



MINUTES
PUBLIC COUNCIL MEETING
October 13, 2015

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on October 13, 2015 at 7:31 p.m.

Members Present

Mayor Ralph Tapper
Deputy Mayor Geoff Gallant
Councillor Peggy Roche
Councillor Craig Scott
Councillor Carol Ann Smith
Councillor Mary Thorne-Gosse
Councillor Brian Whitty

Staff Present

Dawn Chaplin, CAO/Town Clerk
Bernie Manning, Director of Public Works & Technical Services
Kim Osmond, Office Clerk
Brian Winter, Director of Planning

Regrets

Tina Auchinleck-Ryan, Director of Community Services
Ann Picco, Executive Clerk

Gallery

There were a total of 9 people in attendance.

Adoption of Agenda

442-15 Motion – Councillor Roche / Councillor Smith

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse, and Whitty)

Against Motion: 0

Abstained: 0

Adoption of Minutes

443-15 Motion – Councillor Whitty / Councillor Thorne-Gosse

RESOLVED THAT the Minutes of the September 28, 2015, Public Council Meeting be adopted, as presented.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse, and Whitty)

Against Motion: 0

Abstained: 0

PROCLAMATIONS / PRESENTATIONS / QUESTION & ANSWER SESSION

Mayor Tapper referred to the Gallery and asked if anyone would like to present to Council. The following had comments:

- Resident of Civic 1379 Torbay Road
 - Resident requested reimbursement of costs incurred for installation of sewer line infrastructure, and requested Council's support.
 - He advised that he did everything he was required to do, and was told he would be reimbursed.

- Applicant of Civic 4 Shea's Lane
 - Resident discussed plans for a proposed development, noting that he was contacted by staff who advised that Committee did discuss; however, nothing had changed regarding their recommendation due to Conservation Land Use Zone issues. He discussed other development in the area and possible variance. He requested that he be given the same privilege as another developer and granted permission to develop with a variance.
 - Resident further advised that the Department of Environment and Conservation indicated that this was a Town issue. He asked if there were new Conservation Zones, and questioned what he needs to do in order to avail of a permit.

MAYOR'S REPORT

Mayor Tapper provided a report, dated September 25 – October 8, 2015, of his work and connections that he has made in the community over the past couple of weeks.

The below Minutes were included for Council's information:

- Mayors Meeting Minutes, dated May 28, 2015.
- Mayors Meeting Minutes, dated September 18, 2015.

Mayor Tapper advised that all mayors agreed to make the Regional Mayors' Meeting Minutes part of their towns' council packages.

- Deputy Mayor Gallant discussed community sponsorship of refugees.
 - He advised that in the Mayors' Meeting Minutes, dated September 18th, it was noted that this is not a town process, and towns are not equipped to take in refugees.
 - Deputy Mayor advised that sponsorship works with the volunteers involved within a town, not the town itself. Towns need volunteer support, and we are equipped to help out a family in need. The communities in our area are welcoming, and we are going to do what we can to help.
 - Mayor Tapper advised that the only commitment from the Town was to help facilitate the sponsorship.

CORRESPONDENCE

1. Cabot Community Business Development Corporation – Annual General Meeting, October 19, 2015. ***Referred to Planning, Land Use and Development Committee.***
2. Department of Municipal and Intergovernmental Affairs – Request to Amend the St. John's Urban Region Regional Plan. ***Referred to Planning, Land Use and Development Committee.***
3. 1st Torbay Pathfinders and Rangers – request for support to participate in the Journey Through London. ***Referred to Finance and Administration Committee.***
4. Correspondence from residents concerning change in cul-de-sac length / proposed development at 627-629 Indian Meal Line. ***Referred to Planning, Land Use and Development Committee.***
5. Historic Sites Association of Newfoundland and Labrador – Nominations for the 2016 Manning Awards. ***Referred to the Heritage Advisory Committee.***
6. Department of Municipal and Intergovernmental Affairs – Municipal Crown Lands Reserves. ***Referred to Planning, Land Use and Development Committee.***
7. Town of Flatrock – Santa Claus Parade. ***For information purposes.***

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report, dated October 13, 2015, was accepted as presented.

COMMITTEE REPORTS

Planning, Land Use and Development

Deputy Mayor Gallant provided an overview of items discussed under the Planning, Land Use and Development Committee Meeting Minutes, dated October 7, 2015.

Items discussed included:

1. Update on new Intermediate School Project
 - Committee Chair Deputy Mayor Gallant questioned whether or not there was a permit issued for the new school project yet. Director of Planning noted that his Department is still waiting on a number of items before a permit can be issued.
 - Mayor Tapper noted that he has written the project consultant and copied the appropriate ministers requesting the information. Mayor Tapper also noted that he would contact the MHA to determine what the delay was, and as to whether or not the Province actually requires a permit from the Town.
 - Mayor advised that consultant has replied to his correspondence indicating he will have an onsite meeting with the developer. He is addressing all items on the file and has some documentation that we requested, which will be sent to the Director of Planning and the Director of Public Works.
 - Director noted that if the province doesn't need to get a permit from the Town, there are still the outstanding engineering items that should be addressed. Director will also check with Municipal Affairs to get their opinion on the permit issue.
2. Development Proposals
 - a) Application from potential property owner 1229-1239 Torbay Road to construct a commercial building on the property.
 - Committee reviewed the proposal provided for a commercial building for indoor storage of construction equipment.
 - Committee questioned whether or not this type of use could actually fit within the mixed land use zone. The Director of Planning noted that in his opinion, it could possibly be considered a light industrial use which is listed as a discretionary use within the zone.
 - The application will be dealt with in the Building Application Report, dated October 9, 2015, Application D2015-171.
 - It was questioned if there will be any outside storage. Director advised that it's not listed in the application. We can put conditions in place on outside storage.
 - b) Proposal from Property Owner Land adjacent to Wildberry Lane
 - Committee reviewed the draft proposal for the proposed extension to Wildberry Lane consisting of six new unserviced building lots.

- It was agreed that prior to making a recommendation on the proposal, one of two things needs to happen:
 - The Town of Portugal Cove St Philips needs to give approval for the roadway to be extended through their Town back to Indian Meal Line. This is to allow for an alternative exit, because Wildberry Lane is currently at its maximum permissible length.
 - Or the maximum length of an unserviced cul-de-sac needs to be increased. This is being proposed in the plan review currently being completed.
- Committee also reviewed letters of Concern that were sent to the Town of Portugal Cove St Philips in relation to the proposal on their side of the boundary line. It was agreed that when, or if, the items above are addressed, the Committee will then consider the concerns as put forward.
- It was agreed that while Committee was not prepared to comment on the proposed development in particular, it was in agreement that if, or when, the proposal is reviewed, all of the items in the letter will have to be addressed.
- The Director of Planning also noted that all of the items listed are normal items that are addressed when reviewing all developments. As for the length of the cul-de-sac, this is something that was considered by Council during the plan review process and forms part of our draft review.
- Mayor Tapper advised that he had a discussion with the property owners concerning issues of water problems in the area. The Environment Advisory Committee also met on this, and it was recommended to have councils and committees meet and discuss this matter further.

c) Possible development of 4 Shea's Lane

From Planning, Land Use and Development Meeting of September 22, 2015:

- In 1997, an application was approved with the conditions, one of which was that a proper survey be provided for the property. A permit was never released.
- In 2004 an application was refused because the property falls within the Conservation Land Use Zone for the stream that flows through the property. There was also a letter in the file from the Department of Environment stating that there can be no construction within the fifteen meter buffer on the stream.
- In 2007 an application was again refused for the same reason it was refused in 2004.

From Planning, Land Use and Development Meeting of October 7, 2015:

- Committee reviewed email correspondence from the property owner in relation to the proposed lot. The Director of Planning noted that in the past the Department of Environment would consider reducing the reservation in areas where the topography was favorable and there was lesser chance of

flooding or interfering with the stream. But they have since passed this responsibility over to the Towns.

- Committee agreed that in this case, the lot is completely flat and possibly below the stream in places. Without a complete transformation of the property, it is impossible to avoid flooding. Therefore, they are not willing to consider a reduction in the conservation zone in this area.

In relation to the above, Council discussed and questioned the below:

- The possibility of the applicant building a barrier. The area would possibly have to be re-zoned, and conservation can be reduced by the Town.
- The possibility of backfilling, however, the fact that it's conservation does not allow that.
- Correction of the topography. It was noted that the land was not altered on the other lot in question, and rules and regulations must be followed.
- Authority of the Department of Environment – ninety percent of property is within conservation.
- The land is susceptible to future flooding, and there is flooding in the area.
- The resident should submit a formal application in order to get an answer from the Department of Environment. The Director advised that there was no application received, only a proposal, and it is standard procedure to review a proposal.

d) Proposal from 1234 Torbay Road for a mobile vendors permit

- Committee reviewed the application to operate a mobile vendor truck on the existing business owner's property for a three month trial period. The Director of Planning noted that the proposed use is a permitted use under the regulations, and that the current business operating at that location has ample parking.
- The Director noted that he has concerns with pedestrian safety in the area if there is a mobile vendor truck placed on the existing front parking lot along Torbay Road. Committee agreed that there are definitely safety concerns with having it in the front parking lot.
- Committee agreed that the Director should meet with the applicant to see if it can be placed on the rear lot. Committee is prepared to recommend the application on a three month trial provided that the vendor truck is placed on the rear lot.
- The application will be dealt with in the Business Application Report, dated October 9, 2015, Application D2015-188.

e) Proposal from 2 Riverbank Place for a Doggy Daycare

- Committee reviewed the application to operate a Doggy Daycare at the proposed location. There were some concerns about noise that may be generated from this type of business in an area where homes are closer together.

- The Director of Planning noted that the use can be classified as a personal service and is; therefore, considered a discretionary use within the Residential Medium Density land use zone.
- It was agreed that Committee would recommend that the application be advertised as per discretionary use regulations.
- The application will be dealt with in the Business Application Report, dated October 9, 2015, Application D2015-190.

3. Correspondence

a) Letter from Property owner IML in relation to the proposed Hobby Farm Discretionary Use Advertisement.

- Committee reviewed the letter of concern from a property owner in the area. The main concerns were a possible reduction in property values, odors from the proposed animals, possible rodent problems and noise issues.
- Committee agreed that while these maybe valid concerns in the homeowners view, there is nothing to prove that having a hobby farm adjacent to a property would reduce property values. As for the other issues, these can be dealt with by placing conditions on the possible approval.
- It was agreed that the Committee would be recommending the application for approval with all normal conditions which includes a review of the proposal by the Department of Environment and Conservation and the Department of Natural Resources along with the following additional conditions:
 - The applicant is to provide the Town with a manure management plan (MMP);
 - All animals are to be kept to the rear of the property, a minimum of 30 meters from the existing neighboring houses.
 - All animals are to be contained inside a fenced area.
- The application will be dealt with in the Business Application Report, dated October 9, 2015, Application D2015-167.

b) Inquiry from property owner 21-29 Spray Lane in relation to zoning in the new Town Plan.

- Committee reviewed the email correspondence from the property owner concerning the new zoning being applied to her land on Spray Lane in relation to the Town Center zoning.
- The Director noted that in the original plan and in the Town Center project this land was left out of the proposed TC Zoning but during the plan review process the land was included in the TC Zoning.
- Committed agreed that this is something that can be brought forward during the commissioner's hearing. The Director of Planning will contact the property owner to let them know.

4. Updates

a) IML Drainage Ditch Issues.

- The Director gave Committee an update on what was happening with the drainage ditch. The ditch was cleaned out by the developer at the Town's request last week. Since that, the developer has requested that the Town take ownership of the drainage ditch.
- Committee agreed that this needs to be dealt with sooner rather than later. It was agreed that the Director of Planning would set up a meeting with the developer to discuss options for dealing with the issue. The Mayor and CAO will also attend the meeting.
- The Director also noted that the recommendation from PEC need to be dealt with as well. Committee agreed that after the developers meeting occurs, then it will look at PEC's recommendations.
- Mayor Tapper advised that he received an email from the developer indicating a meeting will be set up in near future.

b) Dry Hydrant Project

From the Planning, Land Use and Development Meeting - June 16, 2015

- The Director of Planning informed Committee that after some discussion with the CAO it was determined that there is actually upwards of \$112,000.00 available for the dry hydrant project.

5. Planning, Land Use and Development Items for Correspondence and Action Report

- Report is attached for information purposes.

Building Applications for Approval

Application: D2015-167
Location: 275 Indian Meal Line
Proposal: Hobby Farm
Zoning: Residential Infill (RI)/Residential Subdivision Area (RSA)

444-15 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT the Town of Torbay Approve Application D2015-167, under the Applications for Approval section of the Building Application Report, dated October 9, 2015, subject to the following conditions:

1. All normal conditions and requirements for operating a hobby farm within the Town of Torbay.
2. The applicant shall provide the Town with a manure management plan (MMP).
3. For this application only, all animals are to be kept to the rear of the property, a minimum of 30 metres from the existing, neighbouring houses. Due to the

large acreage of this parcel of land, the minimum 30 metres from existing homes is non-precedent setting.

4. All animals shall be contained inside a fenced area
5. A review/approval of the proposal by the Department of Environment and Conservation and the Department of Natural Resources is required.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse, and Whitty)

Against Motion: 0

Abstained: 0

Council discussed the above application requesting clarification on the 30 metres from existing and neighbouring houses. It was questioned if the 30 metres is from the boundary line or from the rear of the property. It was clarified from corner of neighbour's house, closest point of the existing home, and the animals are to be kept behind the accessory building. It was suggested that Committee consider putting numbers in place. A friendly amendment was added to Condition No. 3.

Application: C2015-189
Location: 59 Whiteway Pond Road
Proposal: Rebuild of existing structure destroyed by fire
Zoning: Residential Infill (RI)

445-15 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT the Town of Torbay Approve Application C2015-189, under the Applications for Approval section of the Building Application Report, dated October 9, 2015, subject to the following condition:

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

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse, and Whitty)

Against Motion: 0

Abstained: 0

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Application: C2015-191
Location: 184 Bauline Line
Proposal: 26' x 30' accessory building
Zoning: Residential Infill (RI)

446-15 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT the Town of Torbay Approve Application C2015-191, under the Applications for Approval section of the Building Application Report, dated October 9, 2015, 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.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse, and Whitty)

Against Motion: 0

Abstained: 0

Application: C2015-193
Location: Portion of 42-48 Patrick's Path
Proposal: Single Family Dwelling
Zoning: Residential Medium Density (RMD)

447-15 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT the Town of Torbay Approve Application C2015-193, under the Applications for Approval section of the Building Application Report, dated October 9, 2015, subject to the following condition:

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

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse, and Whitty)

Against Motion: 0

Abstained: 0

Building Applications to be Deferred for Advertisement

Application: C2015-171
Location: 1229 Torbay Road
Proposal: 3,300 square foot Storage Warehouse
Zoning: Mixed Development (MIX)

448-15 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT the Town of Torbay Defer Application C2015-171, under the Applications to be Deferred for Advertisement section of the Building Application Report, dated October 9, 2015, as per the requirements of Discretionary Uses under the MIX Land Use Zone in accordance with Regulations 10, 33 and 90 of the Torbay Development Regulations.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse, and Whitty)

Against Motion: 0

Abstained: 0

In relation to the above motion, as Council discussed under the Planning, Land Use and Development Minutes dated October 7, 2015, final approval to include conditions on outside storage.

Building Applications to be Deferred

Application: C2015-192
Location: 1 Bauline Line
Proposal: 10' x 18' accessory building
Zoning: Mixed Development (MIX)

449-15 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT the Town of Torbay Defer Application C2015-192, under the Applications to be Deferred section of the Building Application Report, dated October 9, 2015, for review by the Planning & Development Department.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse, and Whitty)

Against Motion: 0

Abstained: 0

Business Applications for Approval

Application: D2015-188
Location: 1234 Torbay Road
Proposal: Mobile Vendor
Zoning: Mixed Development (MIX)

450-15 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT the Town of Torbay Approve Application D2015-188, under the Applications for Approval section of the Business Application Report, dated October 9, 2015, subject to the following conditions:

1. All normal conditions and requirements for operating a business within the Town of Torbay.
2. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
3. The development shall comply with the Town of Torbay's parking requirements.
4. The approval will be for three month trial period.
5. Vendor truck shall be placed in the rear parking lot.
6. Approval(s) from Service NL and Provincial Department of Transportation and Works is required.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse, and Whitty)

Against Motion: 0

Abstained: 0

Business Applications to be Deferred for Advertisement

Application: D2015-190
Location: 2 Riverbank Place
Proposal: Dog daycare to operate out of dwelling in basement
Zoning: Residential Medium Density (RMD)

451-15 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT the Town of Torbay Defer Application D2015-190, under the Applications to be Deferred for Advertisement section of the Business Application Report, dated October 9, 2015, as per Condition 9 of the RMD Land Use Zone and Regulations 10, 33 and 90 of the Torbay Development Regulations.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse, and Whitty)

Against Motion: 0

Abstained: 0

Economic Development

Councillor Whitty provided an overview of items discussed under the Economic Development Committee Meeting Minutes, dated October 8, 2015.

Items discussed included:

➤ Updates

A. NL Irish Connections Festival Overview

- The three day Newfoundland Irish Connections Festival had been an excellent success. All events going to plan barring a wind related issue moving the Town Twinning ceremony indoors instead of outdoors. Staff and Committee had received very positive feedback from residents, volunteers and festival attendees that they enjoyed their time immensely while in Torbay.

B. Torbay Community Market Update

- The Economic Development Officer updated Committee that based on registrations up to October 7th, the market is now fully booked and no longer taking registrations. The 4th year of the event is also the 4th straight sell-out. A Town-wide mail out would be going out next week to encourage our own residents to come out to the event and increased social media promotion will push the event to the entire region.
- Action Item: Economic Development Officer to contact Council regarding their availability to greet residents and shoppers at the main entrance during the course of the market.

C. Architectural Guidelines for Torbay Town Centre

- The Economic Development Officer advised that the draft Architectural Guidelines continued to sit with the Planning Department after referral to them in recent weeks. A number of developers have become interested and engaged in the Town Centre project and that the guidelines were a key document to insure the same guidelines and instructions are followed by all developers in the project.
- Action Item: The Economic Development Officer to follow up with the Director of Planning to check on Town Centre Architectural Guidelines status.

D. Targa NL Overview & Meeting Request

- The Economic Development Officer advised Committee that the Targa NL stages in Torbay passed off without major incident this past September, but that two official complaints had been received by Town staff. The Economic Development Officer has reached out to Targa NL organizers to acknowledge some lingering concerns with regard to the event and engage in a debrief of the event with the full Council. The Economic Development Officer has reached out to organizers and a date in early November for this meeting is being confirmed.
- Action Item: Confirm meeting of Targa NL organizers and Town Council for early November.

E. Demographics Regional Study

- The Economic Development Officer advised of a regional economic development project being brought forward to the attention of regional economic development staff by the City of St. John's. This would be a demographics survey of information involving, its hoped, residents of St. John's, Mount Pearl, Conception Bay South, Paradise, Portugal Cove-St. Philip's and Torbay. It would gather information on a per capita equal amount of residents on topics such as household information, transportation and income, where you work, education levels, people per household, neighbourhood and recreation participation questions, accessibility of information from your town council and a host of perception questions residents may have on their municipality. These identical surveys are hoped to be pitched to residents in all communities of the study area by NL Statistics who are an accredited statistical agency we can be confident in the results from. The Economic Development Officer recommended that the information gathered will cover a lack of information once collected by the long-form census questionnaire. The Economic Development Officer recommended that the information gathered would be collected and then shared with each municipality and that it would be of use to all Town departments in different ways, mostly to assist with future planning and trends. Along with the collection of the information, Dr. Alvin Simms, Professor in the Geography Department at Memorial University, would be recruited to interpret the survey's findings and would provide a detailed report to each municipality based on the results. The full cost of the collection and interpretation to the Town would be based on how many municipalities take part. It is hoped all will benefit and so be involved keeping costs down per capita to approximately \$10,000 - \$15,000 for Torbay.
- There was a recommendation from Committee to participate in the regional demographics study initiative during the 2016 budget year, however, Council agreed that this should be discussed during budget consultations.

F. Regional Mayors' Meeting – Tourism Initiative

- The Economic Development Officer had requested the time and date of the next mayors' meeting to discuss a potential presentation on the regional tourism initiative involving communities along the Killick Coast Scenic Driving Trail. As the next mayors' meeting is not until the New Year, the Economic Development Officer will instead follow up with Mayor Tapper directly, who will distribute the background information on the project and gauge feedback accordingly from the regional mayors.

➤ Partnership Updates, dated September 11, 2015

- Updates were included for Council's information.

Finance & Administration

The Finance and Administration Report, dated September 28 – October 9, 2015, was accepted as presented. Councillor Thorne-Gosse read out payroll and accounts payable information:

Payroll for the period of September 28 – October 9, 2015, for 27 employees and third quarter remuneration for Council totalled \$90,727.28.

For the period of September 28 – October 9, 2015, Accounts Payable invoices in the amount of \$94,727.42 were paid. These expenditures were within budget.

There were three (3) Main Operating invoices presented for approval in the amount of \$63,470.97.

452-15 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Receiver General for Canada, for Payroll Remittance for September 16-30, 2015, in the amount of \$30,891.21.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

453-15 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Town of Flatrock, for Fire Hall and Truck Expenses, in the amount of \$26,929.76.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

454-15 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Waterwerks Communications, for Attraction Video, in the amount of \$5,650.00.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

There were no Capital invoice presented for approval.

A copy of the current income and expense reports were included for Council's information. A copy of the third quarter cheque register, for the period of July 1 - September 30, 2015, was included for Council's information.

- Councillor Thorne-Gosse provided an overview of items discussed under the Finance and Administration Committee Minutes, dated September 28, 2015.

Items discussed included:

The purpose of the meeting was to discuss and confirm the process for the review and approval of change orders related to the municipal depot project. The contractor is unable to obtain company bonds until change order #1 is approved.

Currently there are two changes orders requiring review - #1 relating to an allowance of \$15,000 (plus HST) for the installation of an artesian well, and #2 relating to the removal of rock material from the building site, in the amount of \$22,711.63 (plus HST). The Director confirmed there is a \$50,000.00 contingency fund based on the approved project.

To avoid project delays, it was agreed that a process must be put in place to respond in a timely manner. After discussion it was agreed to the following process:

1. Director of Public Works and Technical Services would review the proposed change order, negotiate and make a recommendation to Public Works Committee;
2. The proposed change order along with the Director's recommendation will be forwarded via email to the Public Works Committee for review;

3. Public Works Committee will then review and make a recommendation, along with forwarding the documentation to Finance and Administration Committee for review and a recommendation back to Council.

As both current change orders are within the contingency fund and overall project budget, it was agreed that the CAO could sign off on both change orders.

- Councillor Thorne-Gosse provided an overview of items discussed under the Finance and Administration Committee Minutes, dated September 29, 2015.

Items discussed included:

1. Donation Requests

455-15 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay support Holy Trinity High School’s Festive Fall Gala in the amount of \$500.00. This donation will equate to ten event tickets. Disbursement of tickets will be confirmed.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

456-15 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay donate \$100.00 to the non-profit organization Richard’s Legacy Foundation for Survivor of Suicide Loss.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

2. Multi Year Capital Works Program 2012-2014 – Municipal Depot Project
Committee discussed the meeting held on September 28th with Councillor Scott and the Director of Public Works and the process for reviewing/approving any change orders.

Further to that meeting, Committee has requested that all change order information be provided to Council. All change orders outside of the project budget will be brought to Council for a decision. It is also a recommendation from Committee that

no additional funds be borrowed for this project. Any additional funds required will need to come from within the public works main operating budget. CAO to include change orders one and two with the committee minutes for information. Committee also requested she discuss with the Director of Public Works.

Councillor Smith left the Public Council Chambers at 9:15 p.m. as it was determined that she was in a conflict of interest.

3. Multi Year Capital Works Program 2014-2017

457-15 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay borrow \$655,000.00 from RBC Royal Bank to pay expenditures related to the 2014-2017 multi-year capital works program. The loan will be amortized over ten years, with a five year term. The interest rate will be set at 2.95% and a payment of \$6,310.00 per month. This is a budgeted item for 2015. This loan is subject to the Department of Municipal and Intergovernmental Affairs for approval.

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

Councillor Smith returned to the Public Council Chambers at 9:17 p.m.

4. Gas Tax Agreement 2014-2019

CAO confirmed for Committee that as a result of all road work being completed in year one of the 2014-2019 agreement versus over the four year term, Council will need to either borrow the total project expenditures or transfer the required funds (\$1,019,890.71) from the main operating account. It was agreed that Committee would make a recommendation to Council to transfer the monies and once gas tax funding is received, that it would be deposited into the main operating account. A motion of Council is required.

458-15 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay transfer \$1,019,890.71 from the main operating bank account to the gas tax agreement account. This transfer is required to pay project expenditures incurred in 2015.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

459-15 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT further to the transfer of \$1,019,890.71 from the main operating bank account to the gas tax agreement bank account, that all gas tax funding installments for the 2014-2019 agreement be deposited to the main operating bank account to offset the transfer until all monies are recouped.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

5. Audit 2014 Update

CAO confirmed that the auditors are conducting their final review of the draft financial statements. A meeting will be held with the auditors before the end of October. CAO will confirm the meeting date and advise Committee.

6. Organizational Review

Committee discussed implementation of the organizational review report to date. It was requested that the required motions be brought forward at the next Council meeting to continue with implementation. It was also discussed and recommended that any changes to the committee structure be deferred until January 1, 2016.

460-15 Motion – Councillor Thorne-Gosse / Councillor Smith

RESOLVED THAT the Town of Torbay defer the implementation of the proposed committee structure as presented in the September 28, 2015 Council Package until January 1, 2016.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

461-15 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay adopt the organizational structure as presented effective January 1, 2016.

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Thorne-Gosse and Whitty)

Against Motion: 1 (Councillor Smith)

Abstained: 0

462-15 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT as recommended in the organization review report, that management and non-union employees be provided with a pay increment retroactive to January 1, 2015. This is a budgeted item for 2015. The performance evaluation model will be in effect for January 1, 2016.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

7. Budget 2016

A. Agenda for October 17th Session. Committee discussed the proposed agenda for the October 17th session with all Council. It was agreed that the agenda should consist of a review of the strategic plan and a “once around the table” to provide all members of Council with the opportunity to identify what they believe are priorities for spending in 2016. Committee agreed it was important to have the input of all Council before proceeding with public consultation and the department presentations.

B. Citizen Engagement. Committee discussed past budget consultation processes and the low participation rate. It was agreed that this year, a different process would be followed – a virtual meeting – engaging residents via a live web cast in addition to utilizing social media. Print materials would be minimal. CAO to reconfirm timelines for all Council.

- Deputy Mayor Gallant provided an overview of items discussed under the Finance and Administration Committee Minutes, dated October 7, 2015.

Items discussed included:

1. Budget 2015 Reallocations

CAO referenced previous discussions at Committee level as it pertains to the 2015 budgets and expenditures to date. CAO confirmed she met with Department Heads on October 1st and has recommendations to bring forth based on those meetings.

A. Community Services

There are two requests from Community Services; Master Plan Development for Upper Three Corner Pond Park (\$51,150.68) and site work for the Barkwood Lane Neighbourhood Park (\$93,800.00).

CAO referenced the Master Plan is an initiative of Council's Strategic Plan. Scope of Work had been provided to Committee prior to meeting for review. The Barkwood Lane Park work will be completed by the Grand Concourse in a phased approach as the total project cost is \$318,700. CAO confirmed a site plan would be included for Council's information. As the Director provided an overview of where the funds would come from for both projects, CAO stated she supports the request. Committee agreed to recommend the reallocation of monies to complete both initiatives.

463-15 Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

RESOLVED THAT the Town of Torbay reallocate funds as identified by the Director of Community Services to complete the Master Plan for Upper Three Corner Pond Park as presented in the proposal by Architecture49 Inc. at a cost of \$48,640 plus HST.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

464-15 Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

RESOLVED THAT the Town of Torbay reallocate funds as identified by the Director of Community Services to undertake development of the Barkwood Neighbourhood Park as quoted by the Grand Concourse Authority at a cost of \$93,800.00 plus HST.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

- B. Economic Development – CAO advised there are no requests to reallocate at this point in time. This may change over the coming weeks as the Town Center Project moves forward.
- C. Heritage – CAO stated that \$189,587.20 is allocated to two key initiatives – the Priest’s House and Heritage Plan Implementation – Infrastructure Projects along the East Coast Trail and Torbay Beach. CAO confirmed that the Economic Development Officer and she are meeting with ACOA on Tuesday and should have a better indication of the proposal outcome at that point in time. CAO will follow up with Committee after the meeting.
- D. Planning – CAO confirmed that the Director of Planning will be discussing the Dry Hydrant Project at the next PLUD Committee meeting.

Councillor Smith asked Council if they felt she was in a conflict of interest in relation to the below. It was consensus of Council that she was not in conflict.

- E. Public Works – Sidewalk on Lynch’s Lane. The Director of Public Works is requesting reallocation of monies to install a sidewalk on Lynch’s Lane. This will complement the existing work on Mahon’s Lane and the development of a safe walking loop in the school zone. Cost of the project is \$112,387.77, which includes engineering fees. Funds would be available under Maintenance – Summer Roads. The Director confirmed this was discussed with the Public Works Committee. CAO stated she supports the request. Committee agreed to recommend the reallocation of monies to complete the initiative.

465-15 Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

RESOLVED THAT the Town of Torbay reallocate funds as identified by the Director of Public Works and Technical Services to undertake development of a sidewalk along one side of Lynch’s Lane as quoted by Progressive Engineering Consultants at a cost of \$112,387.77 plus HST.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

Parks, Recreation and Community Services

Councillor Thorne-Gosse provided an overview of items discussed under the Community Services Committee Minutes, dated October 6, 2015.

Items discussed included:

➤ Correspondence reference meeting space

Committee reviewed the correspondence and the Director of Community Services will review space available from Sunday to Thursday at the Kinsmen Centre. If time is available, Committee is fine with the request.

Councillor Smith requested that if there's space available at the Kinsmen Centre, that availability information be communicated to the Lion's Club.

➤ Motivational Speaker

The Director noted to Committee that Community Services Staff has a motivational speaker doing a talk at Holy Trinity High School with a theme of Never Give Up. This talk will be given to 250 students, covering grades 10 – 12. Thank you to Waterwerks who assisted with sponsorship for this talk.

➤ Magic Forest Trees

Volunteers from the Community will be looking after this. Currently in discussions on the dates for this.

➤ Santa Claus Parade

The Director informed Committee that Mayor Tapper, RNC Sgt. Foley, Director of Community Services and Community Development Coordinator have met on the parade. After discussions it had been recommended that the parade would go to a day time parade, as well as shorten the parade route. The Director also provided the list of parades in the area, along with the date and time of each one.

Committee discussed and the parade will move to a day time parade to take place on December 5th, at 10:00 am. The parade route will be from Holy Trinity High School to the Kinsmen Community Centre.

Council discussed the Santa Claus Parade. Deputy Mayor advised that the nighttime parade was well attended, liked by residents, and was unique. Council discussed safety, indicating that Council should listen to the RNC's suggestion to go with a daytime parade.

Deputy Mayor put forth a motion, seconded by Councillor Scott, that the Town of Torbay keep the nighttime parade. After further discussion, it was agreed to take back to Committee for further review.

Deputy Mayor made Notice of Motion to deal with the above at the next Council Meeting.

Public Works

Councillor Whitty provided an overview of items discussed under the Public Works Committee Minutes, dated September 22, 2015.

Items discussed included:

- A. MYCW - 2012-2014 - Municipal Depot Design Project
The Director of Public Works advised that the project has begun with Redwood Construction on site conducting preliminary civil works. Committee also discussed submitted change order and has forwarded to Finance Committee to request a meeting and review process.
- B. Capital Investment Plan - 2015
 - 1) Multi-Purpose Building (UTC) – design ongoing with consultant and staff with the septic design.
 - 2) Torbay Pedestrian Safety Review - the Director has informed committee that the project consultant is currently conducting pedestrian counts and compiling data for the draft report in October.

Councillor Smith left the Public Council Chambers at 9:44 p.m. as it was determined that she was in a conflict of interest.

- C. MYCW - 2015-2017 – Road Upgrading – The Director advised that the project has begun with Farrell’s Construction on site conducting preliminary civil works. All underground infrastructure will be completed first with all sidewalk and road recapping to follow. The project should take 30 days to complete.

Councillor Scott provided an overview of items discussed under the Public Works Committee Minutes, dated October 6, 2015.

Items discussed included:

- 2015-2017 – Road Upgrading – Project has begun and will be approximately 30 days and a subsequent review of sidewalk continuation to school under the safe pedestrian Study.

Councillor Smith returned to the Public Council Chambers at 9:47 p.m.

ADVISORY COMMITTEES

Environment

The following reports were included in Council's packages for information:

- Environmental Advisory Committee Meeting Minutes, dated February 5, 2015.
- Torbay Environmental Advisory Committee Meeting Minutes, dated February 19, 2015.
- Torbay Environmental Advisory Committee Meeting Minutes, dated April 30, 2015.
- Torbay Environmental Advisory Committee Meeting Minutes, dated June 4, 2015.
- Torbay Environmental Advisory Committee Meeting Minutes, dated October 1, 2015.

In relation to the above reports, Council discussed water quality and levels of THMs. Councillor Scott noted that equipment was replaced at North Pond which will help lower these levels.

Heritage

The Torbay Heritage Advisory Committee (THAC) Minutes, dated September 21, 2015, was included in Council's packages for information.

LIAISON COMMITTEES

Jack Byrne Arena

No report.

Northeast Avalon Joint Council

No report.

Torbay Harbour Authority

No report.

Torbay Volunteer Fire Department

The below reports were included in Council's packages for information. Councillor Scott noted that the minutes were held due to new template for the reporting of minutes.

- TVFD Meeting Notes, dated January 26, 2015.
- TVFD Meeting Minutes, dated February 9, 2015.
- TVFD Meeting Notes, dated February 23, 2015.
- TVFD Meeting Minutes, dated June 15, 2015.
- TVFD Meeting Notes, dated July 27, 2015.

- TVFD Meeting Notes, dated August 10, 2015.
- TVFD Meeting Minutes, dated August 24, 2015.
- TVFD Meeting Minutes, dated September 25, 2015.
- TVFD Meeting Minutes, dated October 6, 2015.

Urban Municipalities Committee

No report.

North East Avalon Regional (NEAR) Plan

Mayor noted that Stantec are doing consultation next week.

Municipal Assessment Agency Inc. (MAA)

No report.

Stewardship Association of Municipalities Inc. (SAM)

No report.

Eastern Regional Service Board

No report.

Holy Trinity Elementary School Council

No report.

NOTICES OF MOTION

Councillor Thorne-Gosse discussed the sewage infrastructure installed by resident of 1379 Torbay Road, advising this matter has been ongoing since 2004. The six inch line installed by the resident at the time was what was required. Requirements and regulations have since changed and are different now. She asked that Council vote on the matter at tonight's meeting and look at this favourably for the resident. See motion below:

466-15 Motion – Councillor Thorne-Gosse / Councillor Roche

RESOLVED THAT the Town of Torbay pay Mr. Keith Yeo \$12,650.00 plus accrued interest for sewage infrastructure provided by Keith Yeo at the beginning of Yeo's Lane which can be utilized by the Town of Torbay for future sewer service expansion to offer residents on Yeo's Lane and beyond.

Question called. Motion carried.

For Motion: 5 (Mayor Tapper, Councillors Roche, Smith, Thorne-Gosse and Whitty)

Against Motion: 2 (Deputy Mayor Gallant and Councillor Scott)

Abstained: 0

Council discussed the above motion, noting the below:

- Other residents have done similar installations.
- At the time of installation, the six inch line was inspected and accepted by the Town.
- The Town cannot utilize a six inch line for expansion. Staff have confirmed they would have to go back and install an eight inch line.
- It was noted that the resident had to take the line across the road to bring to his property at his own expense, and has been penalized due to present regulations.
- The Town must supply services to residents and Yeo's Lane was neglected.

NEW BUSINESS

Mayor Tapper

Mayor Tapper discussed recent MAA property assessments. The Town will have to analyze and discuss through upcoming budget process. We will have public consultations and will review neighbouring community assessments as well.

Deputy Mayor Gallant

Deputy Mayor discussed Thanksgiving Day holiday, indicating he's thankful for his family and daughter.

Councillor Roche – Pass

Councillor Scott – Pass

Councillor Smith - Pass

Councillor Thorne-Gosse

Councillor Thorne-Gosse commended Deputy Mayor Gallant and Councillor Scott in relation to their discussion and comments on VOCM regarding property assessments.

Councillor Whitty

Councillor Whitty discussed the Newfoundland Irish Connection, indicating there were a lot of positive comments around the community.

QUESTION & ANSWER SESSION

Mayor Tapper referred to the Gallery and asked if anyone had any questions or comments in relation to tonight's Council Meeting. The following had comments:

- Resident of 80 Whitty's Lane
 - Resident advised that there was a minor correction to the Environment Advisory Committee Minutes – the name of the Committee should read Environment Advisory Committee (not Environmental).
- Resident of 105 Indian Meal Line
 - Resident discussed concerns relating to recent increases in property assessment.
 - Mayor Tapper advised that the Town will follow up to get the correct percentage of increase.
- Resident of 21 Bridge Road
 - Resident discussed the proposed dog daycare and recently approved mobile vendor, questioning where they obtain their water from and washroom facilities.
- Resident of 1379 Torbay Road
 - Resident discussed his concerns relating to recent increase in property assessments.

NEXT PUBLIC COUNCIL MEETING

The next Public Council Meeting will take place on Monday, October 26, 2015, 7:30 p.m., Council Chambers, Torbay Town Hall.

ADJOURNMENT

467-15 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the meeting be adjourned at 10:25 p.m., as there was no further business.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Roche, Scott, Smith, Thorne-Gosse and Whitty)

Against Motion: 0

Abstained: 0

Mayor

CAO/Town Clerk