



MINUTES
PUBLIC COUNCIL MEETING
November 26, 2012

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on November 26, 2012 at 7:32 p.m.

Members Present

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

Staff Present

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

Regrets

Councillor Peggy Roche

Gallery

There were a total of 8 people in attendance.

524-12 **Adoption of Agenda**

Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

525-12 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the Minutes of the November 13, 2012, Public Council Meeting be adopted, with the following correction:

Page 3, under Committee Reports, Economic Development section, second bullet – change “...33/34 vendors.” To read ...75 vendors. Sentence to read: “Over, 2,000 people came through with approximately 75 vendors.”

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS – None

CORRESPONDENCE

1. Department of Municipal Affairs – Amendment to the St. John’s Urban Region Regional Plan concerning Municipal Plan Amendment No. 19, 2011 and Development Regulations Amendment No. 38, 2011. ***Director of Planning provided background information and an overview of public hearing and consultation process.***
2. Correspondence from resident concerning request for rezoning. ***Deferred to Planning and Land Use Development Committee.***
3. Department of Municipal Affairs – Torbay Municipal Plan Amendment Nos. 14 & 16, 2010 and Torbay Development Regulations Amendment Nos. 31 & 33, 2010. ***Dealt with under the Planning and Land Use Development Committee Minutes, dated November 21, 2012.***
4. Email correspondence from MNL regarding FCM Follow Up – New Federal Wastewater Regulations. ***See Motion below.***

526-12 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT that the Town of Torbay forward letter of support as per correspondence from FCM.

Question called. Motion carried unanimously.

CORRESPONDENCE & ACTION REPORT

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

COMMITTEE REPORTS

Economic Development

Councillor Roche provided highlights of the Economic Development Committee Meeting of November 13, 2012, at the last Public Council Meeting.

Finance

The Financial Report, dated November 12-23, 2012, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of November 12-23, 2012, for 25 employees totalled \$50,439.11.

For the period of November 12-23, 2012, Accounts Payable invoices in the amount of \$116,102.06 were paid. These expenditures were within budget.

There are six (6) Main Operating Invoices totaling \$147,702.09 for approval:

527-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to A Harvey & Company, for 2012-2013 winter salt, in the amount of \$59,019.12.

Question called. Motion carried unanimously.

528-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to DBI Garbage Removal, for Curbside Recycling, in the amount of \$7,801.00.

Question called. Motion carried unanimously.

529-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Newfound Disposal Systems for Canada, for Garbage Collection November 2012, in the amount of \$35,540.55.

Question called. Motion carried unanimously.

530-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Newfoundland Power Co. Ltd., for Street Lighting, in the amount of \$16,533.13.

Question called. Motion carried unanimously.

531-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Newfoundland Power Co., for Group Billing November 2012, in the amount of \$23,404.00.

Question called. Motion carried unanimously.

532-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Receiver General for Canada, for Payroll Remittance for November 1-15, 2012, in the amount of \$21,937.42.

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.

The Finance Committee will meet on Monday December 3, 2013 to review and finalize the draft 2013 budget. A meeting will be scheduled with all Council shortly thereafter to review the draft budget before final adoption.

Human Resources and Administration

Councillor Byrne gave an overview of items discussed at the Human Resources and Administration Committee Meetings dated October 30, 2012 and November 21, 2012.

Items discussed in the reports included:

- Three candidates have since been hired for the positions of heavy equipment operators for the 2012/2013 snow clearing season. Candidates are Charlie Kean, Lisa Lewis and Paul Maloney. A motion was passed at the last Council Meeting to offer the positions.
- Sandy Parsons has accepted the Development Technician Position.
- Interviews took place for the Assessment and Taxation Clerk on November 16, 2012. The Manager of Finance was involved in the screening, interviewing and selection process. Five candidates were interviewed. Education and experience of the recommended candidate was reviewed with Committee and it was agreed that the position be offered to Tracy Allen. See below motion. As Tracy currently is holding the Clerk-Receptionist position, her current position will now have to be advertised externally.
- Interviews took place for the Development Control and Enforcement Officer position on November 16, 2012. The Director of Planning was also involved in the screening, interviewing and selection process. Five candidates were interviewed. Education and experience of the recommended candidate was reviewed with Committee and it was agreed that the position be offered to Daniel Barrett. See motion below.
- Committee will be looking at the position of Communications Coordinator in more detail.
- Committee members agreed to meet with all members of Council to discuss conduct at a previous Council meeting. This meeting was already held and did go very well.
- Governance versus Management – Committee discussed the role of Council and Staff as it pertains to the administration and operations of the Municipality. It was agreed that an organizational chart would be circulated to all members of Council and a further discussion with Council would be warranted.

- Motion Development Appeal Transcript – the Motion Phase Three Development Appeal transcript has been transcribed. Committee requested that CAO seek further legal opinion regarding the transcript and its relation to the minutes of the special meeting of Council. Once this opinion has been obtained, it will be brought back to HR Committee for review.

533-12 Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Town of Torbay offer the Development Control and Enforcement Officer position to Daniel Barrett. Terms and conditions of employment are outlined in the collective agreement 2010-2014 between the Town of Torbay and Teamsters Local 855.

Question called. Motion carried unanimously.

534-12 Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Town of Torbay offer the Assessment and Taxation Clerk position to Tracy Allen.

Question called. Motion carried unanimously.

Planning and Land Use

Councillor Smith gave an overview of items discussed at the Planning and Land Use Development Committee Meeting, dated November 21, 2012.

Items discussed in the report included:

1. Development Proposals
 - a) Kennedy's Brook Estates Bourne Holdings Development
Upon review of the file, it was agreed by Committee that the developer was informed in terms of the requirements for the road in posting the letter of approval in principal and when the desired access was changed to Cordelia Crescent.
 - b) Kennedy's Brook Estates Bourne Holdings Development – Open Space
Open space requirements were discussed by Committee.
2. Correspondence
 - a) Draft Correspondence to Pineridge Residents
Committee are working on correspondence to residents in the Pine Ridge area, which is in draft form now. Bringing back to the next Council meeting in draft form.
 - b) Correspondence from property owner at 103 Whiteway Pond Road
Prior to making a decision, Committee agreed to forward to consultant for review.

- c) Correspondence from Municipal Affairs
- The first letter from the Department of Municipal Affairs is in relation to Municipal Plan Amendment No. 19, 2011, and Development Regulations Amendment 38, 2011.
 - The second letter from the Department of Municipal Affairs is in relation to Municipal Plan Amendment 14 and 16, 2010 and Development Regulations Amendment 31 and 33, 2010.
 - Council discussed the correspondence, indicating that there were some false statements in certain parts of the letter, which the Director of Planning will be addressing and seeking clarification on. Mayor Codner advised that he will write the Minister. Councillor Smith requested that the Mayor work with the Director of Planning and write separate letters for each of point.
 - Deputy Mayor Gallant read aloud some points in the letter; and, advised that he felt the letter was clear. He further advised that he had concerns with Council members stating that the Minister was making false statements.

Deputy Mayor Gallant advised that he met with residents from the Pineridge area concerning development and airport runoff. They had concerns with the possibility of pollutants moving into residential areas based on future development. He advised the residents that the Town was in the process of putting together an information package to residents in the Pineridge area. The resident is requesting information as to the specific chemicals in the plume from the airport, timing of public information, and timing and location of testing. They want to make sure nothing is missed. They are also requesting access to the report itself so they can review it.

Councillor Smith suggested to the Deputy Mayor that he have the residents address their concerns in writing to Council directly, and we will then reply with information. Draft correspondence will be provided to Council members for their review at the next Council meeting.

Deputy Mayor discussed open space in relation to the Bourne Holdings Development. He pointed out that the Planning and Land Use Development Committee's recommendation is not what the Recreation Committee recommended.

Councillor Tapper discussed the backfilling policy and asked if it was going to be presented to Council before year end, 2012, as there was only one more meeting left in the year. Councillor Smith confirmed that Committee will meet required timelines. CAO further advised that the draft policy is on her desk for review.

Building Applications Approved

For information purposes, Councillor Smith advised that as per the Applications Approved section of the Building Application Report, dated November 23, 2012, the following applications have been approved and permits have been issued since the last Public Council Meeting:

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
9899-12	7 Sallesnik Lane	16' x 20' Accessory Building
9902-12	61 Morris Avenue	16' x 20' Accessory Building

Building Applications for Approval

Application: 9900-12
Location: 1613 Torbay Road
Proposal: 20' x 24' Accessory Building
Zoning: Mixed Development (MIX)

535-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9900-12, under the Applications for Approval section of the Building Application Report, dated November 23, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Councillor Whitty left the Public Council Chambers at 8:11 p.m., as it was determined that he was in a conflict of interest.

Application: 9901-12
Location: 12-14 Keating's Place
Proposal: 20' x 24' Extension to Existing Accessory Building
Zoning: Residential Medium Density (RMD)

536-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9901-12, under the Applications for Approval section of the Building Application Report, dated November 23, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Councillor Whitty returned to the Public Council Chambers at 8:11 p.m.

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Application: 9903-12
Location: 71 Quigley's Lane
Proposal: 20' x 40' Extension to Existing Accessory Building
Zoning: Resident Infill (RI)

537-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer Application 9903-12, under the Applications for Approval section of the Building Application Report, dated November 23, 2012, for further review.

Question called. Motion carried unanimously.

Application: 9904-12
Location: Lot #1 (Portion of 3-5 St. Nicholas Lane), fronting on Torbay Road
Proposal: Single Family Dwelling
Zoning: Mixed Development (MIX)

538-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9904-12 for Single Family Dwelling, fronting on Torbay Road, under the Applications for Approval section of the Building Application Report, dated November 23, 2012, subject to the following conditions:

1. The development shall meet the normal building requirements of the Town.
2. The property shall be serviced with municipal water and sewer services. This lot was included in the infill water study.
3. The development is subject to refundable security deposits for road damage and water and sewer connection in accordance with Council Policy.
4. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

Application: 9905-12
Location: Lot #2 (Portion of 3-5 St. Nicholas Lane), fronting on Moore's Valley Road
Proposal: Single Family Dwelling
Zoning: Mixed Development (MIX)

539-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9905-12 for a Single Family Dwelling, fronting on Moore's Valley Road, under the Applications for Approval section of the Building Application Report, dated November 23, 2012, subject to the following conditions:

1. The development shall meet the normal building requirements of the Town.
2. The property shall be serviced with municipal water and sewer services. This lot was included in the infill water study.
3. The development is subject to refundable security deposits for road damage and water and sewer connection in accordance with Council Policy.
4. Applicant to provide a plot plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

Application: 9906-12
Location: 144-146 Patrick's Path
Proposal: Single Family Dwelling (Demolition of existing Dwelling)
Zoning: Residential Medium Density (RMD)

540-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9906-12, under the Applications for Approval section of the Building Application Report, dated November 23, 2012, subject to the following conditions:

1. The development shall meet the normal building requirements of the Town.
2. The property shall be serviced with municipal water and sewer services. This lot is already connected to municipal services.
3. The development is subject to refundable security deposits for road damage and water and sewer connection in accordance with Council Policy.

4. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

Public Works

No report.

Recreation, Parks and Community Services

Deputy Mayor Gallant provided an overview of items discussed at the Recreation Committee Meeting, dated November 20, 2012.

Items discussed in the report included:

- Trail Repairs (Western Island Pond)
 - Director of Community Services reported that they are in communications with property owners and verifying necessary information to continue with plans.
- Developments – Bourne Holdings
 - Recommendation for open space was not the same as recommendation from the Planning and Land Use Development Committee.
- Developments
 - Requested that the Director of Community Services verify any future developments – as per recreation with regards to open space and to review assessment of open space for past developments.
- Santa Claus Parade –
 - Route was changed this year to make it easier for those walking and the parade to visit a new part of the community.
- Challenging Needs Party
 - Invitation was extended to Mayor and Council. Taking place at the Kinsmen Community Centre on December 8th.
- Programs
 - Breakfast with Santa – sold out.
 - Pizza with Santa – sold out.
 - Wine Tasting – only 15 tickets are remaining.
 - Wreath making on December 9th – 19 tickets remaining.
 - Wreath making on December 10th – 28 tickets remaining.

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Tapper advised that a meeting was held this afternoon. Discussions included:

- Outlook for next year's Hillside Festival.
- A briefing was provided as to how the events went throughout the year and costs involved.
- Finance Committee are going through numbers for each event and will provide a full report to Council.

LIAISON COMMITTEES

Heritage/Museum

No report.

Jack Byrne Arena

There is a meeting scheduled for Thursday, November 29th.

Northeast Avalon Joint Council

Councillor Whitty advised that the Minutes of the Northeast Avalon Joint Council Meeting, dated October 17, 2012, were provided for Council's information; and, to forward any comments or questions to him.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

Councillor Byrne advised still waiting on official announcement concerning funding.

Torbay Volunteer Fire Department

Councillor Byrne advised that there was a meeting - Minutes will be included for the next Council Meeting.

He advised that the new pumper/rescue truck should arrive tomorrow, Tuesday, November 27th. Councillor Byrne thanked CAO; and, further advised that the truck has to be outfitted and all members brought up to date on specifications. Discussions to take place between the Fire Chief and Town on how to officially launch.

Urban Municipalities Committee

Councillor Smith advised that she attended the meeting in Deer Lake on November 16th and 17th; and, she provided some highlights on the meeting:

1. Municipal Ticketing
2. FCM – Update on Long Term Infrastructure Plan
 - FCM is calling for 20 year plan with five year renewal periods. The plan is threefold: Gas Tax, Building Canada Fund, and Core Economic Infrastructure Fund.
3. Presentation by RCMP on Policing
4. Presentation on Municipal Assessments
5. Urban Summit on Economic Development
 - Event is taking place the first weekend in March, 2013. They're looking for town mayors and economic development officers to attend. Should come away from the session with practical ideas of moving economic development forward in our community.
6. Networking

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor advised that he spoke to a resident in process of purchasing a home at Riverwood Place. She's requesting update and status from the Town on the house so she can proceed with purchase. CAO advised that it's a legal matter and a resolution will come forward in the next few weeks contingent on the developer meeting some conditions. Also working with the Department of Transportation and Works.

He thanked the Minister of the Department of Municipal Affairs for advising the need for flood risk analysis and run off policy; and, for addressing concerns raised by residents. His letter provided great clarification and he welcomed it. He thanked the Minister and his Department for sticking up for the concerns of our residents.

Councillor Byrne - Pass

Councillor Roche - Absent

Councillor Smith - Pass

Councillor Tapper

Councillor Tapper discussed the matter of land banking. He questioned process of donating land zoned conservation to the Town. CAO advised to have the resident write the town with their intentions to donate land.

Council discussed land banking and land holding and the utilization of land for public use. Deputy Mayor questioned land banking and where it's written that the Town cannot land bank. He questioned green space – to take land, hold in a phase of development and trade in a next phase of development. CAO to confirm.

Councillor Whitty

Councillor Whitty advised that he attended a recent Allied Youth (AY) function. He advised they are a great, worthwhile organization for young people; and, he congratulated them on celebrating their 50th Anniversary this year.

ADJOURNMENT

541-12 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the meeting be adjourned at 8:34 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk