



MINUTES
PUBLIC COUNCIL MEETING
January 7, 2013

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

Members Present

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

Staff Present

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

Gallery

There were a total of 7 people in attendance.

001-13 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Roche

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

002-13 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Minutes of the December 10, 2012, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

None.

CORRESPONDENCE

1. Hospitality Newfoundland & Labrador – 2013 Conference and Trade Show. *Economic Development Officer will be attending. The Town is investigating having a display or booth.*
2. Minister of Transport, Infrastructure and Communities – long-term plan for public infrastructure. *For information purposes.*

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report was accepted as presented.

COMMITTEE REPORTS

Economic Development

Councillor Roche advised that there's a meeting scheduled for next week.

Finance

The Financial Report, dated December 31, 2012 – January 4, 2013, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of December 31, 2012 – January 4, 2013, for 37 employees totalled \$34,502.32.

For the period of December 31, 2012 – January 4, 2013, Accounts Payable invoices in the amount of \$14,033.66 were paid. These expenditures were within budget.

There is one (1) Main Operating Invoice totaling \$13,221.66 for approval:

003-13 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to CIBC Mellon, for Pension contribution for December 2012, in the amount of \$13,221.66.

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.

As per Section 32 of The Assessment Act, all municipalities are required to appoint an assessment review commissioner on an annual basis (by January 31st). See motion below.

004-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay appoint Mr. James E.G. Vavasour as the Assessment Review Commissioner for the Town of Torbay for the 2013 calendar year.

Question called. Motion carried unanimously.

Human Resources and Administration

Councillor Byrne advised that there's a meeting scheduled for this Thursday evening.

Planning and Land Use

Councillor Roche left the Council Chambers at 7:39 p.m., as it was determined that she was in a conflict of interest.

Building Applications for Approval

Application: 9911-12
Location: Portion of 13-15 Quarry Road
Proposal: Single Family Dwelling
Zoning: Residential Infill (RI)

005-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9911-12, under the Applications for Approval section of the Building Application Report, dated January 4, 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.

Councillor Roche returned to the Council Chambers at 7:41 p.m.

Application: 9912-12
Location: 4 Wildberry Lane
Proposal: 30' X 40' Accessory Building
Zoning: Residential Large Lot (RLL)

006-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9912-12, under the Applications for Approval section of the Building Application Report, dated January 4, 2013, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9915-12
Location: 60 Convent Lane
Proposal: Basement Apartment
Zoning: Residential Medium Density (RMD)

007-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9915-12, under the Applications for Approval section of the Building Application Report, dated January 4, 2013, subject to the following condition:

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

Question called. Motion carried unanimously.

Application: 9868-12
Location: 129 Country Drive
Proposal: 20;' x 24' Extension to Existing Accessory Building
Zoning: Residential Medium Density (RMD)

008-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9868-12, under the Applications for Approval section of the Building Application Report, dated January 4, 2013, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Building Applications to be Deferred

Application: 9913-12
Location: Portion of 15-17 Reardon's Lane
Proposal: Single Family Dwelling
Zoning: Resident Medium Density (RMD)

009-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer Application 9913-12, under the Applications to be Deferred section of the Building Application Report, dated January 4, 2013, for further investigation.

Question called. Motion carried unanimously.

Application: 9914-12
Location: 14 Western Island Pond Drive
Proposal: Building Extension (In-law Suite) Double Dwelling
Zoning: Residential Large Lot (RLL)

010-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer Application 9914-12, under the Applications to be Deferred section of the Building Application Report, dated January 4, 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 Approved

011-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the following application, which was advertised as per discretionary use regulations; there were no written responses received in response to the advertisement.

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1101-12	52 Bauline Line	Child Care Business

The above noted application is approved subject to the following conditions:

1. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
2. The business is limited to 6 children.
3. There shall be no parking of commercial vehicles on the property.
4. The above noted business will also require approvals from the following Government agencies:
 - Department Health and Community Services;
 - Department Government Services;
 - Eastern Health Child Care Services Division.

Question called. Motion carried unanimously.

012-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve the following application, which was advertised as per discretionary use regulations; there were no written responses received in response to the advertisement.

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1102-12	78-80 North Pond Road	Child Care Business

The above noted application is approved subject to the following conditions:

1. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
2. The business is limited to 6 children.
3. There shall be no parking of commercial vehicles on the property.
4. The above noted business will also require approvals from the following Government agencies:
 - Department Health and Community Services;
 - Department Government Services;
 - Eastern Health Child Care Services Division.

Question called. Motion carried unanimously.

013-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the following application, which was advertised as per discretionary use regulations; there were no written responses received in response to the advertisement.

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1103-12	37 Easterbrook Drive	Child Care Business

The above noted applications are approved subject to the following conditions:

1. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
2. The business is limited to 6 children.
3. There shall be no parking of commercial vehicles on the property.
4. The above noted business will also require approvals from the following Government agencies:
 - Department Health and Community Services;
 - Department Government Services;
 - Eastern Health Child Care Services Division.

Question called. Motion carried unanimously.

014-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve the following Application, which was advertised as per discretionary use regulations; there were no written responses received in response to the advertisement.

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1104-12	112 Reddy Drive	Consulting Business

The above noted application is approved subject to the following conditions:

1. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
2. There shall be no parking of commercial vehicles on the property.

Question called. Motion carried unanimously.

Public Works

Councillor Whitty advised that the next meeting will be on Wednesday, January 16th.

Recreation, Parks and Community Services

Deputy Mayor Gallant advised that the next meeting is on Tuesday, January 15th. He indicated that he may be out of Town.

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

None.

LIAISON COMMITTEES

Heritage/Museum

No report.

Jack Byrne Arena

No report.

Northeast Avalon Joint Council

Councillor Whitty advised that the next meeting is taking place here at the Torbay Town Office, Council Chambers, on January 16th at 7:00 p.m.

Councillor Smith requested an invitation to all Members of Council. Mayor Codner to bring greetings.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

Councillor Byrne advised that a contractor has been awarded for the work at Tappers Cove. There were some issues that came to light over the weekend, which will be addressed. A further update will be provided at the next meeting.

In relation to the work at Tappers's Cove, Councillor Tapper questioned the East Coast Trail, as part of the trail will be closed; and, he asked who's responsible for putting up signage. Councillor Byrne indicated that the trail will be fenced off by the contractor to prevent public access and the East Coast Trail Association will be putting up signage.

Torbay Volunteer Fire Department

Councillor Byrne advised that there is a meeting on the Constitution scheduled for this Thursday, January 10th at 8:00 p.m.

Urban Municipalities Committee

Councillor Smith advised that there will be a meeting scheduled the end of February, first week of March, 2013. The Economic Summit will be taking place in St. John's. Invitations will be going out by month end. Torbay will be represented; Mayor, Economic Development Officer and Committee Chair will receive invitations. She advised that everyone is encouraged to attend indicating that it's a very good conference and summit and to expect great outcomes.

NEW BUSINESS

Mayor Codner

Mayor Codner discussed Motion Drive Estates indicating that there has been a lot of discussion on this topic over the last year. A citizens group was organized and an appeal filed, of which was ruled 2/3 in favor of the Town. An appraisal was recommended and completed. The value of land on old assessment was \$34,800. New appraisal was at \$39,000. The associated cost to get the appraisal completed was \$3,000 and legal fees cost \$8,500. Set back a year in developing the project - homes are estimated in the range of \$600,000 at 14 lots. Another \$63,000 delayed in receiving and could extend further that there's six million that the government will be a year or so in collecting eight percent sales tax. We're looking at \$123,000 loss, for a gain of \$4,000.

With regards to the matter of policing, Mayor advised that the RNC, under the direction of Staff Sergeant Ennis, organized a committee that he is sitting on representing Torbay. The RNC have extra effort now in Torbay and they are dealing with issues that we address with them. One issue was speeding on Torbay Road in the vicinity of the school. Some people were caught and charged just prior to Christmas. They've done patrol on Mahon's Lane area and caught someone speeding there today. The Town's sign is being placed in the Mahon's Lane area to work with policing. The sign will record speed, volume of traffic, and information will be all graphed. Information will be provided to the RNC for them to work with.

Mayor Codner advised that he received an invitation from the School Council to attend a meeting on Wednesday night at 7:00 p.m. Issues to be addressed include the role of Town Council with the School Council. There are a litany of things ongoing that the School Council is not aware of; and, for things to work well, we need representation on their Council to carry information back and keep up to date.

Deputy Mayor Gallant

Deputy Mayor Gallant discussed cabin issues in the way of pole line refusal in the area of Middle Three Island Pond. This matter was discussed at a previous Question and Answer session after a Council Meeting. He was expecting to see this matter in the Council binders for this meeting; and, he asked for an official update and explanation.

Councillor Roche provided an update, indicating that she spoke to the cabin owners. The issue is that they were not notified of what was happening – pole line was turned down - because the request came from Newfoundland Power. Zoning does not meet requirements/regulations and request will have to go back to the Planning and Land Development Committee for further investigation if they apply again. No one notified residents of why they were turned down. She further advised that monies the residents paid to Newfoundland Power is being returned to them.

Deputy Mayor asked if cabin owners were aware that they can put in application for rezoning.

Councillor Roche advised that there's also an appeal process. But yes, they can reapply and we will have to go through rules and regulations at Committee level. She advised them they would have to make application, which will be discussed at Committee level then a recommendation presented to Council to vote on.

Deputy Mayor Gallant discussed recreation space/facility in Torbay. Will have this item on the next Recreation Committee Meeting Agenda.

Deputy Mayor discussed ATV use in the Community. He advised that he received an email from a resident concerned about ATV use on the main road; and he referred them on to the police. The resident asked Deputy Mayor to make Council aware of this issue and to follow up with some type of action. Mayor Codner advised he will file report with the RNC tomorrow, January 8th.

He discussed communications to residents in the Pineridge area concerning toxic plume and asked if the Town had sent communications to residents.

CAO advised that draft letter has been sent to the Planning and Land Use Development Committee to review and there are some recommendations – correspondence to go back to the next Committee meeting before it goes out to the public. Councillor Roche discussed the Climate Change Seminar she recently attended - items discussed included the effects of plumes and water. She advised she has the name of a gentleman who is in that field, and who could help in developing the letter. Councillor Roche to provide name to CAO.

Deputy Mayor extended a thank you to the Department of Municipal Affairs and the Concerned Citizens Coalition regarding Motion Estates. For public record, he asked that it be noted that he is not a member of this group. He thanked them for talking about Motion Estates Development and the matter of land versus cash. Taking cash is not in accordance with open space management; and, with their involvement, we are now in compliance with regulations. Have confirmation that land is worth 1.6 million. With the land being a depreciated asset, as per 78.2 Regulation, we could have sold at the time and applied to other spaces. Any delays or monetary expenses by the Town were not incurred by citizens insisting we follow our rules; it's the Town not following rules. The Department of Municipal Affairs found issues, and we were forced to follow rules. More money for the Town/taxpayers. We could have obtained land. Mayor Codner commented that the Town did follow rules.

Councillor Byrne

Councillor Byrne discussed this Fall's municipal elections, advising that as politicians, he would like to see everyone's attention focused on Council issues of the upcoming year and not to lose focus on the election. He asked that Council concentrate on what we have to do and leave the election to September.

Councillor Roche

Councillor Roche discussed snow mobile use. With upcoming snow being forecasted, people who own snow mobiles and ATVs will take advantage and may go across terrains that they're not familiar with. She asked if there was information that the Town could get out to residents via media to be very careful and to keep safety in mind. Mayor Codner reminded everyone that the Town is governed by rules/regulations relating to this but will put information up on the Town's website.

Councillor Smith - Pass

Councillor Tapper

Councillor Tapper discussed the five year review, of which the public consultation will take place soon within the New Year. Over the last year, we have touched base on a few issues that were sent back to the Planning and Land Use Development Committee, including affordable housing applications for units within the Town and development plans for condo units. He asked that before public consultation takes place, if Committee could advise the rest of Council what recommendations Committee may be taking.

Mayor Codner advised there are several steps – information goes to the Town's Planner to incorporate in new plan, to Council for final read, then Municipal Affairs for them to sign off, and then Council to sign off.

Councillor Smith advised that timing will be discussed at the next Planning and Land Use Development Committee Meeting and once confirmed will advise Council. Director of Planning has a running file, which will be incorporated as part of 5 year review update. Already received applications from developers for rezoning.

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Councillor Tapper advised that he wants to ensure whether Committee, groups or councillors outside the Planning and Land Use Development Committee can provide and forward their recommendations. Want all information included in consultations.

Mayor Codner suggested that information be put in documented format to make submission.

Councillor Smith advised that for any Councillor who has any thoughts or recommendations as part of 5 year review, to forward email to the Director of Planning and copy her. Information will be added to list. Has to be complete by end of year.

Councillor Whitty

Councillor Whitty discussed the request for permission to install pole line in the Middle Three Island Pond area. He advised that he attended the Question and Answer session at the last Council Meeting and he spoke to cabin owners concerning matter of pole line refusal. He received correspondence from one of the cabin owners, and he questioned if the land has to be rezoned to install pole line - just wanted to bring to light for next Planning and Land Use Development Committee.

ADJOURNMENT

015-13 Motion – Councillor Smith / Councillor Byrne

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

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk