



MINUTES
PUBLIC COUNCIL MEETING
July 25, 2011

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on July 25, 2011 at 7:34 p.m.

Members Present

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

Staff Present

Dawn Chaplin, CAO/Town Clerk

Regrets

Councillor Ralph Tapper
Brian Winter, Development and Planning Officer
Ann Picco, Executive Clerk

Gallery

There were a total of 8 people in attendance.

Meeting was chaired by Mayor Codner.

302-11 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

303-11 **Adoption of Minutes**

Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Minutes of the July 12, 2011, Public Council Meeting be adopted, with the following changes:

Page 10, Under Motion 296-11, all references to the Gully Wetland to be omitted – remove italics text, starting with “(The Motion read:...)”

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS - None

CORRESPONDENCE

- 1) Canadian Breast Cancer Foundation, CIBC Run for the Cure – Request for Donation. *Deferred to Finance Committee. B/F.*
- 2) Correspondence from Resident concerning opposition to a three-apartment complex. *Dealt with under Planning and Land Use Development Committee. COMPLETE.*
- 3) Correspondence and petition from resident concerning side walk. *Mayor Codner to write a letter to the Department of Transportation and Works and submit the resident’s petition regarding sidewalks. CAO to check privacy laws before submission. B/F.*
- 4) Eastern Contracting Ltd./Canadian Liver Foundation – Lace Up For Liver, 84th Tely 10 Mile Road Race. *Deferred to Finance Committee. B/F.*

CORRESPONDENCE & ACTION REPORT

The action report was accepted, with the following changes:

It was suggested to include the due or deadline date for each initiative. It was agreed that all motions of the current term of Council are to be reviewed to ensure action has been taken; and, if there are any motions not completed, they are to be included in the Action Report.

COMMITTEE REPORTS

Economic Development

Councillor Roche gave a verbal report on the 2011 Hillside Festival. She advised there were 900 people at the gate on Sunday’s Hillside Festival events. She thanked and commended Committee Members for their great work; everyone worked well together. She acknowledged the following:

Mary Lou Manning, as Emcee at Saturday and Sunday's events; Paula Burke, Senior's Social; Ralph Tapper, Liddy's and Opening Ceremonies; Brian Whitty, vendors; Jeff Lawlor; Steve Martin; Ed Brennan; residents and visitors.

Finance

Deputy Mayor Gallant read out payroll and accounts payable information as per page one of the report:

Payroll for the period of July 11-22, 2011 for 49 employees totaled \$62,496.15.

For the period of July 11-22, 2011, accounts payable invoices in the amount of \$44,288.62 were paid. These expenditures were within budget.

Invoices totaling \$22,436.34 were presented for approval.

304-11 Motion – Deputy Mayor Gallant / Councillor Roche

RESOLVED THAT the Town of Torbay give approval for payment of the following two invoices totaling \$22,436.34:

Receiver General, Payroll Remittance: \$16,936.34
Lisa Niblock, Hillside Festival Float: \$5,500.00

Question called. Motion carried unanimously.

305-11 Motion – Deputy Mayor Gallant / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Financial Report, dated July 11-22, 2011, as presented.

Question called. Motion carried unanimously.

Human Resources and Administration

306-11 Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT in the absence of the Chief Administrative Officer for the period of July 30 – August 7, 2011, that the Town of Torbay appoint Executive Clerk Ann Picco as Acting Town Clerk. Any operational matters are to be referred to the appropriate senior department staff member.

Question called. Motion carried unanimously.

Planning and Land Use

Councillor Smith gave a brief report of items discussed at the Planning and Land Use Development Committee Meeting on July 20th.

307-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Minutes of the Planning and Land Use Development Committee Meeting, dated July 20, 2011, as presented.

Question called. Motion carried unanimously.

308-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Albert Place as the street name for the new street being constructed off Pine Line known as the Ryan Development. This name has been approved through the 911 system.

Question called. Motion carried unanimously.

Councillor Smith advised that there were seven (7) applications approved/issued, as follows:

No.	Application No.	Location	Proposal
1	9549-11	4 Eagle Ridge Drive	Single Family Dwelling
2	9550-11	91 Evenings Path	General Repairs
3	9551-11	1 Eagle Ridge Drive	Single Family Dwelling
4	9553-11	1693 Torbay Road	General Repairs
5	9554-11	926 Torbay Road	General Repairs
6	9555-11	2 Roblin Place	General Repairs
7	9556-11	9 Edgewater Lane	Single Family Dwelling

309-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve the above seven (7) approved applications, as presented.

Question called. Motion carried unanimously.

Application: 9537-11
Location: 26 Lower Street
Proposal: 3-Unit Residential Apartment Building (Convert Existing Building)
Zoning: Residential Medium Density (RMD)

310-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9537-11, under the Building Application Report, Applications for Approval section, dated July 25, 2011, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. Approval is required from the following Government Agencies:
 - i. Government Services (Accessibility Division)
 - ii. Government Services (Fire and Life Safety Division)
3. The development shall comply with the Town of Torbay Parking Requirements.

Question called. Motion carried unanimously.

Application: 9556-11
Location: 9 Edgewater Lane
Proposal: 20' x 30' Accessory Building
Zoning: Residential Large Lot (RLL)

311-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9556-11, under the Building Application Report, Applications for Approval section, dated July 25, 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9510-11
Location: 500 Indian Meal Line
Proposal: 28' x 32' Accessory Building
Zoning: Residential Infill (RI)

312-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9510-11, under the Building Application Report, Applications for Approval section, dated July 25, 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9557-11
Location: 5 Flora Drive
Proposal: Single Family Dwelling with (In-law Suite)
Zoning: Residential Large Lot (RLL)

313-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer Application 9557-11, under the Building Application Report, Applications to be Advertised/Deferred section, dated July 25, 2011, 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.

Application: 9533-11
Location: 1-3 Cordelia Crescent
Proposal: Single Family Dwelling
Zoning: Residential Large Lot (RLL)

314-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer Application 9533-11, under the Building Application Report, Applications to be Advertised/Deferred section, dated July 25, 2011, pending further investigation.

Question called. Motion carried unanimously.

Public Works

Councillor Whitty advised that there was no Committee meeting. All agenda items were deferred to the next Committee Meeting, which will be held on August 4, 2011.

Parks, Recreation and Community Services

Deputy Mayor Gallant advised that there was no Committee Meeting.

315-11 Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT further to the July 20, 2011, presentation on the Town Center Concept, that the Town of Torbay give approval for staff to commence funding application efforts immediately. This will include determining potential funding partners, seeking

letters of support and development of the funding proposal. The proposal will not be submitted to government agencies without prior approval of Council.

Question called. Motion carried unanimously.

316-11 Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT Motion 315-11 be amended to include the wording, “for Phase One of the Town Centre Concept, “ at the end of the first sentence. (*Motion reads: RESOLVED THAT further to the July 20, 2011, presentation on the Town Center Concept, that the Town of Torbay give approval for staff to commence funding application efforts immediately for Phase One of the Town Centre Concept. This will include determining potential funding partners, seeking letters of support and development of the funding proposal. The proposal will not be submitted to government agencies without prior approval of Council.*)

Question called. Motion carried unanimously.

Technical Services

No reports.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

317-11 Motion – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay make an offer of \$200,000 to Great Big Sea as payment to perform an outdoor concert during the summer of 2012. Payment includes performance and production fees for stage, technical equipment, lights and sound. Concert will take place on Saturday, Aug. 4, 2012, to commemorate Torbay250 and the 40th Anniversary of the Town’s incorporation. Tickets will be sold in advance.

Question called. Motion carried unanimously.

318-11 Motion – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay adopt the proposed schedule of events as presented by the Heritage, Culture and Arts (HCA) Coordinator on July 18, 2011, and for the HCA to proceed with meetings with government agencies to secure funding and support for the proposed list of events. Proposed schedule of events include:

1. 1762 Play remounting by Torbay Theatre
2. Torbay Museum Exhibit

3. Great Big Sea CONCERT (Aug 4th, 2012 to coincide with the Town's 40th Anniversary)
4. Town Mural
5. Historic Military March re-enactment; in partnership with the Torbay Museum, Parks Canada and Royal Newfoundland Regiment
6. Commemorative Stamp Unveiling
7. Interpretation / Memory Pod Unveiling Event
8. Demonstration of Signal Hill Tattoo
9. Book Club in partnership with the Torbay Library
10. Tall Ships
11. Historic Walking Tour of Town Interpretation Sites / Memory Pods
12. Remember When – Dinner, Dance
13. Family Days / First Settler Days
14. Bon Fire Night 1762 Style
15. Art and Craft Show
16. Twinning Exchange with the town in England
17. Dinner Theatre with the Torbay Folk Club
18. Children's Festival
19. Multicultural Food event
20. Fireworks Night
21. Interfaith Church Service
22. Anniversary Brew
23. Outdoor Dance Performance
24. Film Festival.

Question called. Motion carried unanimously.

By Pass Road

Mayor Codner advised that the asphalt plan permit has been extended for a period of one month. The contractor is hoping to have the first lift of asphalt down by September. Councillor Smith stated that a blast will take place tomorrow. Councillor Byrne questioned if there was a date for the official opening and the status of the proposed takeover of Torbay Road. Mayor Codner advised that the Town cannot financially take over Torbay Road; and, we are awaiting a formal reply from the Department regarding the Town's proposal.

LIAISON COMMITTEES

Heritage/Museum

Councillor Byrne advised that there was no formal meeting. He reported verbally that CBC recently featured Torbay Theatre in relation to the Play *1762: The Taking of Torbay* play opened on Saturday. Actors did a fantastic job. He encouraged residents to attend. The play

takes place from July 23rd to August 27th. *Treasure Cove, A Torbay Musical*, takes place from August 10th – August 26th at the Kinsmen Centre, on Wednesdays and Fridays at 8:00 p.m.

Jack Byrne Arena

Deputy Mayor Gallant advised that the Arena was vandalized at midnight on July 22nd. All 23 windows were broken. The RNC are reviewing video from security cameras. The Arena Staff and Hillside volunteers came together and helped clean up. Councillor Byrne suggested offering a reward, as a deterrent.

319-11 Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT the Town of Torbay extend its security services to include Jack Byrne Arena, subject to CAO reconfirming costs.

Question called. Motion carried unanimously.

CAO to reconfirm costs.

Northeast Avalon Joint Council

No report.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

Councillor Byrne advised that there was no meeting. He verbally reported that the food fishery is now open. He thanked the Harbour Authority for their hard work and making site viable. He thanked Council for their support. He also thanked the Public Works Staff for cleaning up debris.

Torbay Volunteer Fire Department

Councillor Byrne discussed the Emergency Responses Statistics by the Volunteer Fire Department. He advised that it's down from last year.

He advised that future Department Minutes will now come directly from the Volunteer Fire Department.

With regards to the new ventilation system, Air Tite were called to site to resolve issues.

The SOG's were forwarded to the Torbay Volunteer Fire Department.

With regards to the Open Air Burning Regulations, waiting for the Fire Commissioner's Office to respond.

There were ten (10) calls since the last Public Council Meeting.

The Department will be voting on a new Executive in September.

Councillor Byrne reported that a rescue vehicle has been assigned to the Town of Pouch Cove. The Minister of Municipal Affairs and MHA Kevin Parsons visited the Torbay's Fire Hall. It was discussed that a rescue vehicle in Torbay would service the entire region – Pouch Cove does not service Torbay. There are still issues with Pumper No. 1 – have spent \$22,000 to date. Torbay Volunteer Fire Department Executive met with Council and CAO last week. A vehicle has to be acquired as the Department cannot adequately service the Bypass Road, once opened. Councillor Byrne asked Council to consider securing financing for pumper/rescue vehicle. Mayor and CAO to try to schedule meeting with Minister O'Brien, Department of Municipal Affairs.

Urban Municipalities Committee

Councillor Smith advised no report. There will be a meeting in Gander, this fall.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant thanked residents who participated in the Torbay Hillside Festival events; and, he thanked residents for supporting transparency measures.

He asked that the Town correspond to resident concerning answers relating to Gosse's Pond.

With regards to recommendations from Transparency Committee, Councillor Smith asked that Council review report and action; and, get the Department of Municipal Affairs in to meet with Council. Councillor Byrne advised that there is a Human Resources and Administration Committee Meeting scheduled for Monday, August 1st.

It was discussed that the Community Assessment report is not a public document yet.

Councillor Byrne

Councillor Byrne thanked the Development and Planning Officer and the Municipal Enforcement Officer on their recent site visit – they noticed a car on fire. This helped the Torbay Volunteer Fire Department respond to call.

Councillor Roche - Pass

Councillor Smith

Councillor Smith congratulated Committee, Staff, and Volunteers on the planning and execution of the Torbay Hillside Festival. It was a great time.

Councillor Tapper - Absent

Councillor Whitty

Councillor Whitty discussed this year's Hillside Festival. He advised that three years ago, there were only three Committee Members, now there are ten plus. Our youth are also getting involved; and, they are our future.

ADJOURNMENT

320-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the meeting be adjourned at 9:00 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk