



MINUTES
PUBLIC COUNCIL MEETING
October 1, 2012

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on October 1, 2012 at 7:37 p.m.

Members Present

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

Staff Present

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

Regrets

Councillor Carol Ann Smith
Dawn Chaplin, CAO/Town Clerk

Gallery

There were a total of 7 people in attendance.

440-12 **Motion** – Councillor Byrne / Councillor Roche

RESOLVED THAT that in the absence of the Chief Administrative Officer/Town Clerk for the period of September 28 – October 2, 2012, 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.

441-12 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

442-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Minutes of the September 17, 2012, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

A motion was put forward by Councillor Roche and seconded by Councillor Byrne to adopt the Minutes of the Special Meeting of Council, dated September 27, 2012.

After some discussion amongst Council concerning wording of these minutes, Council agreed that these minutes should be rescinded/withdrawn and referred to the Town's solicitor for review and further clarification. Question was not called.

443-12 Motion – Councillor Roche / Councillor Byrne

RESOLVED THAT the Town of Torbay rescind the adoption of the Minutes of the Special Meeting of Council, dated September 27, 2012.

Question called. Motion carried unanimously.

444-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay refer the Minutes of the Special Meeting of Council, dated September 27, 2012, to the Town's solicitor, for legal review and clarification.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS – None

CORRESPONDENCE

1. Councillor Lucy Stoyles, City of Mount Pearl – request for support as Avalon Director. See Motion below.

445-12 Motion – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay support Lucy Stoyles in her second term as Avalon Director.

Question called. Motion carried unanimously.

2. Motion from Deputy Mayor Gallant.

Deputy Mayor Gallant advised that there was good news regarding the recent citizens' appeal. He put forward a motion to address concerns that were clarified by the Eastern Regional Appeal Board for discussion and debate purposes.

Mayor Codner called Point of Order, indicating that Deputy Mayor Gallant's proposed motion was out of order.

Deputy Mayor Gallant put forth motion, as follows:

The Town of Torbay fulfill its Open Space requirement for the motion estates phase III development proposal by requiring 10% of the gross land to be developed be dedicated to the town for the maximum benefit of its residents (as per regulation 78(1)). If at a later date this specific area of land is deemed not to be physically required for Open Space itself, then the land be disposed of at fair market value (as determined by its sale on the open market, after being publicly advertised for reasonable timeframe, and for a fair market price - which under no circumstances can for a value less than its assessed value by the Municipally Assessment Agency) and the proceeds shall go towards the purchase of green space elsewhere in the town (As per regulation 78(2)). The goal of this motion is to acquire 10% green space, through direct acquisition of land and/or the maximum amount of currency possible to purchase equivalent green space land else elsewhere within the town.

There was no seconder to the motion; and, Mayor Codner advised that the above motion put forward by Deputy Mayor Gallant was out of order, as there is already a motion in place.

Deputy Mayor Gallant discussed acquisition of land and regulation 78.2.

Mayor Codner advised the Motion was out of order. Deputy Mayor Gallant challenged Chair's decision; and, requested seeking legal opinion and recommendation from the Town's solicitor.

CORRESPONDENCE & ACTION REPORT

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

- Councillor Byrne discussed Item No. 16 – TVFD, Open Air Regulations. CAO to follow up with new Fire Commissioner. Mayor Codner advised that he forwarded a letter of congrats to Fred Hollet, on his recent retirement from his position of Fire Commissioner.
- Councillor Roche commented on Item No. 119, indicating that Torbay will be hosting a NEAJC Meeting on January 16, 2013.

COMMITTEE REPORTS

Economic Development

Councillor Roche advised that there was a meeting on Thursday, September 27th; and, she will provide the Minutes at the next Council Meeting.

Finance

The Financial Report, dated September 17-27, 2012, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Third quarter remuneration for Council and Payroll for the period of September 17-27, 2012, for 27 employees totalled \$70,899.96.

For the period of September 17-27, 2012, Accounts Payable invoices in the amount of \$273,115.17 were paid. These expenditures were within budget.

There are eleven (11) Main Operating Invoices totaling \$156,359.47 for approval:

446-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Atlantic Powertrain & Equipment, for Rental of Excavator for Ditching Program, in the amount of \$5,876.00.

Question called. Motion carried unanimously.

447-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Canadian Ramp Company, for Skate Park Kit for Kinsmen Centre, in the amount of \$39,831.44.

Question called. Motion carried unanimously.

448-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Christopher's Catering Inc., for Catering for Torbay250 Dinner Theatre, in the amount of \$5,617.68.

Question called. Motion carried unanimously.

449-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to DBI Garbage Removal, for Recycling for August, 2012, in the amount of \$7,801.00.

Question called. Motion carried unanimously.

450-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Newfound Disposal Systems, for Garbage Collection for September, 2012, in the amount of \$35,915.48.

Question called. Motion carried unanimously.

451-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Newfoundland Power Co. Ltd., for Street Lighting for September, 2012, in the amount of \$16,533.13.

Question called. Motion carried unanimously.

452-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Receiver General for Canada, for Payroll Remittance for September 1 – 15, 2012, in the amount of \$14,957.02.

Question called. Motion carried unanimously.

453-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Trio Benefits, for Group Benefits for September 2012, in the amount of \$6,453.67.

Question called. Motion carried unanimously.

454-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Triware, for Server Upgrade/Sharepoint, in the amount of \$9,605.00.

Question called. Motion carried unanimously.

455-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Virdis Branding, for Waste Management Website Development and Logo, in the amount of \$7,780.05.

Question called. Motion carried unanimously.

456-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Viridis Branding, for Apparel Promotional Strategy, in the amount of \$5,989.00.

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.

Councillor Tapper advised that departmental budget presentations took place over the past couple of weeks. He thanked staff for giving the presentations, and for putting so much time in preparing their PowerPoint presentations. It's good practice for the Finance Committee Members and all Council to attend. CAO will recommend that next year we invite all Council to attend the budget presentations.

The next Finance Committee is taking place on Tuesday, October 9th, at which time the information and presentations will be reviewed.

Human Resources and Administration

Councillor Byrne advised there has been no meeting. At the next meeting, Committee will be reviewing applications regarding snow clearing operators.

Planning and Land Use

Councillor Roche gave an overview of items discussed at the Planning and Land Use Development Committee Meeting, dated September 26, 2012.

Items discussed in the report included:

1. Development Proposals
 - a. Proposal from property owner at 882 Torbay Road to expand current auto glass business to include automotive inspections.
 - The proposal is addressed in the Business Application Report, dated September 27, 2012, under Application B1097-12.
2. Correspondence
 - a. Correspondence from property owner at 35A Marine Drive.
 - Director of Planning Officer to write property owner.
 - b. Correspondence from the City of St. John's in relation to Review of St. John's Municipal Plan.
 - For information purposes.

- c. Correspondence from Potential Property owner, at 21 Brown's Lane.
 - Committee discussed in July, 2012. Director of Planning to respond advising to apply for permit, as per normal process.

3. Other Items

- a. Crown Land Application, Bauline Line, from last meeting. Need address changed - should read property to the rear of 413-415 Bauline Line. Will need motion to rescind motion 438-12, and make new motion to approve. Motion to follow.
- b. Appeal Hearing concerning Motion Drive Phase II.
 - Director of Planning provided an overview of the Eastern Appeal Boards decision at Committee Meeting, and Committee agreed that it would hold any comments until the special meeting on September 27th.
 - Council discussed options for any subdivision or developments going ahead – land vs. cash value; as well as assessed value vs. market value. Councillor Roche advised this will be discussed at the next Planning and Land Use Development Committee Meeting.

3. *Other Items*

- a. *Crown Land Application, Bauline Line, from last meeting. Need address changed - should read property to the rear of 413-415 Bauline Line.*

457-12 Motion – Councillor Roche / Councillor Byrne

RESOLVED THAT the Town of Torbay rescind Motion 438-12, Minutes of the Public Council Meeting, dated September 17, 2012, as civic number was incorrect.

Question called. Motion carried unanimously.

458-12 Motion – Councillor Roche / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Crown Land Application C1027-12 with the corrected Civic Address, being Land to the Rear of 413-415 Bauline Line, replacing 454 Bauline Line. Nothing else changes. It is the same parcel of land as described in the Crown Land Application Report, dated September 14, 2012.

Question called. Motion carried unanimously.

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For information purposes, Councillor Roche advised that as per the Applications Approved section of the Building Application Report, dated September 27, 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>
9857-12	1323 Torbay Road	General Repairs
9858-12	32 Doyle's & Quigley's Lane	10' x 16' Accessory Building and General Repairs to Residence
9859-12	20 Flora Drive	Single Family Dwelling
9860-12	1580 Torbay Road	10' x 10' Accessory Building
9861-12	21 Lower Street	General Repairs
9863-12	22 Blackberry Crescent	10' x 12' Accessory Building
9864-12	29 Flora Drive	Single Family Dwelling
9865-12	10 Rattling Brook	12' x 14' Accessory Building

Building Applications for Approval

Application: 9866-12
Location: 9 Skippers Landing
Proposal: 28' X 32' Accessory Building
Zoning: Residential Large Lot (RLL)

459-12 Motion – Councillor Roche / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9866-12, under the Applications for Approval section of the Building Application Report, dated September 27, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Business Applications to be Approved

460-12 Motion – Councillor Roche / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the following Application, under the Applications to be Approved section of the Business Application Report, dated September 27, 2012.

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1097-12	882 Torbay Road	General Repair Garage

The above Application was advertised as per discretionary use regulations; there were no written responses received in response to the advertisements.

Application B1097-12 is 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 storage of materials in the front yard area of the property; any storage in the rear shall be screened by a fence to prevent any unsightly appearance.
3. There shall be no scraping of vehicles on the property.
4. The number of vehicles parked on the property for business purposes shall be kept to a minimum.
5. The Town reserves the right to inspect the site at anytime, if the above noted conditions are found to be in default then approvals may be withdrawn.

Question called. Motion carried unanimously.

Mayor Codner noted that the Town needs to further review the regulations pertaining to the matter of storage of vehicles on properties. Director of Planning to make note for further review.

Director of Planning to provide development statistics to date for this year.

Public Works

Councillor Whitty gave an overview of items discussed at the Public Works Committee Meeting, dated September 27, 2012.

Items discussed in the report included:

- Compost Bins.
 - Compost and kitchen bins have been purchased and available for \$50.00 per set.
- Garbage Collection.
 - Staff will engage garbage contractor to develop a residential pilot project to enhance town collection.
- Town Depot.
 - Staff will review Prime Consultants Agreement and request requirement clarification from DWS.
- 2012 MYCW.
 - Staff will review consultant's recommendations and begin tender package for Multi Year Capital Works.

- Target 2014: Building our Future.
 - The Town to support the FCM Campaign for continued infrastructure programs in 2014.
 - Mayor Codner read aloud the FMC Resolution – Awareness Campaign Target 2014: Building our Future. See motion below.

461-12 Motion – Councillor Whitty / Councillor Roche

RESOLVED THAT the Town of Torbay support and endorse the FCM campaign, Target 2014: Building Our Future, and urge the Minister of Transport, Infrastructure and Communities to work with FCM to ensure the new long-term infrastructure plan meets the core infrastructure needs of cities and communities; and, to ensure that the new long-term plan is fully in place when existing programs expire in 2014. A copy of the FCM resolution shall be sent to the Minister of Transport, Infrastructure and Communities, to the Provincial Minister of Municipal Affairs, to Mr. Jack Harris, MP, St. John's East, to the Federation of Canadian Municipalities and to Municipalities Newfoundland and Labrador.

Question called. Motion carried unanimously.

Councillor Tapper discussed the Town depot and the prime consultant's agreement and questioned if the MHA was involved. Mayor to contact MHA to discuss some matters, including the Town depot.

Recreation, Parks and Community Services

Deputy Mayor Gallant provided a verbal report:

- Deputy Mayor's term is up on the Holy Trinity Elementary School Council. He attended the last Council meeting as an observer. He will confirm if he's interested in being reappointed and make official decision by the next Council Meeting.
- The Elementary School raised safety concerns about the exit/access to Torbay Road. There are concerns of people using it as a short cut in the morning. The school has secured funding for a playground, and they wish to fence off the road for the playground. Eastern School District advised that the road is not to be closed until traffic lights are installed on Marine Drive. Mayor Codner to meet with Principal and possibly the School Council, as Mayor advised that the Department of Transportation and Works had indicated that lights were not going there due to winter traffic issues in the area.

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

No report.

LIAISON COMMITTEES

Heritage/Museum

Councillor Byrne advised that there are some issues regarding election of Chair, but not sure of status. Meeting will be scheduled for mid next month. Will follow up with CAO to get something arranged.

Jack Byrne Arena

Councillor Tapper advised that there was a proposal from a senior Newfoundland hockey team to move to the Jack Byrne Arena from Mount Pearl. The Board looked at the proposal and voted. Proposal was rejected due to possible negative impact on some local users, as it would cut into ice time.

He also noted that there were some issues surrounding board members responsibilities, which will be discussed at the next meeting.

Northeast Avalon Joint Council

Councillor Whitty advised that he attended the meeting in Portugal Cove – St. Philip’s on September 19th. Once minutes are received, he will forward to CAO.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

Councillor Byrne provided a verbal report:

- The food fishery closes as of Saturday. There has been a dramatic increase in the number of people using the facilities.
- There were a few traffic jams and parking issues in the area during the food fishery.
- A meeting will be arranged with the Harbour Authority in the near future. Mayor to follow up on meeting time.

Torbay Volunteer Fire Department

Councillor Byrne gave an overview of items discussed in the Torbay Volunteer Fire Department Meeting Notes, dated September 10, 2012 and September 26, 2012:

Items discussed in the reports included:

- As of September 10th, there have been 161 calls this year.
- Constitution is being worked on. There are some changes, and in process of completing final draft. Copy will be forwarded to Council in near future for comments. Changes will be highlighted in red.
- Fire Prevention week is October 7th to 13th.
- The Department is looking for volunteers for the St. John's parade.
- Bonfire Night is November 5th. Volunteers will be stationed in Flatrock and Torbay.

Urban Municipalities Committee

Councillor Roche to attend UMC meetings at the MNL Convention for Councillor Smith, who is unable to attend.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant thanked the Department of Municipal Affairs regarding decision on recent appeal. He thanked them for having mechanisms in place for citizens to appeal; great for democracy. He thanked the Department for their clarification.

Councillor Byrne

Councillor Byrne discussed Torbay's 250 Commemorative Canada Post Envelope. A representative from Canada Post indicated there are not many envelopes being sold. Canada Post suggested if there's anything to help support the purchasing of envelopes, Christmas gifts for example, they can assist.

He discussed the Killick Coast Games. In discussions with parents, it was suggested the use of a bus to pick up children. There are a lot of children who don't have transportation as parents are working. Torbay could possibly get more volunteers if Torbay could arrange a bus for transportation.

Councillor Byrne noted that the ditches in the community have been cleaned up by the Town's Public Works staff. We recently went through a tropical storm/hurricane; and, he noted the work that the outside staff have done in preparing for storms. He advised that a lot of towns are proactive and have stepped up to the plate since Hurricane Igor in 2010. He thanked and congratulated the Public Works staff for a great job on the ditching program.

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Councillor Roche - Pass

Councillor Smith - Absent

Councillor Tapper – Pass

Councillor Whitty - Pass

ADJOURNMENT

462-12 Motion – Councillor Byrne / Councillor Whitty

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