



MINUTES
PUBLIC COUNCIL MEETING
October 28, 2013

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on October 28, 2013 at 7:35 p.m.

Members Present

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

Staff Present

Ann Picco, Executive Clerk/Acting Town Clerk
Bernie Manning, Director of Public Works & Technical Services
Kim Osmond, Office Clerk

Regrets

Dawn Chaplin, CAO/Town Clerk
Brian Winter, Director of Planning
Tina Auchinleck-Ryan, Director of Community Services

Gallery

There were a total of 10 people in attendance.

439-13 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT that in the absence of the Chief Administrative Officer/Town Clerk for the period of October 27 – November 5, 2013, 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.

Adoption of Agenda

440-13 Motion – Councillor Smith / Councillor Thorne-Gosse

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

441-13 Motion – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Minutes of the October 15, 2013, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS – None.

MAYOR'S REPORT

Mayor Tapper provided a report of his work and connections that he has made in the community over the past two weeks. He reported mostly phone calls and emails.

CORRESPONDENCE

1. Cecon Ltd. – Proposed Site for the New Town of Torbay Municipal Depot – Potential Suitability of Cecon Ltd. Land (9.4 acres, Torbay Bypass at South Pond). ***Deferred to Public Committee.***
2. Stantec – August/September 2013, Water Sampling, Big Beach, Torbay Bight. ***Council discussed that this was the second report for this year, and testing will continue. Deferred to Public Works Committee to look at signage and continued monitoring. Director of Public Works & Technical Services advised another report to come before end of year.***
3. Correspondence from resident concerning Town Depot Site. ***Deferred to Public Works Committee.***
4. Correspondence from resident concerning Proposed Site for the Depot. ***Deferred to Public Works Committee.***
5. Greg Hiscock, Councillor, Town of Brigus – Avalon Director, Municipal Assessment Agency (MAA). ***For Information Purposes.***
6. Department of Municipal Affairs – Approval to Award – 2013-2014 MYCW, 2013 Road Improvements and Paving, Project No. 12121. ***Deferred to Public Works Committee.***
7. Correspondence from Company concerning removal of fill/material in the Great Pond area for upgrading of access road. ***The company has withdrawn their bid - no action required.***
8. Motion – Election Ballot Boxes.
As per section 59 of the Municipal Elections Act, 30 days have passed since the September 24, 2013 municipal election. No recounts were requested nor are there any court actions pending regarding the election. As a result, the ballot boxes must be destroyed. A motion of Council is required to complete this action. ***See motion below:***

442-13 Motion – Councillor Thorne Gosse / Deputy Mayor Gallant

RESOLVED THAT that further to Section 59 of the Municipal Elections Act, that the ballot boxes and contents related to the 2013 municipal election in the Town of Torbay be destroyed.

Question called. Motion carried unanimously.

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report, dated October 28, 2013, was discussed and accepted as presented.

- Council discussed that this report be reviewed and updated when all staff are present, as some items can be removed.
- Mayor advised that he will review with CAO, as well.

COMMITTEE REPORTS

Economic Development

Councillor Hall provided an overview of items discussed under the Economic Development Committee Meeting, dated October 23, 2013.

Items discussed in the report included:

- A. Economic Development Strategic Plan Progress Report
 - The consultant was awarded in July, 2013 - Millier Dickinson Blais.
 - A lot of work has been done on this. The next draft will be forwarded to Council in about one week's time.
- B. Business Park Feasibility Update / Groundwater Assessment
 - Twelve monitoring test sites were established - four or five were in areas not easily accessible, so these had to be relocated. Letters going out to landowners on twelve proposed drill sites for approval, and hoping for positive feedback. Hopefully results will be available around Christmas time or early January, 2014.
- C. Upper Three Corner Pond Park Project
 - Progress has been made on this project and new Council have seen drawings. These drawings will be used to develop tendering package.
 - Thirty-three percent of funding is coming from ACOA, and contribution must be assigned by March 31, 2014.
- D. Torbay Community Market
 - Eighty vendors have registered. There will be local produce, baked goods, etc. available. Encourage the Town to come out.

- E. Small Business Week 2013
- Touched base with as many small businesses here in Torbay. Number of one on one sessions with Economic Development Officer and local businesses.

Other business discussed included possibility of having two members from the Community on Committee - one established business member and one new business member in the Town. Mayor Tapper advised that the matter of community representatives is for consideration only and will have to be approved by all Council.

Finance and Administration

The Financial Report, dated October 14-25, 2013, was accepted, as presented. Deputy Mayor Gallant read out payroll and accounts payable information as per the report:

Payroll for the period of October 14-25, 2013, for 28 employees is \$56,527.96.

For the period of October 14-25, 2013, Accounts Payable invoices in the amount of \$210,482.04 were paid. These expenditures were within budget.

There are six (6) Main Operating Invoices totalling \$76,173.78 for approval:

443-13 Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

RESOLVED THAT the Town of Torbay approve payment to Municipalities Newfoundland and Labrador, for MNL Convention Sponsorship, in the amount of \$5,000.00.

Question called. Motion carried unanimously.

444-13 Motion – Deputy Mayor Gallant / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Receiver General for Canada, for Payroll Remittance for October 1 – 15, 2013, in the amount of \$20,709.56.

Question called. Motion carried unanimously.

445-13 Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

RESOLVED THAT the Town of Torbay approve payment to Royal Freightliner, for Sterling Truck Inspection and Repairs, in the amount of \$6,795.63.

Question called. Motion carried unanimously.

446-13 Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

RESOLVED THAT the Town of Torbay approve payment to St. John’s Asphalt and Aggregate, for Road gravel and 4” minus rock, in the amount of \$10,156.09.

Question called. Motion carried unanimously.

447-13 Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

RESOLVED THAT the Town of Torbay approve payment to Town of Flatrock, for 2012 Expense related to TVFD Flatrock Substation, in the amount of \$27,862.50.

Question called. Motion carried unanimously.

448-13 Motion – Deputy Mayor Gallant / Councillor Thorne Gosse

RESOLVED THAT the Town of Torbay approve payment to Triware, for IT Support – block of time, in the amount of \$5,650.00.

Question called. Motion carried unanimously.

A copy of the current income and expense reports are included in packages for Council’s information.

449-13 Motion – Deputy Mayor Gallant / Councillor Hall

RESOLVED THAT in the absence of the Chief Administrative Officer for the period of October 27 – November 5, 2013 that the Town of Torbay authorize Executive Clerk Ann Picco to sign cheques on the main operating bank account.

Question called. Motion carried unanimously.

450-13 Motion – Deputy Mayor Gallant / Councillor Hall

RESOLVED THAT the Town of Torbay proceed with painting crosswalk, school zone and other applicable symbols for the cross walk located on Torbay Road at the intersection of Marine Drive and Convent Lane at a cost of \$975.00 plus HST. Cost estimate is based on a quote received from Clean Sweep Property Maintenance dated October 17, 2013.

Question called. Motion carried unanimously.

Deputy Mayor Gallant discussed the above motion and questioned if this is going to be a permanent, ongoing service provided by the Town and an ongoing expenditure. As this is a provincially-owned road, he discussed approvals from the Provincial Government and questioned if everything was in place. Director of Public Works & Technical Services confirmed approvals have been received.

Council discussed that this is a safety matter, which Council agreed to take action and complete the work for the safety of the school children.

Recreation, Parks and Community Services

Councillor Thorne-Gosse provided an overview of items discussed under the Community Services Committee Meeting Minutes, dated October 23, 2013.

Items discussed in the report included:

Recreation Master Plan.

- Members were brought up to date on the plan.

Sports Complex at Upper Three Corner

- Received funding from ACOA, and under tight timing constraints. Had concerns that some user groups were not able to view the drawings, but were able to come together on Friday to review the plans.
- Three bids have been received for the drawings and overall project management.

Community Wellness Centre

- Work has been done on a concept design, to reflect Town's requirements.

Programs

- Night Time Parade - participation was discussed.
 - Councillor Thorne-Gosse requested that residents/businesses consider putting a float in the parade.
 - Deadline was moved to the first of November.
 - Council discussed the \$100.00 refundable deposit and actions to encourage others to participate, including forwarding invitations to organizations and businesses or contacting directly.
- Looking into Seniors Party and availability of place to hold event.

Planning, Land Use and Development

Councillor Thorne-Gosse left the Public Council Chambers at 8:16 p.m. as it was determined that she was in a conflict of interest.

Deputy Mayor Gallant provided an overview of items discussed under the Planning, Land Use and Development Committee Meeting Minutes, dated October 22, 2013.

Items discussed in the report included:

1. Development Proposals
 - a) Proposal from property owner at 40-50 Whiteway's Pond Road develop their property with 12 unserviced building lots.
 - See Motion below.

451-13 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT that the Town of Torbay give the property owner of 40-50 Whiteways Pond Road approval in principal so they can proceed with engineering and design work on the proposed 12 lot unserviced subdivision as outlined on Mae Design drawing number MC-10098-003-131004, as presented to Council. No permits will be issued until all standard conditions for developing within the Town of Torbay are met and a Development Agreement is signed. Open space requirements will be determined at a later date after further consultation with the Recreation Department.

Question called. Motion carried unanimously.

Councillor Thorne-Gosse returned to the Public Council Chambers at 8:19 p.m.

- b) Proposal from property owner at 43 Lower Street to subdivide property.
 - This application will be dealt with in the Building Application Report, dated October 25, 2013, under Application 10109-13.
- c) Proposal from property owner at 1696 Torbay Road to continue backfilling property.
 - This application will be dealt with in the Building Application Report, dated October 25, 2013, under Application 10104-13.
- d) Proposal from property owner at 9-21 Country Drive to develop a building lot with a reduced rearyard depth.
 - This application will be dealt with in the Building Application Report, dated October 25, 2013, under Application 10089-13.
- e) Proposal from property owner at 148C Patrick's Path to construct a new dwelling on the property.
 - This application will be dealt with in the Building Application Report, dated October 25, 2013, under Application 10092-13.
- f) Proposal from property owner at 7 Edgewater Lane to establish a small workshop at his residence for a powder coating business.
 - This application will be dealt with in the Building Application Report, dated October 25, 2013, under Application B1119-13.
- g) Proposal from property owner at 37 Torquay Drive to construct an extension to the existing accessory building to attach it to the main dwelling and establish a sound recording studio in the new addition.
 - This application will be dealt with in the Building Application Report, dated October 25, 2013, under Application B1126-13.

- h) Proposal from property owner at 5 Watts Pond Road to construct a second Child Care Facility.
 - Director of Planning to complete some further research.

- 2. Items for Five Year Review Consideration
 - a) Correspondence from property owner at Whitty's Lane, requesting land currently zoned Agricultural be changed to a Residential Zone.
 - Request to be sent to Town's Planning Consultant for consideration in 5 Year Review.

- 3. Correspondence
 - a) Correspondence from Dept. of Agriculture in relation to 610 meter livestock buffer, Bauline Line.
 - This matter will be brought forward to next PLUD Meeting.
 - b) Correspondence from Town of Portugal Cove-St. Philip's on a proposed amendment to the St. John's Urban Region Regional Plan.
 - c) Correspondence from the Town of Bay Bulls on a proposed amendment to the St. John's Urban Region Regional Plan.
 - d) Correspondence from the Town of Bauline on a proposed amendment to the St. John's Urban Region Regional Plan.
 - e) Correspondence from the Town of Paradise on a proposed amendment to the St. John's Urban Region Regional Plan.

Building Applications Approved

The following applications were approved subject to the normal conditions and requirements for building within the Town of Torbay:

Application Number	Location	Proposal
C2013-001	270 Indian Meal Line	12' x 16' Accessory Building
C2013-002	863 Torbay Road	Replace Parking Lot Storm Sewer

Application numbers have changed from the previous format. The Town is currently using a new planning program. The applications numbers are generated by the new program. Outlined below are the application types.

- B - Building
- D - Development
- C - Building & Development
- DM – Demolition
- S – Subdivision of Land

Building Applications for Approval

Application: 10089-13
Location: Portion of 9-21 Country Drive
Proposal: Subdivision of Land and Single Family Dwelling
Zoning: Residential Medium Density (RMD)

452-13 Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT the Town of Torbay approve Application 10089-13, under the Applications for Approval section of the Building Application Report, dated October 25, 2013, subject to the following conditions:

1. The development shall meet the normal building requirements of the Town.
2. The rear yard depth for this lot shall be set at 6.5 meters

Question called. Motion carried unanimously.

Application: 10109-13
Location: 43 Lower Street
Proposal: Subdivide Property
Zoning: Residential Medium Density (RMD)

453-13 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT the Town of Torbay approve Application 10109-13, under the Applications for Approval section of the Building Application Report, dated October 25, 2013, subject to the following condition:

1. The development shall meet the normal building requirements of the Town.

Question called. Motion carried unanimously.

Council discussed the above motion questioning the subdivision of the land, if it imposes on the beach development, and if the approval would be considered approval to develop in the future. Council discussed that the application is to subdivide property/land only and future development would have to come back to Council for approval. The subdivision of land was to accommodate for the heritage home. The applicant will have to abide by normal building requirements.

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Application: C2013-003
Location: 81 Upper Evening's Path
Proposal: 30' x 40' Accessory Building
Zoning: RI (Residential Infill)

454-13 Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT the Town of Torbay approve Application C2013-003, under the Applications for Approval section of the Building Application Report, dated October 25, 2013, subject to the following conditions:

1. The use of the accessory building is restricted to residential accessory use.
2. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

Application: C2013-004
Location: 145 Indian Meal Line
Proposal: Extension to Existing Single Family Dwelling
Zoning: RMD (Residential Medium Density)

455-13 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT the Town of Torbay approve Application C2013-004, under the Applications for Approval section of the Building Application Report, dated October 25, 2013, subject to the following condition:

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

Question called. Motion carried unanimously.

Application: S2013-001
Location: 152 Patrick's Path (Portion of 152-154 Patrick's Path)
Proposal: Single Family Dwelling
Zoning: RMD (Residential Medium Density)

456-13 Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT the Town of Torbay approve Application S2013-001, under the Applications for Approval section of the Building Application Report, dated October 25, 2013, subject to the following condition:

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

Question called. Motion carried unanimously.

Application: C2013-005
Location: 19 Quarry Road
Proposal: 18' x 24' Accessory Building
Zoning: RI (Residential Infill)

457-13 Motion – Deputy Mayor Gallant / Councillor Hall

RESOLVED THAT the Town of Torbay approve Application C2013-005, under the Applications for Approval section of the Building Application Report, dated October 25, 2013, subject to the following conditions:

1. The use of the accessory building is restricted to residential accessory use.
2. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

Application: DM2013-001/C2013-006
Location: 15 Reardon's Lane
Proposal: Demolition of Existing Dwelling and Construction of New Single Family Dwelling
Zoning: RMD (Residential Medium Density)

458-13 Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT the Town of Torbay approve Application DM2013-001/C2013-006, under the Applications for Approval section of the Building Application Report, dated October 25, 2013, subject to the following conditions:

1. Demolition of existing residential dwelling.
2. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

Building Applications to be Refused

Application: 10092-13
Location: 148C Patrick's Path
Proposal: Single Family Dwelling
Zoning: RMD (Residential Medium Density)

459-13 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT the Town of Torbay refuse Application 10092-13, under the Applications to be Refused section of the Building Application Report, dated October 25, 2013, for the following reason:

1. The proposed location of the new dwellings building line is greater than the maximum allowable (32 meters) as per amended regulation 42.

Question called. Motion carried unanimously.

Application: 10104-13
Location: 1696 Torbay Road
Proposal: Continue Backfilling Property
Zoning: Residential Infill (RI)

Mayor Tapper noted that the Director of Planning received new information that is relevant to this application that should be reviewed before Council brings forth motion. See motion below.

460-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer Application 10104-13 pending review of new information received by Director of Planning.

Question called. Motion carried unanimously.

Business Applications to be Advertised

461-13 Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT the Town of Torbay defer the below Application, under the Applications to be Advertised section of the Business Application Report, dated October 25, 2013, pending public notification and consultation required in accordance with Regulation 33 of the Torbay Development Regulations, and that any explicit costs associated with the public notification and consultation be paid in advance by the applicant.

This application was further discussed in PLUD report dated October 22, 2013 item 1g).

Application Number	Location	Proposal
B1126-13	41 Torquay Drive	41 Torquay Drive

Question called. Motion carried unanimously.

Business Applications to be Refused

Application: B1119-13
Location: 7 Edgewater Lane
Proposal: Refinishing Metal Parts Business (Home Based)
Zoning: Residential Large Lot (RLL)

462-13 Motion – Deputy Mayor Gallant / Councillor Scott

RESOLVED THAT the Town of Torbay refuse Application B1119-13, under the Applications to be Refused section of the Business Application Report, dated October 25, 2013, for the following reason:

1. The proposed use is considered a discretionary use within the RLL land use zone. Committee feels that after reviewing the application and the written correspondence received in relation the proposed business that Council should use its discretionary authority to refuse the application. Committee feels that such an operation is better suited for a non-residential area.

Question called. Motion carried unanimously.

Public Works

Councillor Smith gave an overview of items discussed under the Public Works Committee Minutes, dated October 23, 2013.

Items discussed in the report included:

Councillor Smith left the Public Council Chambers at 8:45 pm. as it was determined that she was in a conflict of interest.

Councillor Scott discussed Doyle's and Quigley's

- Town staff will contact School officials and review traffic patterns on Doyle's & Quigley's and Marine Drive and provide a report on future improvements to the area.
- The Town is looking at making improvements to traffic in the area.

Councillor Smith returned to the Public Council Chambers at 8:47 p.m.

MYCW

- Director provided an update on all projects included in 2012-2013 MYCW with further direction to follow. It should also be noted that the Town has received the road upgrading award letter, Modern Paving, the successful bidder.

Coady's Lane

- Public Works has supplied the contractor and owner with as-built drawings for review.

2014-2015 MYCW

- Staff will review consultant's recommendations and Town will need to compile a list of items for submission to the Provincial Municipal Affairs.

Deputy Mayor Gallant discussed speed bumps and asked if Committee addressed this issue. He asked that this matter be added to the next Agenda. He highly recommended that speed bumps be polled by neighbourhoods and review if possible to see if it can be part of budget. He recommended that the speed bumps be installed at the crosswalk area in the Town.

Speed calming was discussed. Deputy Mayor requested that the Town's mobile digital sign be deployed in area of crosswalk on Torbay Road, in vicinity of the school. The Town can monitor traffic, speeds, and to see the effectiveness of crosswalk once complete. Director of Public Works and Technical Services to have digital sign placed in area.

Mayor advised that he received a call from a resident concerning speeding – resident recently had an accident in area of Torbay Road/Marine Drive. He advised he will be meeting with the RNC in the near future to review this urgent issue of speeding, indicating that he would like all staff and Council to be involved in this discussion, as well.

ADVISORY COMMITTEES

Environment – No report.

Heritage - No report.

LIAISON COMMITTEES

Jack Byrne Arena

Deputy Mayor Gallant advised that a meeting was held on Thursday, October 24th. Items discussed included community representatives. He noted that they will be standardizing reporting of meetings, so he can provide a more formal report to Council. These reports will include standard updates, including financial information, etc. The Arena is doing very well, projecting a positive upcoming money flow.

Northeast Avalon Joint Council

Councillor Roche advised that the first meeting is to take place in Paradise, on Wednesday evening.

Torbay Harbour Authority

No report.

Torbay Volunteer Fire Department

Councillor Scott advised that the Minutes of the Torbay Volunteer Fire Department Meeting, dated August 26, 2013 are included in Council's packages for review. He reported that he's hoping to make the next meeting so he can provide a report.

Urban Municipalities Committee

Councillor Smith advised that Minutes of the UMC Meeting, dated August 16-17, 2013, are included in Council's packages for information.

Also included for information are the following Presentations:

- Habitat for Humanity NL
- NL Healthline
- MNL Urban Summit Update
- NL Power & LED Street Lights
- MNL MNEWS Discussion Group

Mayor Tapper noted that he is representative for this committee and Councillor Smith is alternate. He advised next meeting date and time has been confirmed.

NEW BUSINESS

Mayor Tapper

Mayor Tapper discussed recent incident at Whiteway's Pond, whereby Corey Roche helped pull gentleman out of water and assisted in saving his life. Resident from Gallery provided information on incident and how Corey assisted in saving gentleman's life; and, she further reported that he is now doing great. Council to follow up with possible bravery award.

Deputy Mayor Gallant

Deputy Mayor Gallant discussed Habitat for Humanity, indicating that they have a presentation included under UMC. He advised they want to meet with Torbay, further indicating they have a very good program and the Town should look at.

He thanked Council and Staff for doing a great job and to keep up the good work.

Councillor Hall - Pass

Councillor Roche - Pass

Councillor Scott

Councillor Scott extended condolences to the family of Mr. Bill Woods, former member of the Torbay Volunteer Fire Department, who recently passed away. He was a member of the Department for approximately 40 years. The Department gave him a nice send off at the funeral and they held a reception afterwards at the Fire Hall.

He congratulated Keith Hogan, who participated in the Dublin Marathon event. He finished 3 hours, 50 minutes, 33 seconds, which was quite an accomplishment.

Councillor Smith - Pass

Councillor Thorne-Gosse – Pass

ADJOURNMENT

463-13 Motion – Councillor Smith / Deputy Mayor Gallant

RESOLVED THAT the meeting be adjourned at 9:07 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk