



MINUTES
PUBLIC COUNCIL MEETING
May 27, 2013

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on May 27, 2013 at 7:31 p.m.

Members Present

Mayor Bob Codner
Deputy Mayor Geoff Gallant
Councillor Mike Byrne
Councillor Ralph Tapper
Councillor Brian Whitty

Staff Present

Bernie Manning, Director of Public Works & Technical Services
Brian Winter, Director of Planning
Ann Picco, Executive Clerk

Regrets

Councillor Peggy Roche
Councillor Carol Ann Smith
Dawn Chaplin, CAO/Town Clerk
Tina Auchinleck-Ryan, Director of Community Services

Gallery

There were a total of 8 people in attendance.

Adoption of Agenda

174-13 Motion – Councillor Tapper / Councillor Byrne

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

175-13 Motion – Councillor Tapper / Councillor Whitty

RESOLVED THAT the Minutes of the May 13, 2013, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

176-13 Motion – Deputy Mayor Gallant / Councillor Byrne

RESOLVED THAT that the Town of Torbay proclaim the month of June, 2013, which witnesses the greening of Newfoundland and Labrador and serves as a significant gateway to family activities, as Recreation Month which will recognize and celebrate the benefits derived year round from quality public and private recreation and parks resources at the local, regional and provincial levels.

Question called. Motion carried unanimously.

177-13 Motion – Deputy Mayor Gallant / Councillor Whitty

RESOLVED THAT that the Town of Torbay proclaim May 27-31, 2013 as Municipal Awareness Week in municipalities of Newfoundland and Labrador in recognition of the vital role of municipal government and in recognition of all whose efforts support it.

Question called. Motion carried unanimously.

CORRESPONDENCE

1. Department of Tourism, Culture and Recreation – Operational Support for Community and Regional Heritage Organizations (Cultural Economic Development Program). *For information purposes. Councillor Byrne noted that our Heritage, Culture & Arts Coordinator applies this funding towards hiring students; and, that the same amount of funding is guaranteed for 2014 and 2015.*
2. Royal St. John's Regatta Committee – Letter of Request. *Deferred to Finance Committee.*
3. Minister of Canadian Heritage and Official Languages – Celebrate Canada Program. *For information purposes. Mayor Codner noted that this grant is used towards the July 1st, Canada Day Celebrations.*
4. Department of Environment and Conservation Water Resources Management Division – Potential to Rezone South Pond for Residential Use using On-Site Groundwater Wells. *Council discussed this correspondence, which relates to ground water assessment. The letter indicates that the Town cannot rezone area as residential using onsite ground water wells, but doesn't prevent us from looking ahead if we obtain service. It was also noted that this matter will be looked at in the five year review. The Town is looking at and reviewing all possibilities.*
5. Telus Walk to Cure Diabetes – Gold Sneaker Donation Request. *Deferred to Finance Committee – next meeting taking place on June 4th.*

CORRESPONDENCE & ACTION REPORT

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

- Councillor Whitty noted that several items have been addressed and will be discussed under the Public Works report.
- Deputy Mayor questioned the following items:
 - Item No. 98 – Motion 072-13 – reminder to Provincial Government to have lines on provincial roads maintained to proper standard.
 - Executive Clerk advised that she will check with CAO upon her return concerning correspondence and confirm.
 - Mayor Codner indicated that he did a letter to the Provincial Government concerning crosswalks.
 - Director of Public Works and Technical Services indicated that this work is carried out in the Spring of each year.
 - Item No. 49 – Crown land for Recreational Purposes.
 - Deputy Mayor Gallant discussed acquisition of land and then selling. He advised that at the last Public Council Meeting it was noted that the Mayor is to provide him with information/regulations stating that if a town acquires land for recreational use, it has to be sold at recreational value.
 - Mayor Codner advised that CAO has obtained legal opinion on this matter; and, further indicated that if the Town acquires land for recreational purposes, we have to dispose for recreational uses. We cannot buy land, hold and then sell for building lot.
 - Deputy Mayor discussed Regulation 78.2 and suggested obtaining interpretation from a higher authority or Provincial Government.
 - He questioned if there were any cases in Newfoundland where this has been prevented or stopped. Mayor Codner discussed legal interpretation and asked the Deputy Mayor to provide evidence to support his comments.
 - Mayor Codner indicated that the Town has to follow acts and regulations and that interpretation is grey, which is why we ask lawyers to provide their legal opinions.
 - Deputy Mayor noted that he looks forward to Mayor providing him with information / details relating to this matter.

COMMITTEE REPORTS

Economic Development

Councillor Tapper indicated that only he and the Economic Development Officer met on May 21st. There are meeting notes included; however, they are not official minutes. It was agreed that he would wait to provide information until minutes of next meeting are received.

Finance

The Financial Report, dated May 13-24, 2013, was accepted, as presented. Councilor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of May 6-24, 2013, for 28 employees totalled \$85,613.63.

For the period of May 13-24, 2013, Accounts Payable invoices in the amount of \$138,748.06 were paid. These expenditures were within budget.

There are five (5) Main Operating Invoices totalling \$87,093.38 for approval:

178-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to BDO Canada LLP, for Audit 2012, in the amount of \$11,788.73.

Question called. Motion carried unanimously.

179-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Newfound Disposal Systems, for Garbage Collection for May 2013, in the amount of \$39,069.87.

Question called. Motion carried unanimously.

180-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Newfoundland Design Associates, for Floodplain Analysis, in the amount of \$10,404.54

Question called. Motion carried unanimously.

181-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Receiver General for Canada, for Payroll remittance for May 1-15, 2013, in the amount of \$18,735.31.

Question called. Motion carried unanimously.

182-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Trio Benefits, for Group Benefits for May 2013, in the amount of \$7,094.93.

Question called. Motion carried unanimously.

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

The next Finance Committee Meeting will take place on June 4th at 7:00 p.m.

Councillor Tapper advised that Roblin Place will be on the agenda for the next meeting – correspondence, information and timeliness will be discussed at that meeting, as well.

Human Resources and Administration

No report.

Planning and Land Use

Building Applications Approved

For information purposes, under the Building Application Report, dated May 24, 2013, 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>
9969-13	50-52 Pulpit Rock Road	12' x 16' Accessory Building
9970-13	1357 Torbay Road	General Repairs
9972-13	18-20 Western Island Pond Drive	10' x 10' Accessory Building
9975-13	56 Reddy Drive	12' x 16' Accessory Building
9977-13	92-94 Bauline Line	General Repairs
9978-13	7 Davalan Place	8' x 12' Accessory Building
9979-13	8 Spray Lane	10' x 12' Accessory Building
9981-13	51 Reddy Drive	General Repairs

Building Applications for Approval

Mayor Codner left the Public Council Chambers at 7:57 p.m., as it was determined that he was in a conflict of interest. Deputy Mayor Gallant took over as Chair of the Public Council Meeting at 7:57 p.m.

Application: 9925-13
Location: 40 Lower Street
Proposal: Single Family Dwelling
Zoning: Residential Medium Density (RMD)

183-13 Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Town of Torbay approve Application 9925-13, under the Applications for Approval section of the Building Application Report, dated May 24, 2013, subject to the following condition:

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

Question called. Motion carried unanimously.

Mayor Codner returned to the Public Council Chambers and resumed as Chair of the Public Council Meeting at 7:58 p.m.

Application: 9971-13
Location: 82-84 Patrick's Path
Proposal: Single Family Dwelling
Zoning: RMD (Residential Medium Density)

184-13 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve Application 9971-13, under the Applications for Approval section of the Building Application Report, dated May 24, 2013, subject to the following condition:

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

Question called. Motion carried unanimously.

Application: 9973-13
Location: 2 Eagle Ridge Drive
Proposal: 20' x 24' Accessory Building
Zoning: RLL (Residential Large Lot)

185-13 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve Application 9973-13, under the Applications for Approval section of the Building Application Report, dated May 24, 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: 9974-13
Location: 1 Flora Drive
Proposal: 32' x 30' Accessory Building
Zoning: RLL (Residential Large Lot)

186-13 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve Application 9974-13, under the Applications for Approval section of the Building Application Report, dated May 24, 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: 9976-13
Location: 50 Reddy Drive
Proposal: Single Family Dwelling
Zoning: RMD (Residential Medium Density)

187-13 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve Application 9976-13, under the Applications for Approval section of the Building Application Report, dated May 24, 2013, subject to the following conditions:

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

Question called. Motion carried unanimously.

Building Applications to be Refused

Application: 9980-13
Location: 49-67 Gallows Cove Road
Proposal: Single Family Dwelling
Zoning: AG (Agricultural)

188-13 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay refuse Application 9980-13, under the Applications to be Refused section of the Building Application Report, dated May 24, 2013, for the following reason:

1. Current zoning of the property is Agricultural (AG) which only permits single family dwellings on a discretionary bases, when the dwelling is solely related to agricultural operation. In this case there is no agricultural operation on the proposed property.

Question called. Motion carried unanimously.

Councillor Tapper discussed Motion Estates and the recent appeal. The Concerned Citizens group wrote a letter to Mayor and Councillors requesting an appeal refund fee in the amount of \$100.00. He noted that it was brought to his attention that Council should have voted on whether to refuse or grant payment of this fee. He requested that this be sent back to Committee to bring forward a recommendation for the next Council Meeting, so that Council Members can vote on it. Director of Planning to make note for next meeting.

Council discussed matters pertaining to this appeal, including:

- The Town did not receive direction from the Department of Municipal Affairs to refund payment.
- Market and assessed value and associated appraisal costs, including fees and appeal costs pertaining to the developer.

Public Works

Councillor Whitty gave an overview of items discussed at the Public Works Committee Meeting, dated May 22, 2013.

Items discussed in the report included:

Councillor Whitty advised that Committee went through the Correspondence and Action Report from the last meeting.

- Depot
 - Engineering company is preparing to build drawings and design. These are designs for the Provincial Government.
- Councillor Tapper noted that attendance at Committee Meeting is not noted.
 - Councillor Whitty advised that this report is not actually minutes, but rather notes/update.
- Councillor Tapper asked time frame concerning the water meter – Item 4.
 - Director of Public Works and Technical Services advised that we should have results next week. Will run for a year as well; and, will take recordings during peak and off peak times to get a good idea what’s happening with the water.
- Councillor Tapper questioned Karon Drive Flooding – Item 10.
 - The resident is worried about flooding in this area and asked if there were other options being looked at for him.
 - Director of Public Works and Technical Services advised that significant upgrades were discussed with the resident and he is aware of recommendations for onsite work, which he is looking at doing.
- Councillor Byrne discussed the Speed Calming Policy, Item No. 2
 - He questioned if staff could do the study or a traffic consultant.
 - Director of Public Works and Technical Services advised that staff could do the desk top work, such as compiling stats. Professionals would be much more in-depth. He advised he can supply some statistics.
- Councillor Byrne questioned Moores Valley Bridge, Item No. 3
 - He discussed how to proceed given historical nature of the area; and, possibility of funding.
 - To be brought to Economic Development Committee for further discussion and research.
 - Mayor provided brief history of the bridge, indicating that the bridge could possibly be 100 years old or more.

Recreation, Parks and Community Services

Deputy Mayor Gallant gave an overview of items discussed at the Community Services Committee Meeting, dated May 17, 2013.

Items discussed in the report included:

- Adventure Park
 - Director of Community Services provided report from Tract Consulting.
 - Discussions have been made with potential partner, funding agencies. More conversation will be required when we are ready to move forward.
 - Next Phase suggestions – Director of Community Services noted that this is not in this year’s budget, but we will keep the Park on the agenda.
- Outer Loop
 - Deputy Mayor noted that this is one of the most important things we’re trying to do.
 - Director reported what has been submitted to date by Tract Consulting.

- There was discussion on the width of the open space corridor and that we need to stay firm on the width of the open space when it comes to trails. Tract has noted the importance of this in their correspondence that has been ongoing with Crown lands.
 - Deputy Mayor noted need of buffer zones on both sides.
 - Work will continue, and this is an ongoing process.
- **Crown Lands**
 - Deputy Mayor noted that Committee have identified some Crown land that we can obtain for free.
 - Councillor Tapper noted that CAO is contacting Mayor Kennedy to speak to Council regarding Crown lands.
- **Town Center**
 - Director of Community Services reported that she spoke with Recreation Directors of the City of Mount Pearl, Town of Paradise, and the Town of Pasadena on their community centers and recreation facilities. Director is continuing to look at other provinces to ensure we have an appropriate fit for our community.
- **Western Island Trail**
 - Director of Community Services and Director of Planning have booked June 5th to speak with the residents who had received a letter in 2012 referencing the trail upgrades.
- **Children's Concert**
 - More details at end of May.
- **Volunteer Awards**
 - Director has put forward Bill Burton's name for this award. A certificate has been sent from Recreation NL and we will present him at an upcoming Council Meeting.
- **Summer Camp Registration**
 - Registration was held on May 15th. Summer Day Camp has been filled and there are a few spots left for Sports Camp. This year, there was a new online program that was offered for registration.
 - Deputy Mayor noted that everything went well with regards to registration and comments were positive. This is the first time using online payments; and, he thanked the Director and staff.
- **Updates were provided on the following:**
 - Running Program
 - Minor Soccer Program
 - Killick Coast Games
 - June is Recreation Month
 - Piper stock Hill Festival
 - Provincial Wellness Grant
- **Special Announcement**
 - Josh Hancott of Torbay was recognized at the Premiers Athletic Awards as he was honoured in sporting excellence for Power lifting. Committee congratulated him on this award.

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

None.

LIAISON COMMITTEES

Heritage/Museum

No report.

Jack Byrne Arena

Deputy Mayor advised that their sign is now active. Manager is waiting for final confirmation - Director of Planning advised he didn't receive any notification. Deputy Mayor to go back and confirm with the Arena.

Northeast Avalon Joint Council

Councillor Whitty advised that the Minutes of the Northeast Avalon Joint Council Meeting, dated April 17, 2013, are included for information.

He noted that they had a representative in from Municipal Assessment Agency to do a presentation on process when doing assessments. He is willing to do a presentation to Council as a group if we wish.

The next meeting is being held in St. John's.

Councillor Byrne commented on illegal dumping and cost factors to bringing garbage to the Robin Hood Bay facility from out of town. Mayor Codner clarified that once you get beyond 60 kms from St. John's, there is a subsidy on gas. Councillor Whitty noted that there are transfer sites at different locations, as well, but eventually all comes to the Robin Hood Bay facilities.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

Councillor Byrne provided a report on work at Tappers Cove, indicating that all sections are in the water, gravel is on top of the ground and almost ready for rebar and cement. A lot of fill is

presently piled up in the area – this will be trucked out as it's not suitable. Scope of work for this contract should be completed in another five weeks. Work is progressing quite well there.

Hats off to members of the Harbour Authority. They are to be used as an example for organization skills, as every harbour has to have rules and regulations. Permit numbers need to be in place or the province, federal government, DFO will void them and cease to exist. The Torbay Harbour Authority are being used as an example of the proper way of things to be done.

Torbay Volunteer Fire Department

Councillor Byrne provided an overview of items discussed under the Torbay Volunteer Fire Meeting Notes, dated May 20, 2013.

Items discussed in the report included:

- Councillor Byrne thanked Mayor Codner and Councillor Smith for filling in for him while he was away.
- There have been ongoing issues with the Flatrock Hall – Councillor Martin is following up on that.
- There have been 9 calls since the last meeting.
- There have been a total of 67 calls so far this year – this time last year they were up in the hundreds.
- PR Report – Fire Prevention Seminar during camp week of July 15-19, which they're looking after.
- The Department's communications room has moved to a bigger room for security of computers.
- The old pumper was put up on auction – dealt with by CAO.
- There were some wire problems with the pumper, but are now fixed.
- Next year is a big year for the Department – 40th Anniversary. Councillor Byrne thanked the Mayor for attending the recent 39th Anniversary, Firefighters' Ball; and, reported it's a great organized event. Mayor Codner noted that the Fire Chief has been with the Department for all 40 years.

Urban Municipalities Committee

No report.

NEW BUSINESS

Mayor Codner – Pass

Deputy Mayor Gallant

Deputy Mayor Gallant discussed the Motion area and the issue of the eroding cliff and flying shale. He indicated it was talked about here at Council and he had asked for a meeting of all Council.

Mayor Codner advised that this matter was on the agenda for a meeting of Council, which took place two weeks ago. Councillor Tapper advised that the matter was on the Agenda, but we ran out of time. It will be on the next agenda for June 17th meeting.

Deputy Mayor advised that he wants to ensure that Council does something about this matter before development agreements are signed. He wants proof that everything in the area is ok. He moved that we met next Monday to discuss options around this – there was no seconder, as Council Members indicated that CAO is not available next week and Councillor Smith is away, as well.

He thanked Director of Public Works & Technical Services for his good work, prompt replies and great professionalism.

Councillor Byrne

Councillor Byrne thanked everyone who helped in carrying the work load while he was away. He indicated that he's back now and assuming full responsibilities. Looking forward to the next few months.

He discussed the gate to be installed at the watershed area and the recent news of vandalism at the water station in Harbour Grace. He advised of the need for deterrent in the area besides a gate - there's the possibility that someone may try to get into our pump house and do damage; and, he questioned what the Town can do to secure the area.

Councillor Roche - Absent

Councillor Smith - Absent

Councillor Tapper

Councillor Tapper discussed the East Coast Trail. The 13th Annual Hike is taking place this Saturday, starting from Bay Bulls; and, it is a great fundraising event. Looking for another successful year – anyone is welcome to participate and there are varying degrees of difficulty. He indicated that he is on the team this year and asked for sponsors.

He discussed a recent reception for Carl Dymond, a Canadian Soldier from Torbay who put up the Torbay flag over his headquarters in Afghanistan. He is gone back now for two months, then finished over there. He thanked the Mayor and staff for attending the reception – all did a great job.

Councillor Whitty - Pass

ADJOURNMENT

189-13 Motion – Councillor Byrne / Councillor Whitty

RESOLVED THAT the meeting be adjourned at 8:47 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk