



***MINUTES***  
PUBLIC COUNCIL MEETING  
September 29, 2014

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on September 29, 2014 at 7:44 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-Goose

**Staff Present**

Tina Auchinleck-Ryan, Director of Community Services  
Ann Picco, Executive Clerk  
Brian Winter, Director of Planning  
Kim Osmond, Office Clerk

**Regrets**

Dawn Chaplin, CAO/Town Clerk  
Bernie Manning, Director of Public Works & Technical Services

**Gallery**

There were a total of 15 people in attendance.

CAO Dawn Chaplin will be out of the office from Wednesday, September 24, 2014 to Wednesday, October 1, 2014, participating in a three day seminar on performance measurement and benchmarking and the national economic development conference. As a result, an Acting Town Clerk must be appointed in order for the public Council meeting on September 29, 2014 to proceed. Please see the required motion below.

475-14      Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

**RESOLVED THAT** in the absence of the Chief Administrative Officer/Town Clerk for the period of September 29 – October 1, 2014, that Executive Clerk Ann Picco be appointed the Acting Town Clerk. Any operational matters are to be referred to the appropriate senior department staff member.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

### **Adoption of Agenda**

476-14      Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Agenda be adopted, as presented.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

### **Adoption of Minutes**

477-14      Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Minutes of the September 15, 2014 Public Council Meeting be adopted as presented.

Question called. Motion carried.

For Motion: 7 (Mayor Tapper, Deputy Mayor Gallant, Councillors Hall, Scott, and Smith)

Against Motion: 0

Abstained: Councillor Thorne-Gosse and Councillor Roche

Councillor Thorne-Gosse and Councillor Roche abstained from voting to adopt the Minutes of September 15<sup>th</sup>, advising they were not in attendance at this meeting. All Council Members agreed and permitted them to abstain from voting.

### **PROCLAMATIONS / PRESENTATIONS**

#### *Silver Spades Property Beautification – Announcement of Winners.*

Director of Community Services recognized the following for their efforts in various aspects of gardening:

- Beginners Garden 2014 – Sarah and Jason Gill (70 Western Island Pond Drive)
- Mature Garden 2014 – Michelle Myrick and Keith Burke (11 Pineridge Crescent)
- Vegetable Garden 2014 – Marie and Clinton Stanley (932 Torbay Road)
- Natural Garden 2014 – Marina Cheeseman (99 Convent Lane)

She thanked and congratulated all and presented a token of appreciation for all the hard work and dedication to their gardens.

Director of Community Services thanked Ms. Joanne Hayes for her assistance and education as they viewed each property.

*Eastern Health – October 1 – 7, 2014 – World Breastfeeding Week.*

Mayor Tapper introduced Ms. Sheila Hancott and Ms. Tracey Murrin, both Public Health Nurses with Eastern Health, who were in attendance at tonight's meeting. They indicated that Torbay and surrounding area have a very high rate of moms initiating breastfeeding and one of the highest rates in Newfoundland. They're big advocates for breastfeeding and recognized all moms initiating breastfeeding and for their efforts, as there are challenges along the way.

Councillor Hall read aloud the proclamation. See motion below.

478-14      Motion – Councillor Hall / Councillor Smith

**RESOLVED THAT** the Town of Torbay proclaim October 1 – 7, 2014 to be Breastfeeding Week in Torbay, and urge all citizens to join Team Breastfeed and cheer on the efforts of mothers, babies and families.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

**MAYOR'S REPORT**

Mayor Tapper provided a report, dated September 12 - 25, 2014, of his work and connections that he has made in the community over the past two weeks.

**CORRESPONDENCE**

1. Torbay Volunteer Fire Department – Fire Prevention Week Parade. *Councillor Scott advised that the Parade takes place on October 5<sup>th</sup> at 1:00 p.m. from the Jack Byrne Arena back to the Fire Hall and roads in between. He will further discuss under Liaison Committees, Torbay Volunteer Fire Department section.*
2. Department of Municipal and Intergovernmental Affairs – Proposed Amendment to the St. John's Urban Region Regional Plan, 1976. *Mayor Tapper referred all Members of Council to the website as indicated in the correspondence. He further advised that work is ongoing on the super amendment – looking to get rid of the outdated 1976 plan. The first step to replace the old plan is to put together all municipal plans already approved by towns in*

*the surrounding area. Deadline for comments is October 10<sup>th</sup>, 12:00 noon. Director of Planning further indicated that it's a mapping amendment to bring all current towns plans together – a regional plan map.*

3. Department of Municipal and Intergovernmental Affairs – Circular – New Building Canada Fund. *Referred to Public Works Committee.*
4. Correspondence from Lions Club concerning forming a Lions Club in Torbay. *Mayor Tapper advised that a few weeks ago, the Club from District N4 did a presentation to Council. It was a very positive meeting and they're interested in setting up a Club here in Torbay. The Town is going to give them some meeting space, let them put out a call to residents and hopefully get support to get a chapter here in the community.*
5. Canadian Union of Postal Workers (CUPW) – Request for Support to Save Canada Post. *See motion below.*

479-14      Motion – Councillor Roche / Councillor Hall

**RESOLVED THAT** the Town of Torbay support the resolution from CUPW to save Canada Post and send off in support.

Question called. Motion carried.

For Motion: 4 (Deputy Mayor Gallant, Councillors Hall, Roche, and Thorne-Gosse)

Against Motion: 3 (Mayor Tapper, Councillors Scott and Smith)

Abstained: 0

Council discussed referring the resolution to Finance and Administration Committee. They discussed the strong wording/language in the document, which some Members of Council were not comfortable with and questioned if the Town could write letter of support instead.

## **CORRESPONDENCE & ACTION REPORT**

The Correspondence and Action Report, dated September 29, 2014, was accepted as presented.

## **COMMITTEE REPORTS**

### **Economic Development**

Councillor Hall provided an overview of the items discussed at the Economic Development Committee Meeting, dated September 17, 2014.

Items discussed in the report included:

- Town Centre Feasibility Project
  - Meeting was held with businesses owners, consultants and developers who were directly affected.
  - Consultants had statistics for what would work in the area and what the Town actually requires.

- Mayor discussed that Public Consultations at the Jack Byrne Arena are starting tomorrow, September 16<sup>th</sup>, and that he expressed his concerns at the last meeting. The Town centre feasibility study covers a certain section of the Town Centre area including the wellness centre and other acreage there. Within our municipal plan review, the Town Centre zone is bigger than what we're looking at now. He further discussed zoning – just for the wellness centre and development in the area, advising that mapping indicates the area the consultant is looking at.
- Councillor Scott advised that he received some inquiries and complaints from residents that live around the area. They're upset that this is the first they heard about the town centre when they saw the notice from the Town.
  - It was noted that the consultants were to get in touch with property owners.
  - With regards to communications to residents, Council discussed keeping this in mind for further projects that may impact people around an area.
    - Council discussed a possible communications position, and once position is filled, job will entail handling all communications.
- Business Park Feasibility Update
  - There are some legal complications with Town lawyers concerning name of land owner in order to drill last two wells.
- East Coast Trail Association MOU
  - MOU to be referred to next Council Meeting for further review by Council Members.
- Business Advisory Committee
  - Committee has already met. Motion to follow concerning Committee Members.
- Torbay Community Market
  - Event is taking place on Saturday, November 1<sup>st</sup> at the Jack Byrne Arena.
- Targa Newfoundland
  - There were some positive comments and also some resident complaints. Economic Development Officer to schedule a meeting with Targa for debrief of their event.

*Town of Torbay – Business Advisory Committee*

480-14      Motion – Councillor Hall / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve and adopt the following individuals to a one year term on the Business Advisory Committee:

Craig Drover – Coastal Accounting  
Derick Sharron – Torbay Family Church  
Dr. Kathryn Vardy – Kinetic Chiropractic & Health Clinic  
Natasha Hanames – Prestige East Taxi

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

**Finance & Administration**

The Finance and Administration Report, dated September 15 - 19, 2014, was accepted as presented. Councillor Thorne-Gosse read out payroll and accounts payable information as per the report:

Payroll for the period of September 15 - 19, 2014, for 28 staff is \$29,837.18.

For the period of September 15 - 19, 2014, Accounts Payable invoices in the amount of \$118,149.08 were paid. These expenditures were within budget.

There were seven (7) Main Operating Invoices, in the amount of \$106,927.37 for approval:

*Deputy Mayor Gallant left the Public Council Chambers at 8:21 p.m., as it was determined that he was in a conflict of interest.*

481-14      Motion – Councillor Thorne-Gosse / Councillor Scott

**RESOLVED THAT** the Town of Torbay approve payment to KPMG Consulting Services, for Municipal Service Delivery Review, in the amount of \$22,600.00.

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Councillors Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 1 (Deputy Mayor Gallant)

*Deputy Mayor Gallant returned to the Public Council Chambers at 8:21 p.m.*

482-14      Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment Receiver General for Canada, for Payroll Deductions for September 1-15, 2014, in the amount of \$18,529.61.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

483-14      Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Sojourn Group of Companies, for Solar Powered DF Sign – Traffic Calming, in the amount of \$7,771.01.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

484-14 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to St. John's Asphalt & Aggregate, for Road Gravel and Rock, in the amount of \$11,824.01.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

485-14 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Terra Nova Motors Ltd., for ½ ton truck – Tender 2014006, in the amount of \$33,234.43.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

486-14 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Trio Benefits, for Group Benefits for September 2014, in the amount of \$7,318.31.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

487-14 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay approve payment to Triware, for System Support, in the amount of \$5,650.00.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

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

Finance and Administration Committee Meeting

Finance and Administration Committee met on September 22<sup>nd</sup> commencing at 6:10pm. In attendance were Councillor Thorne-Gosse (Chair), Deputy Mayor Gallant (Member) and staff resource CAO. The lone agenda item was citizen engagement as part of the Public Council Meeting.

Councillor Thorne-Gosse advised that the motion that's in the report is not what was agreed upon and she asked Mayor for advice as to direction to go. Mayor Tapper advised that there's going to be two parts to this item and motion. The motion included in the report pertains to the session prior to the meeting, and there will be a motion for another session at the end of the meeting. Deputy Mayor Gallant advised that he had an amendment to add to the motion. Motion to follow.

488-14      Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

**RESOLVED THAT** further to motion 430-13 (the Council Standing Committee Structure and Meeting Schedule for 2013-2017), that effective October 14, 2014 (the next Council meeting) and on a go forward basis, that the Planning Land Use and Development Committee meeting minutes and all associated reports be presented as the first item on the agenda under agenda item number six, Committees of Council.

Question called. Motion carried.

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

Against Motion: 1 (Councillor Hall)

Abstained: 0

Council questioned why the Planning, Land Use and Development Committee reports were being presented first. It was discussed that most residents who attending Public Council Meetings are waiting on a decision of Council on their development application. Rather than have residents wait, it was agreed to move ahead on the agenda.

Councillor Hall advised that he's against changing structure. He understands reasons for moving the Committee reports, however, we should not assume why people and residents are attending Public Council Meetings. There's benefit of having people in the Chambers.



Most Council agreed and discussed that it's not the intent of this motion to force people out of the Chambers once their development application has been voted on. If people have an interest to sit through Council Meetings, they will attend no matter of Agenda order or items.

489-14      Motion – Councillor Thorne-Gosse / Councillor Roche

**RESOLVED THAT** Further to motion 430-13 (Council Standing Committee Structure and Meeting Schedule for 2013-2017), motion 082-14 (Rules of Procedure for Council meetings) and motion 438-14 (immediate cease hosting of question and answer session at the end of each council meeting), that effective October 14, 2014 (the next Council meeting) and on a go forward basis, that the resident question and answer period be held as part of the public council meeting under proclamations and presentations. The question and answer period will be limited to 15 minutes. Presentations will be by appointment only. Presentations will be a maximum of five (5) minutes each and will be timed. Appointments must be confirmed by contacting the CAO by Thursday, 12 noon preceding the council meeting to have a presentation placed on the agenda. If there are no public presentations scheduled, then questions can be taken from the floor and added to the agenda. Mayor Tapper as Chair of the Public Council Meeting, will determine if questions will be answered in the meeting or referred to a Committee. The intent is to ensure that no debate occurs in the Council Chamber. If residents could be provided with a simple answer to their question, they would.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

A friendly amendment was put forth by Councillor Smith that as part of motion that presentation be not from the floor, but by appointment only. All agreed. All Council Members agreed on the first motion with amendment below.

490-14      Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

**RESOLVED THAT** further to the above motion, 489-14, that additionally Council shall have a 15 minute Public Question and Answer Session at the end of each Council Meeting. The Mayor shall ask the Public Gallery if any questions pertaining to the current meeting. All questions from the Gallery shall be directed to the Mayor for answering or deferral. Each person is to have five minutes maximum. This session is to be timed for total of fifteen minutes.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

Council discussed the above motions, communication and interaction with residents and the Gallery, and the need to have two Question and Answer Sessions. It was noted that there's also a time slot for resident meetings with Council by appointment at 6:30 p.m. on Public Council Meeting nights. It was also noted that these sessions will be controlled and timed, as well as now recorded.

### **Parks, Recreation and Community Services**

Councillor Hall advised that a meeting is scheduled for next week.

Councillor Thorne-Gosse advised that there is some controversy over the trunk or treat event, advising that it was made clear last year during budget discussions that the event would not go ahead. She advises that she has issues concerning costs of the event and a decision needs to be made if it will go ahead, as it's not a budgeted item for this year. Mayor Tapper requested that this matter be referred back to Committee.

### **Planning, Land Use and Development**

Deputy Mayor Gallant provided an overview of items discussed under the Planning, Land Use and Development Committee Meeting, dated September 23, 2014.

Items discussed in the report included:

1. Development Proposals

a) Crown Land Application Middle Three Island Pond Area.

- Background is included in Council's packages.
- The application will be dealt with in the Crown Land Application Report, dated September 26, 2014, Application number CL2014-022.

b) Proposal from property owner 19 Martin's Lane to construct a new accessory building.

- Committee reviewed Regulation 38 Accessory Buildings

38. Accessory Buildings

(1) Accessory buildings shall be clearly incidental and complementary to the use of the main buildings in character, use and size, and shall be contained on the same lot.

(2) (a) No accessory building shall be located closer to the street line than the main building.

(b) Notwithstanding Section 38 (2) (a), the Council may approve the location of an accessory building closer to the street line than is the main dwelling where the Council considers that the location of an accessory building as required under Section 38 (2) (a) would pose a severe inconvenience or hazard, and provided that the location of the accessory building would not pose a threat to road safety.

- The application will be dealt with in the Building Application Report dated September 26, 2014, Application number C2014-190.

- c) Proposal from Property owner Reddy Drive to develop 7 Semi Serviced lots.
    - Director will contact the Applicant to address the issue.
  - d) Proposal from Property owner 314 Indian Meal Line.
    - Committee reviewed email from property owner it was agreed that the proposal is something that the Committee would consider if a proper application was received.
    - Director will contact the property owner to let him know that a new application is required for the proposed development.
2. Correspondence
- a) Letter from property owner 275 Indian Meal Line.
    - Committee reviewed letter from property owner in relation to constructing a barn to house 1-2 horses on her property.
    - In relation to the housing of 1-2 horses on the property this can be considered under Section 9 Traditional Agricultural Use in the Residential Infill land use zone.
    - Committee has reviewed all and it does fit the Town's regulations.
    - It was agreed that the DOP would contact the property owner to discuss their options.
  - b) Letter from property owner 1160 Torbay Road.
    - Committee reviewed the letter received from the property owner, it was agreed that with the implementation of the net zero runoff policy in the Town's new Engineering and Design Guidelines for Subdivisions. The risk of potential flooding in the area from development south of the property should be minimal.
    - Director will contact the property owner to discuss.
  - c) Letter from property owner 440 Indian Meal Line.
    - Committee reviewed letter from property owner. Director informed the Committee that the meeting between the Town and the Department of Transportation occurred a short while ago and both the Department of Transportation and the Town have directed the developer to address the issue.
    - The Town's engineer and the developer's engineer also met to discuss the issue of the drainage ditch. The developer's engineer is going to provide the Town with possible solutions to the issue.
    - Council discussed timelines. Director advised waiting on developer and have been in contact with him to have addressed.
    - Deputy Mayor advised that a meeting will be called once decision made.
3. Other Items
- a) Blocked Trail (Right of Way) Jones Pond Area
    - Committee reviewed legal opinion provided it was agreed that they would accept the opinion of the solicitor and recommend to Council that a removal order be issued on the two properties in question.
    - It was also agreed that 30 days would be given to the property owners to have the obstructions removed. If it isn't removed within that time frame that the Town would have the obstructions removed and invoice the property owners for the cost of removal.
    - See motions below.

491-14      Motion – Deputy Mayor Gallant / Councillor Scott

**RESOLVED THAT** the Town of Torbay issue an order to 384-386 Marine Drive to have the obstruction to the public right away along the southern boundary line of the property removed within 30 days of receiving the removal order. If the obstruction is not removed within the 30 day the Town of Torbay will have it removed and invoice the property owner for the cost to do so.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

Council discussed the above motion indicating that it has been ongoing for a long time. This is a traditional right of way, one of the oldest trails in Torbay. During developments and construction of subdivisions, this trail was supposed to be reserved for public use. Land owner(s) indicate that through execution of building, the land was incorporated as part of lot; therefore, land owner(s) took upon themselves to block the trail. The Town has received solid legal opinion and direction by lawyer that this is a public right of way and cannot be blocked.

492-14      Motion – Deputy Mayor Gallant / Councillor Smith

**RESOLVED THAT** the Town of Torbay issue an order to 3 Paul's Place to have the obstruction to the public right away along the southern boundary line of the property removed within 30 days of receiving the removal order. If the obstruction is not removed within the 30 day the Town of Torbay will have it removed and invoice the property owner for the cost to do so.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

b) Municipal Plan and Development Regulations Review

- Committee agreed that there should be a new date set for the meeting, to keep the project moving.
- Director to discuss with the Mayor.
- Mayor Tapper advised that this will be included on the Agenda as part of discussions for meeting of Council scheduled for October 13<sup>th</sup>.

c) Draft Property Standards and Maintenance Regulations

- A copy of the regulations will be sent to council for review and comments prior to recommendation for approval.

- Mayor requested that all Council Members review and get back to Committee as soon as possible.
  - d) Parking of Commercial Vehicles on Residential Lots Regulations Review
    - Director will draft a similar set of regulations for Committee and Council to review.
    - Mayor requested that all Council Members review and get back to Committee as soon as possible.
  - e) Drainage Ditch from Flora Drive development
    - Director informed the Committee that the meeting between the Town and the Department of Transportation occurred a short while ago and both the Department of Transportation and the Town has directed the developer to address the issue.
    - The Town’s engineer and the developer’s engineer also met to discuss the issue of the drainage ditch. The developer’s engineer is going to provide the Town with possible solutions to the issue.
4. PLUD Items for Correspondence and Action Report
- a) Table was attached for information.

*Building Applications Approved*

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

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
C2014-208	2 Scenic View Drive	Single Family Dwelling

*Building Applications for Approval*

**Application:** C2014-207  
**Location:** 1323 & 1325 Torbay Road  
**Proposal:** Subdivision of land and demolition of existing garage/construction of commercial building for bakery/café  
**Zoning:** Mixed Development (MIX)

493-14 Motion – Deputy Mayor Gallant / Councillor Smith

**RESOLVED THAT** the Town of Torbay approve Application C2014-207, under the Applications for Approval section of the Building Application Report, dated September 26, 2014, subject to the following conditions:

1. All normal conditions and requirements for commercial buildings within the Town of Torbay.
2. Approval from Service NL is required.
3. Approval from the Provincial Department of Transportation and Works is required.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

**Application:** C2014-209  
**Location:** 40 Lower Street  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Medium Density (RMD)

494-14 Motion – Deputy Mayor Gallant / Councillor Scott

**RESOLVED THAT** the Town of Torbay approve Application C2014-209, under the Applications for Approval section of the Building Application Report, dated September 26, 2014, subject to the following conditions:

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 Hall, Roche, Scott, Smith and Thorne-Gosse)

Against Motion: 0

Abstained: 0

**Application:** C2014-211  
**Location:** 19 Reddy Drive  
**Proposal:** Single Family Dwelling  
**Zoning:** Residential Small Lot (RSL)

495-14 Motion – Deputy Mayor Gallant / Councillor Smith

**RESOLVED THAT** the Town of Torbay approve Application C2014-211, under the Applications for Approval section of the Building Application Report, dated September 26, 2014, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. Removal of existing mobile home.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

*Building Applications to be Deferred*

**Application:** C2014-190  
**Location:** 19 Martin's Lane  
**Proposal:** 24' x 28' Accessory Building  
**Zoning:** Residential Infill (RI)

496-14 Motion – Deputy Mayor Gallant / Councillor Scott

**RESOLVED THAT** the Town of Torbay Defer Application C2014-190, under the Applications to be Deferred section of the Building Application Report, dated September 26, 2014, for notification of neighbouring property owners prior to approval. Council should exercise its discretion under regulation 38(2) (b) and regulation 10 to allow the accessory building to be built in front of the building line of the residence due to the fact that the property owner has very limited choices for the location of an accessory building because of the location of his well and septic field along with the steep slope of the land. Notice of the application will be sent to neighbouring property owners.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

**Application:** C2014-206  
**Location:** 15 Barron's Lane  
**Proposal:** 30' x 30' Accessory Building  
**Zoning:** Residential Medium Density (RMD)

497-14 Motion – Deputy Mayor Gallant / Councillor Smith

**RESOLVED THAT** the Town of Torbay Defer Application C2014-206, under the Applications to be Deferred section of the Building Application Report, dated September 26, 2014, for further review by the PLUD Committee.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

Business Applications to be Advertised

**Application:** D2014-210  
**Location:** 24 Skipper's Landing  
**Proposal:** Home Office for Propane Service Contracting Business  
**Zoning:** Residential Large Lot (RLL)

498-14 Motion – Deputy Mayor Gallant / Councillor Scott

**RESOLVED THAT** the Town of Torbay Defer Application D2014-210, under the Applications to be Advertised section of the Business Application Report, dated September 26, 2014, for advertisement as per Condition 11 of the RLL Land Use Zone and Regulations 10, 22 and 90 of the Torbay Development Regulations.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

Crown Land Applications for Approval

**Application:** CL2014-022  
**Location:** 454 Bauline Line (Back Land)  
**Proposal:** Agricultural Development 13.6 acres  
**Zoning:** Rural (RUR) and Agricultural (AG)

499-14 Motion – Deputy Mayor Gallant / Councillor Smith

**RESOLVED THAT** the Town of Torbay Approve Application CL2014-022, under the Applications for Approval section of the Crown Land Application Report, dated September 26, 2014.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

Council discussed the above motion. Deputy Mayor provided some background information on this application, advising that this is a complicated issue. The proposed use of the land meets zoning, however, there is a motion defining acreage, Motion 195-10 – no more than five acres of agriculture land.



Deputy Mayor advised that we should get together and get all in order. Councillor Smith called Point of Order on Deputy Mayor's Comments, as Committee brought forward a recommendation. Mayor Tapper advised Point of Order well taken, there is a recommendation and there is a motion.

Councillor Scott commented that there are a couple of things Council needs to be clear on. The Crown land application does not go against present Crown land freeze and it does fit within the Town's criteria as long as land use meets zoning. We're only allowing this applicant to go to Crown land and apply/state his case that he owns this property. It will have to come back to Council for any development.

### **Public Works**

Councillor Smith advised that the Public Works Committee did meet on September 5th to discuss one item – Gas Tax Agreement 2014-2024.

Items discussed in the report included:

As per memo from CAO Dawn Chaplin - Gas Tax Agreement 2014-2024, dated September 23, 2014, Committee looked at the needs of the Town and its priorities and came back with a recommendation. This is the first time that Committee will come forward with intent to diversify our funding sources. One of the realities for the Town is that we have two revenue sources, taxation and government. We have business and residential tax, most revenue coming from residential, which leaves no ability to move forward in addressing strategic plan priorities. Also, Committee is recommending that if recommendation accepted, that we move on all at same time rather than over four years. See motion below.

500-14      Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** further to the Town of Torbay's acceptance of the terms and conditions of the ultimate recipient gas tax agreement for 2014-2024, that the Town of Torbay submit a capital investment plan to the Department of Municipal and Intergovernmental Affairs for the period of 2014-2019 with project funding totaling \$1,587,344.61. Priorities include: (1) alternative water supply study and THM reduction initiative; (2) wastewater treatment initiative; (3) multi-purpose building at upper three corner park; (4) pedestrian safety study; and (5) the rehabilitation of 10 municipal roads. The roads are as follows: Western Island Drive, Lower Street, Bridge Road, Whitty's Lane, Moore's Valley Road, Watt's Pond Road, Reardon's Lane, South Pond Road, Cantwell Place, North Pond Road. Cost estimates were completed by Harbourside Transportation Consulting, Woodford Sheppard Architecture, and Progressive Engineering & Consulting Inc.

Question called. Motion carried.

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

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

Abstained: 0

Council thanked Committee for their work on this and bringing forth recommendation.

Councillor Hall discussed that he had some concerns regarding the motion and asked that it be deferred. He indicated that he disagrees with the decision making process and questioned why recommendation came from Public Works Committee only and not all of Council. He questioned strategic plan initiatives advising that two thirds of funding will be spent on rehabilitation of municipal roads. He was hoping a small portion would go to sidewalks in the Community. He advised he appreciates the work that Committee did on this, however, the recommendation does not follow the Town's Strategic Plan.

Councillor Hall put forth a motion to defer, seconded by Deputy Mayor Gallant, dependent on the Town not losing funding. After further discussion Councillor Hall withdrew motion. Councillor Smith advised that the deadline for submission is September 30<sup>th</sup> and implications were not known if not submitted by this date. Recommendation was going to be submitted at previous Council Meeting, however only had quorum of four members in attendance and wanted all Members of Council to vote on this important part of infrastructure and maintenance of this Town.

Council Scott advised that recommendation does follow the Town's Strategic Plan and rational for choosing these items are listed in the Memo. The Town doesn't know cost for installation of sidewalks on Torbay Road. Research has to be completed and numbers/costs obtained, further advising the road is owned provincially. It's also a point of the safe pedestrian study.

Deputy Mayor Gallant discussed timing of the motion and tomorrow's deadline, indicating that the Council cannot refuse the motion due to possibility of losing funding. He advised that residents do want sidewalks - it's a safety issue for children and seniors walking on the road. He requested taking a portion of the money and setting aside for installation of sidewalks. See motion below.

501-14      Motion – Deputy Mayor Gallant / Councillor Hall

**RESOLVED THAT** that Town of Torbay take \$150,000.00 of portion and move towards sidewalks.

Question called. Motion defeated.

For Motion: 2 (Deputy Mayor Gallant and Councillor Hall)

Against Motion: 5 (Mayor Tapper, Councillors Roche, Scott, Smith and Thorne-Gosse)

Abstained: 0

Mayor Tapper discussed different funding opportunities for infrastructure and maintenance, including Multi Year Capital Works Program, Gas Tax and New Building Canada Fund. He discussed that there's a history – Public Works Committee has always brought forward recommendations for Multi Year Capital Works and Gas Tax Funding. If revenue dictates, we may have money for other projects. He advised we do have time limits and a deadline to meet. There's other revenue that can dictate other projects to put money towards. Sidewalks can be determined once the Safe Pedestrian Study is completed.

Councillor Smith closed debate on the above motion. She discussed the Strategic Plan initiatives which she advised are also listed in the Memo. She discussed Public Works Committee's role in recommendation and diversification of funds and funding available. She discussed the need to have projects ready, work completed and applications to submit on demand in relation to funding.

### **ADVISORY COMMITTEES**

#### **Environment**

No report.

#### **Heritage**

Councillor Roche advised that a meeting is scheduled for next Monday at 5:30 p.m.

### **LIAISON COMMITTEES**

#### **Jack Byrne Arena**

Deputy Mayor Gallant provided an overview of items discussed under the Facility Status Report, dated September 17014.

- He advised that he has resigned as Vice Chair of the Arena Board. It's been a fantastic four years on Executive. The Arena has gone from deficits to profits. Rolling Chair was instituted – this year Flatrock, next year Pouch Cove, then Torbay and Logy Bay-Middle Cove-Outer Cove.
- He advised that he's still debating on whether or not he will be stepping back from the Board.
- Gender equity was discussed. Deputy Mayor advised right now all on the Board are men. There should be five men and five women, but right now there are ten men.
- Councillor Smith discussed the Arena's Financial Statements including costs and expenses relating to ATM fees and savings in relating to credit cards.

#### **Northeast Avalon Joint Council**

Councillor Roche advised that a meeting is scheduled for October 15<sup>th</sup> in Witless Bay. Sterling Willis is Chair and she advised that she is Vice Chair. She indicated that all Council Members are welcome to attend.

#### **Torbay Harbour Authority**

No report.

### **Torbay Volunteer Fire Department**

The below Minutes were included in Council's packages for information.

- TVFD Meeting Notes, dated July 28, 2014.
- TVFD Meeting Notes, dated August 11, 2014.
- Minutes of the TVFD Meeting, dated August 25, 2014.
- TVFD Meeting Notes, dated September 8, 2014.

Councillor Scott provided an overview of items discussed in the above Meeting Notes:

- There were nine emergency call since the last meeting.
- Fire Prevention Week is October 5 – 11, 2014.
  - Parade take place on October 5<sup>th</sup> from the Jack Byrne Arena. Parade will be leaving Arena, travelling through Torbay, Flatrock and Pouch Cove, and returning back to the Torbay Fire Department.

On September 22, 2014, the Fire Department held their regular meeting and election of officers. Results are as follows:

- Executive include:
  - Chief - Mike McGrath re-elected by acclimation
  - Deputy Chief - Phonse McGrath re-elected by acclimation
  - Training Officer - Mike Matthews re-elected by acclimation
  - Incident Safety Officer - Rob Dowden elected by acclimation
  - Public Relations Officer - Greg Power re-elected by acclimation
- Platoon Captain Flatrock - There were 2 candidates on the ballot and John Callahan was elected by majority secret ballot.
- Platoon Captain Torbay - Gerry Dunphy, John Gosse and Ken Dodd elected by acclimation
- Lieutenant Flatrock - one position with 4 nominated candidates - Phillip Whitten was elected by majority on the 3rd round of secret balloting.
- Lieutenant Torbay - 3 positions - 8 candidates on the ballot - Ray Clarke elected on first ballot with majority support. Jules Dore elected with majority support on second ballot and Kent Abbott elected with majority support on the third ballot.

502-14      Motion – Councillor Scott / Councillor Roche

**RESOLVED THAT** the Town of Torbay approve the appointment of Mike McGrath as Fire Chief of the Torbay Volunteer Fire Department as per the September 22, 2014 election of officers. The appointment is for a two year term.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

**Urban Municipalities Committee**

No report.

**North East Avalon Regional (NEAR) Plan**

No report.

**Municipal Assessment Agency Inc. (MAA)**

No report.

**Stewardship Association of Municipalities Inc. (SAM)**

No report.

**Eastern Regional Service Board**

Councillor Roche advised that the Board met last Wednesday. She provided an overview, as follows:

- Approval of contracts for upcoming year.
- Discussed highlights of 2015 budget.
  - Rates will remain status quo.
- Clarenville Transfer Station
  - Fall 2015 start.
  - Providing services to new areas including Clarkes Beach, Brigus, Port De Grave, and Clarenville.
- The next meeting is scheduled for October 23, 2014.

**Holy Trinity Elementary School Council**

No report.

**NEW BUSINESS**

*Mayor Tapper* - Pass

*Deputy Mayor Gallant*

Deputy Mayor thanked all Members of Council for filling in for him when he was not available for last Council Meeting.

He advised that he has resigned from the Jack Byrne Arena, as previously mentioned. He further advised that he and his wife are expecting a baby, due in November. Due to past pregnancy complications they have a surrogate in Alberta, where he will be travelling in a couple weeks for

approximately a month until its ok for the baby to fly home. He provided information on surrogacy and read aloud a story/poem that they'll be telling their child as he or she grows up.

***Councillor Hall*** - Pass

***Councillor Roche***

Councillor Roche discussed ditching on North Pond Road. She advised that she received an email from a resident of the area who came back from holidays to an open ditch in front of their home. They realized work had to be done but didn't know when it was going to happen advising they have less land and ditching is dangerous as there's nothing abutting their driveway. They're requesting in the future advance notification to residents when doing reconstruction of roads and new ditching. They requested more open communications.

She thanked the Torbay Volunteer Fire Department for their assistance as on September 10<sup>th</sup> - she was rushed to hospital, further advising that all was ok and she was home later that night. She complimented the Department's quick response and thanked them for their services. Their presence was reassuring.

***Councillor Scott*** - Pass

***Councillor Smith***

Councillor Smith made reference to comments from the last Council Meeting, September 2<sup>nd</sup>. Under Public Works section, it was noted that 3500 cars went through Mahon's Lane area just on one weekend. She pointed out that this information was not correct as the traffic unit was malfunctioning.

With regards to the traffic sign, she advised that the Supervisor of Outside Operations provided numbers and analysis in relation to the speeds of high school students and information that drivers were reaching 93 mph. She reported that 93 never did show up on the traffic readings – they were in the high 70s. She said she has a copy of stats and will pass on to the RNC. She noted times where speeding was high was before school, lunch time and after school.

***Councillor Thorne-Gosse*** - Pass

**ADJOURNMENT**

503-14      Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the meeting be adjourned at 10:24 p.m., as there was no further business.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

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*Mayor*

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*CAO/Town Clerk*