



MINUTES
PUBLIC COUNCIL MEETING
March 4, 2013

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on March 4, 2013 at 7:31 p.m.

Members Present

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

Staff Present

Dawn Chaplin, CAO/Town Clerk
Ann Picco, Executive Clerk
Brian Winter, Director of Planning

Regrets

Councillor Peggy Roche
Councillor Ralph Tapper
Tina Auchinleck-Ryan, Director of Community Services
Bernie Manning, Director of Public Works & Technical Services

Gallery

There were a total of 5 people in attendance.

064-13 **Adoption of Agenda**

Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

065-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Minutes of the February 18, 2013, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

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066-13 Motion – Councillor Byrne / Councillor Whitty

RESOLVED THAT the Minutes of the Special Meeting of Council, dated September 27, 2012, be adopted, as presented.

Question called. Motion carried unanimously.

Council discussed the above Minutes of the Special Meeting of Council, dated September 27, 2012, which relates to an appeal regarding open space requirement in proposed Motion Drive, Phase III Development. Deputy Mayor Gallant and Councillor Smith questioned if they could vote on the above motion to adopt the Minutes as they were not in attendance at that meeting. It was agreed that Council Members who were not in attendance at the September 27th meeting could vote on the above motion.

Deputy Mayor noted that as he was absent from September 27th's meeting, he couldn't make any corrections or clarify any comments; and, the Minutes reflected discussion at that meeting. He advised that during the appeal hearing, he was called as a witness and commented as Chairperson of the Town's Recreation Committee. He further advised that he wasn't speaking for anyone except for himself in his role. He went on to read from the transcript of the Appeal Hearing and advised that he was not a member of the Concerned Citizens' Group.

PROCLAMATIONS / PRESENTATIONS - None

CORRESPONDENCE

1. Newfoundland and Labrador Ball Hockey Association – request for financial support. ***It was noted that this matter is outside the Town's policy. Deferred to Finance Committee.***
2. Correspondence from resident concerning road intersections at Torbay Road, Marine Drive, and Convent Lane. ***Mayor Codner provided a history of details relating to this matter. As Torbay Road is provincially owned, the Town is unable to erect signs or paint lines on the road. The Department of Transportation & Works did complete a study pertaining to the Town's request for the installation of a traffic light in the area, however, was denied. Council discussed safety and concerns for the students, as it is in the area of the schools. Town to write the Department of Transportation & Works with concerns and to request notification of what the Town is permitted to do.***
3. Correspondence from resident concerning Great Pond study as watershed reserve. ***The Town is waiting on approval from the Provincial Government. Once received, can proceed with Request for Qualifications from consultants.***
4. Correspondence from resident concerning Snow Clearing on Great Pond Road. ***Deferred to Public Works.***

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report was discussed and accepted as presented.

COMMITTEE REPORTS

Economic Development

Councillor Whitty gave an overview of items discussed at the Economic Development Committee Meeting, dated January 25, 2013.

Items discussed in the report included:

- Business Advisory Committee
 - Leaning towards a chamber of commerce. The Economic Development Officer went through some issues he's having.
- Business Park Feasibility Study
- Community Profile
- DFAIT/ICCI Funding Status
- Economic Development Strategy
- Summer Festival
- Breakfast Business Session
- UMC Conference
 - Economic Development Officer, Councillor Smith and CAO are attending.

Finance

The Financial Report, dated February 21-March 1, 2013, was accepted, as presented. Deputy Mayor Gallant read out payroll and accounts payable information as per the report:

Payroll for the period of February 21-March 1, 2013, for 32 employees totalled \$70,197.90.

For the period of February 21-March 1, 2013, Accounts Payable invoices in the amount of \$93,109.57 were paid. These expenditures were within budget.

There are two (2) Main Operating Invoices totalling \$17,514.83 for approval:

067-13 Motion – Deputy Mayor Gallant / Councillor Byrne

RESOLVED THAT the Town of Torbay approve payment to Synervoice Technologies Inc., for Annual Renewal, in the amount of \$11,865.00.

Question called. Motion carried unanimously.

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068-13 Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT the Town of Torbay approve payment to Ultramar Ltd., for Diesel Fuel, in the amount of \$5,649.83.

Question called. Motion carried unanimously.

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

Human Resources and Administration

No report.

Planning and Land Use

Councillor Smith gave an overview of items discussed at the Planning and Land Use Development Committee Meeting, dated February 26, 2013.

Items discussed in the report included:

1. Development Proposals
 - a) Revised Development Layout for Development off Country Drive.
2. Correspondence
 - a) Correspondence from residents of Indian Meal Line regarding possible development of their property.
3. Zoning Amendment Requests
 - a) Request from resident to rezone land adjacent to South Pond.
4. Other Items
 - b) Update on Engineering Design Guidelines for Subdivisions.

Building Applications for Approval

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

069-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9910-12, under the Applications for Approval section of the Building Application Report, dated March 1, 2013, subject to the following conditions:

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1. All normal conditions and requirements for development within the Town of Torbay.
2. The subject property is located off of a provincially maintained road; therefore, access approval from the Government of Newfoundland and Labrador's Department of Transportation and Works is required.
3. Approval from Service NL is required for cemetery development.

Question called. Motion carried unanimously.

Application: 9914-12
Location: 14-16 Western Island Pond Drive
Proposal: Building extension (in-law suite/double dwelling)
Zoning: Residential Large Lot (RLL)

070-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9914-12, under the Applications for Approval section of the Building Application Report, dated March 1, 2013, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. Well & septic approval from Government of Newfoundland and Labrador, Service NL, Operations Division.

Question called. Motion carried unanimously.

Application: 9926-13
Location: 71-73 Convent Lane
Proposal: 16' x 30' extension to single family dwelling
Zoning: Residential Medium Density (RMD)

071-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9926-13, under the Applications for Approval section of the Building Application Report, dated March 1, 2013, subject to the following condition:

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

Question called. Motion carried unanimously.

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Business Applications for Approval

072-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the below Application, under the Applications for Approval section of the Business Application Report, dated March 1, 2013.

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1105-13	51-53 Pine Ridge Crescent	Home office for consulting 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. There shall be no parking of commercial vehicles on the property.
3. The development shall comply with the Town of Torbay Parking Requirements.

Question called. Motion carried unanimously.

Business Applications to be Advertised

073-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer the following Application, under the Applications for Approval section of the Business Application Report, dated March 1, 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 paid in advance by the applicant.

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1108-13	23 Woodfine's Lane	Home office for baked goods delivery business

Question called. Motion carried unanimously.

074-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer the following Application, under the Applications for Approval section of the Business Application Report, dated March 1, 2013, pending public notification and consultation required in accordance with Regulation

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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>
B1109-13	13-15 Karon Drive	Home office for construction business

Question called. Motion carried unanimously.

075-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer the following Application, under the Applications for Approval section of the Business Application Report, dated March 1, 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 paid in advance by the applicant.

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1110-13	113-115 Marine Drive	Home office for safety consulting/training business

Question called. Motion carried unanimously.

076-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer the following Application, under the Applications for Approval section of the Business Application Report, dated March 1, 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 paid in advance by the applicant.

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1111-13	10-18 Russworthy Place	Home office for construction business

Question called. Motion carried unanimously.

077-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer the following Application, under the Applications for Approval section of the Business Application Report, dated March 1,

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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 paid in advance by the applicant.

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1112-13	9 McFayden Street	Home office for cleaning business

Question called. Motion carried unanimously.

Public Works

Councillor Whitty gave an overview of items discussed at the Public Works Committee Meeting, dated February 27, 2013.

Items discussed in the report included:

- Flooding issues on Karon Drive.
 - Town Staff and consultants are reviewing drainage design and contacting residents who have concerns.

- Animal Control
 - The new Animal Protection Act that was adopted in May, has changed the Animal Control position in great ways, and has come a long way for the humane treatment of animals. These regulations coupled with the further changes will direct the animal control office in her duties.
 - CAO to follow up with Animal Control Officer concerning number of cats allowable in a household and incorporation into Animal Control Regulations.

- Public Works Report
 - Town staff are completing review of 2012 operations.

- Plumbing Requirements
 - Town is reviewing adjacent municipalities plumbing requirements to see how a plumber registration system can be addressed within the Town.

- MYCW (depot site)
 - Town staff and consultants are working on final details to submit to Provincial Government. This process will provide appropriate information in the depot site selection process. To be included on the Correspondence and Action Report.

Recreation, Parks and Community Services

078-13 Motion – Deputy Mayor Gallant / Councillor Byrne

RESOLVED THAT the Town of Torbay award Tender #2013-001 (exclusive of landscaping) to E.C. Boone Limited to manufacture and install the following: On Site Promotional Large Sign at Upper Three Corner Pond Park and On Site Promotional Small Signage at Motion Playground at cost of \$67,155.73 + HST.

Question called. Motion failed.

For Motion: Councillor Byrne and Councillor Smith

Against Motion: Mayor Codner, Deputy Mayor Gallant, and Councillor Whitty

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

None. Council requested to have this section removed.

LIAISON COMMITTEES

Heritage/Museum

No report.

Jack Byrne Arena

No report.

Northeast Avalon Joint Council

Councillor Whitty advised the last meeting took place in Logy Bay Middle Cove Outer Cove. Will forward Minutes once received. Next meeting is taking place in Witless Bay.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

No report.

Torbay Volunteer Fire Department

Councillor Byrne provided highlights from the TVFD Meeting Notes, dated February 25, 2013. Items included in the report included:

- Standard Operating Guidelines are being reviewed by CAO and Mayor.
- There have been five calls since the last meeting.
- Heard rumour that Martins & Doyles and Doyles & Quigleys road/street names were going to be renamed. It was discussed that this may be concerning the 911 system, as this was mentioned a number of years ago.
- There were some issues with Pumper 2, which are now alleviated.

Urban Municipalities Committee

Councillor Smith advised that there was a meeting on Thursday night past, which went into the two-day Urban Summit. Will have information for next Council Meeting.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant discussed fair market value as it relates to the Motion Subdivision, indicating that he would like the public hearing report made public.

CAO advised that legal opinion regarding this matter was circulated to Council. The report remains private until the development is completed. Deputy Mayor requested legal opinion in writing. Deferred to next Human Resources and Administration Committee Meeting.

He advised he received correspondence requesting information regarding speed calming policy; and requested update on development of the policy. Councillor Whitty to bring back to next Public Works Committee.

Deputy Mayor thanked the Torbay Volunteer Fire Department for their great work last week.

Councillor Byrne

Councillor Byrne thanked staff – always proud of staff that we have both inside and outside. February month was a very busy month and he thanked and acknowledged the outside staff for their work relating to snow clearing operations and flooding.

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Councillor Roche - Absent

Councillor Smith - Pass

Councillor Tapper - Absent

Councillor Whitty

Councillor Whitty publicly recognized Sports and Wellness Coordinator, Allison Power, for her well organized events, including the recent Basketball Blitz. He advised he's heard great comments about her in the Community and he congratulated her.

ADJOURNMENT

079-13 Motion – Councillor Smith / Deputy Mayor Gallant

RESOLVED THAT the meeting be adjourned at 8:37 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk