



MINUTES
PUBLIC COUNCIL MEETING
July 22, 2013

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on July 22, 2013 at 7:38 p.m.

Members Present

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

Staff Present

Tina Auchinleck-Ryan, Director of Community Services
Brian Winter, Director of Planning
Ann Picco, Executive Clerk/Acting Town Clerk
Kim Osmond, Office Clerk

Regrets

Councillor Ralph Tapper
Dawn Chaplin, CAO/Town Clerk
Bernie Manning, Director of Public Works & Technical Services

Gallery

There were a total of 10 people in attendance.

Adoption of Agenda

277-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

278-13 Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Minutes of the June 25, 2013, Public Council Meeting be adopted, with the following changes:

- Page 10 – Motion 233-13 – Applicant’s name to be removed from motion.
- Page 19 – last paragraph – include the following wording after the first sentence - Deputy Mayor Gallant referred to Regulation 49 (3) (h) – “where the building or structure is primarily zoned and used for residential purposes, may, in accordance with the municipal plan and regulations, be repaired or rebuilt where 50% or more of the value of that building or structure is destroyed.”

Question called. Motion carried unanimously.

279-13 Motion – Councillor Smith / Councillor Whitty

RESOLVED THAT the Minutes of the July 8, 2013, Public Council Meeting be adopted, with the following change:

- Page 5 – under the second bullet – include the following comments – Councillor Smith noted that issues mentioned above are not reason to close the road – there may have been other solutions to deal with the matter; and, she advised that this is precedent setting.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

None

CORRESPONDENCE

None

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report, dated July 22, 2013, was discussed and accepted as presented.

COMMITTEE REPORTS

Economic Development

Councillor Roche advised that there’s a meeting scheduled for tomorrow afternoon, July 23, 2013, at 3:00 p.m. Will have report to Council for the next meeting.

Finance

The Financial Report, dated July 6 - 19, 2013, was accepted, as presented. Councillor Roche read out payroll and accounts payable information as per the report:

Payroll for the period of July 6 - 19, 2013, totaled \$74,812.05. This included salaries for permanent staff and summer students.

For the period of July 6 - 19, 2013, 2013, Accounts Payable invoices in the amount of \$152,500.60 were paid. These expenditures were within budget.

There are three (3) Main Operating Invoices totalling \$56,524.45 for approval:

280-13 Motion – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Wedgewood Café & Catering, for Piperstock Hillside Festival, in the amount of \$7,818.51.

Question called. Motion carried unanimously.

281-13 Motion – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Municipal Assessment Agency, for 3rd quarter assessment fees, in the amount of \$25,130.00.

Question called. Motion carried unanimously.

282-13 Motion – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Receiver General for Canada, for Payroll deductions for July 2013, in the amount of \$23,575.94.

Question called. Motion carried unanimously.

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

Human Resources and Administration

No reports or motions.

Planning and Land Use

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>
10025-13	7 Country Drive	General Repairs
10027-13	1425-1427 Torbay Road	12' x 12' Accessory Building
10029-13	37 Gosse's Lane	General Repairs
10030-13	1551-1553 Torbay Road	Demolition of Existing Dwelling
10031-13	912-924 Torbay Road	Demolition of Existing Dwelling
10033-13	23-27 Indian Meal Line	14' x 20' Accessory Building

Building Applications for Approval

Application: 9968-13
Location: 215-217 Bauline Line
Proposal: Increasing accessory building size on original application from 28'x28' to 30'x30'
Zoning: RI (Residential Infill)

283-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9968-13, under the Applications for Approval section of the Building Application Report, dated July 19, 2013, subject to the following conditions:

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

Question called. Motion carried unanimously.

Application: 10026-13
Location: 5-7 Western Island Pond Drive
Proposal: 28' x 32' accessory building and driveway/culvert
Zoning: RLL (Residential Large Lot)

284-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 10026-13, under the Applications for Approval section of the Building Application Report, dated July 19, 2013, subject to the following conditions:

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

Question called. Motion carried unanimously.

Application: 10028-13
Location: 60 Reddy Drive
Proposal: Single Family Dwelling
Zoning: Residential Medium Density (RMD)

285-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 10028-13, under the Applications for Approval section of the Building Application Report, dated July 19, 2013, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

Application: 10032-13
Location: 21 Crowe's Lane
Proposal: 20' x 24' accessory building & removal of existing accessory building
Zoning: RI (Residential Infill)

286-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 10032-13, under the Applications for Approval section of the Building Application Report, dated July 19, 2013, subject to the following conditions:

1. The use of the accessory building is restricted to residential accessory use.

2. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

Application: 10034-13
Location: 31-35 Dunphy's Lane
Proposal: 24' x 28' extension to SFD
Zoning: RI (Residential Infill)

287-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 10034-13, under the Applications for Approval section of the Building Application Report, dated July 19, 2013, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

Business Applications to be Deferred

Application: B1120-13
Location: 500-502 Indian Meal Line
Proposal: Contracting-Roofing Business
Zoning: (RI) Residential Infill

288-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer Application B1120-13, under the Applications to be Deferred section of the Business Application Report, dated July 19, 2013, for review by the Director of Planning and the Planning Land Use Committee.

Question called. Motion carried unanimously.

Application: B1121-13
Location: N/A
Proposal: Mobile Vending Operation (24' x 8' Gourmet Food Trailer)
Zoning: N/A

289-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer Application B1121-13, under the Applications to be Deferred section of the Business Application Report, dated July 19, 2013, for review by the Director of Planning and the Planning Land Use Committee.

Question called. Motion carried unanimously.

Deputy Mayor Gallant questioned 17 Reddy Drive development and if the Town was going to allow the property owner to continue. See motions below.

290-13 Motion – Deputy Mayor Gallant / Councillor Roche

RESOLVED THAT the Town of Torbay rescind Motion 261-13, Public Council Minutes, dated July 8, 2013.

Question called. Motion carried unanimously.

291-13 Motion – Deputy Mayor Gallant / Councillor Roche

RESOLVED THAT as per Section 10 of the Town's Development Regulations, that the Town of Torbay approve the single family dwelling construction at 17 Reddy Drive, subject to:

1. All normal building conditions in the Town of Torbay with the exception of minimum side yards.
2. Trailer to be removed prior to the construction of the home.
3. Shed to be removed prior to occupancy permit issued.

Question called. Motion carried unanimously.

Public Works

Councillor Whitty gave an overview of items discussed under the Public Works Committee Minutes, dated July 16, 2013.

Items discussed in the report included:

- Correspondence 4, July 8
 - The Town's engineering consultants will conduct an assessment of property and provide a report to Committee for review.
- Tapper's Cove
 - The Town's Public Works Department are continuing with work requests from the Harbour Authority in preparation for the food fishery.
- Ryan's Road
 - Town's staff are reviewing and will provide a report to Committee once concluded.

Mayor Codner questioned the Public Works Minutes, discussing property located at 2 Moore's Valley Road. He indicated that the Town is now looking at upgrading as heritage property;

however, he further advised the buildings are dilapidated beyond repair and rehabilitation is not a question. Residents have concern of fire and it is a safety concern.

Councillor Roche advised Committee had mentioned they met and agreed on this matter - there is a chance that the property can be restored, if deemed a heritage area, and we should provide a month for research and further investigation for recommendations to Council. Councillor Roche put forth a Notice of Motion that if no information comes back deeming this property as a heritage area or can be constructed back to original state, will make motion for demolition of buildings. Motion to come in four weeks time. There was no seconder to her motion, therefore, motion failed.

Council further discussed Councillor Roche's Notice of Motion, above, indicating that time constraints and deadlines need to be put in place, as well.

Recreation, Parks and Community Services

Deputy Mayor Gallant advised that there was no report. The next meeting is scheduled for July 30th.

He indicated that he was contacted by a resident concerning 72-86 Country Drive. Resident had learned about the development in relation to the Crowe property. The resident has property in vicinity and asked for status of central park location as they put in an application for development and were told they could not build. Deputy Mayor advised the resident that the Town has undertaken a concept plan for the park, but he hasn't heard anything definite as of yet. He questioned the plan for the entire area for the park; and, Councillor Smith requested that he copy the Director of Planning and it will be added to Committee's agenda.

Deputy Mayor advised that he spoke to resident of 996 Torbay Road concerning their application. Mayor Codner advised that this cannot be discussed as matter is in appeal. Deputy Mayor questioned reason application was turned down, indicating that Council can still discuss while in appeal. Councillor Smith indicated it's a legal issue and cannot discuss. Mayor advised this topic cannot be discussed and Council will move on.

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

None.

LIAISON COMMITTEES

Heritage/Museum

No report.

Jack Byrne Arena

No report.

Northeast Avalon Joint Council

No report.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

Councillor Byrne advised that the food fishery opened this past weekend, and he requested that everyone keep safety foremost in mind. He thanked the Town's outside staff for assisting with tidying up of property at Tappers Cove – a great job done.

He thanked Councillors for site visit at Tappers Cove. It was quite an eye opener and educational to see what's happening in the area regarding the recent construction project. The food fishery is becoming more family oriented, with young children participating; and, we have a wonderful facility in place. He requested that Council agree to a motion of support regarding the installation of a porta-potty, as it's now a requirement in the area - there are many families taking part in the fishery. See motion below.

292-13 Motion – Councillor Byrne / Councillor Roche

RESOLVED THAT the Town of Torbay fund an \$800.00 donation towards installation and purchase of a porta-potty at Tappers Cove. Installation to be taken care of by the Harbour Authority.

Question called. Motion carried unanimously.

Council further discussed Tapper's Cove and the work that has taken place there by the Harbour Authority – it's a real tribute to the Town and a great way to engage residents, as it was a way of life in the past. Council thanked the volunteer organization, Torbay Harbour Authority, for a job well done.

Torbay Volunteer Fire Department

Councillor Byrne advised that the Department's Minutes will be included on the next Council Agenda. He verbally noted that the topic of regionalization will be brought up again in the near future. Council and the Department will need to discuss further to see what the future of the fire department will be. Will have more information in near future.

Urban Municipalities Committee

Councillor Smith advised that there's an upcoming meeting taking place in Corner Brook. She further advised it may be at risk due to low attendance.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant advised that he received an email from resident on Davalan Place enquiring if something could be done with ATV traffic at Anstey's Cove Lane in the area of the mail boxes. Mayor Codner advised that he spoke to the RNC on this matter.

He discussed Riverwood Place, and questioned if the Town has taken over the road. Director of Planning advised that this is with legal, and provided a brief history on the matter. Mayor Codner indicated that Council cannot discuss due to potential litigation. Deputy Mayor advised that he doesn't have information on this matter and questioned if the Town plows the road. Mayor Codner once again indicated that Council cannot discuss. Director of Planning suggested that the Deputy Mayor contact him so he can explain. Deputy Mayor asked question again if the Town plows Riverwood Drive – Mayor responded that the Town has plowed for emergency purposes.

Councillor Byrne

Councillor Byrne discussed Three Island Pond quarry, indicating that there's work being done there. There's heavy equipment in the area and there's an entrance/exit left opened – the Town has section roped off, but private business owner has left his section open. Hoping staff could contact RNC. Director of Planning indicated that they did install post and chain as per last year. Mayor requested that another call be made to block once work is completed.

Councillor Roche

Councillor Roche congratulated the Torbay Harbour Authority on the recent construction – new wharf, new gravel. The area is much safer and think we can promote for tourism – possibly have a family day.

Councillor Smith – Pass

Councillor Tapper - Absent

Councillor Whitty – Pass

ADJOURNMENT

293-13 Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the meeting be adjourned at 8:33 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk