Year with a total of 13 emergency calls.

Urban Municipalities Committee

No report.

North East Avalon Regional (NEAR) Plan

No report.

NEW BUSINESS

Mayor Tapper

Mayor Tapper thanked Deputy Mayor Gallant, Councillor Hall, Councillor Roche, Councillor Scott, Councillor Smith, and Councillor Thorne-Gosse for their assistance with the warming centre at the Fire Hall during recent power failures. He advised that a warming center was opened due to snow and cold temperatures with the help of Councillors and Town staff. Mayor reported that the warming centre was opened about 5:00 p.m. on Friday afternoon, with several people dropping in who needed assistance. He advised that two staff members stayed overnight until approximately 8:00 a.m. on Saturday morning when power came back on. Mayor thanked everyone for their support.

In relation to power outages, Mayor advised that emails were received concerning energy conservation. He noted that the Town has information on its website and CAO provided update, indicating that Fire and Emergency Services forwarded information circulars this evening, which have been forwarded to residents through the Town's green communications system. Information has been added to the Town's website, and social media including Facebook and Twitter. Mayor Tapper encouraged all to conserve energy until this situation that government is facing is corrected.

Mayor Tapper thanked all Public Works operators. He thanked the outside and inside staff, advising that staff did volunteer to assist with the warming center. He thanked everyone who contributed.

Deputy Mayor Gallant

Deputy Mayor Gallant discussed speeding - he advised he received an email from a resident of Peter's Place concerning speeding, signage and speed bumps. The resident is being proactive and wanted to remind Council that they're going to be looking for speed calming in the Spring.

He discussed the recent emergency response situation that we had concerning power outages. He thanked Councillors and the Fire Department who contributed. Emergency response is something that we need to be ready for and have plans in place. He suggested doing some drills to ensure preparedness.

Deputy Mayor thanked the Provincial Government during recent power outages. The more time the power was out, the more people relied on technology, such as Facebook and Twitter, to coordinate. He discussed that people came to warming center to charge their phones and he noted

that Minister Kent provided updates through Twitter. There were a lot of communications through Twitter.

Councillor Hall - Pass

Councillor Roche

Councillor Roche advised that the North East Avalon Joint Council will be meeting here in the Chambers on Wednesday, January 15th. She invited all members of Council to attend.

She thanked the Director of Public works for answering phone calls and ensuring issues were attended to. She thanked the Public Works Staff for snow clearing.

Councillor Scott

Councillor Scott thanked Public Works staff members who stayed all night on Friday night and assisted at the warming center. The warming center was available to anyone who wanted to use it. He thanked CAO Dawn Chaplin for getting information out to public through Facebook, Twitter, and the website – CAO advised that Economic Development Officer Ross Houlihan updated the Town's social media sites and Executive Clerk Ann Picco updated the Town's website with information.

Councillor Smith - Pass

Councillor Thorne-Gosse

Councillor Thorne-Gosse thanked the outside workers for all their work over the past few days.

She discussed emergency response, indicating that this is only the beginning of winter and therefore we don't know what other issues may occur. She advised that we need to look at our seniors' situations to see who needs assistance.

ADJOURNMENT

027-14 Motion – Councillor Smith / Councillor Hall

RESOLVED THAT the meeting be adjourned at 9:10 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk