



MINUTES
PUBLIC COUNCIL MEETING
September 3, 2013

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on September 3, 2013 at 7:37 p.m.

Members Present

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

Staff Present

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

Regrets

Bernie Manning, Director of Public Works & Technical Services

Gallery

There were a total of 14 people in attendance.

Adoption of Agenda

336-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

337-13 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Minutes of the August 19, 2013, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

Ms. Kayla Follett, Program Coordinator, with the NL Sexual Assault Crisis and Prevention Centre was in attendance, and she provided information on the Association's background and work. She advised their work is far more complicated than the name of the organization – it's a not for profit organization offering non-judgmental support for people affected by sexual violence. They provide public education and awareness and they have speakers from all over the Province to share their experiences. Ms. Follett thanked Council for their support and for acknowledging September 15th - 21st as Sexual Violence Awareness Week. She read the proclamation aloud. See motion below:

338-13 Motion – Councillor Smith / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay proclaim September 15-21, 2013 as Sexual Violence Awareness Week and encourage all citizens to become involved in activities organized throughout this week.

Question called. Motion carried unanimously.

CORRESPONDENCE

1. Correspondence from resident concerning Municipal Plan Amendment 19, 2011, Development Regulations Amendment 38, 2011, and St. John's Urban Region Plan Amendment 8, 2012. *For information purposes. It was noted that correspondence came in late as public hearing related to this matter is complete.*
2. Correspondence from resident concerning Road Frontage at 100-102 Country Drive. *Deferred to Planning and Land Use Development Committee.*
3. Correspondence from resident concerning Encroachment on 32 Kelly's Lane. *Director of Planning provided background information and history to date. Director to make contact with resident as soon as possible.*
4. Correspondence from Department of Municipal Affairs – Circular – Launch of Municipal Support Information system (MSIS). *For information purposes. CAO discussed that any multi-year or gas tax application will now be filed online. The ACOA system was used for any previous multi year, but the Province is developing their own, which will streamline the process significantly.*

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report, dated September 3, 2013, was accepted as presented.

- Item 19 – Jack Byrne Arena
 - Councillor Smith questioned if this could be marked as complete. CAO noted that the original constitution has modifications, which the Town has not yet received – Deputy

Mayor Gallant to bring information back to Council. Election of representatives to the Arena Board to be reviewed by new Council.

- Item 9 – Open Space and Regulation 78.2
 - Deputy Mayor Gallant advised that Council does have answer regarding this matter, and will be discussed under the Planning and Land Use Development Committee.

COMMITTEE REPORTS

Economic Development

Councillor Roche advised that a meeting is scheduled for tomorrow, September 4th.

Finance

The Financial Report, dated August 19-30, 2013, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of August 19-30, 2013, for 46 employees totaled \$62,560.24.

For the period of August 19-30, 2013, Accounts Payable invoices in the amount of \$116,430.20 were paid. These expenditures were within budget.

There are four (4) Main Operating Invoices totalling \$36,869.21 for approval:

339-13 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Dominion Paving 2010 Ltd., for Asphalt repair on Seaview Avenue, in the amount of \$9,040.00.

Question called. Motion carried unanimously.

340-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to LSW Wear Parts Ltd., for Cutting Edges for loaders and dump trucks, in the amount of \$5,352.81.

Question called. Motion carried unanimously.

341-13 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Newfoundland Power Co. Ltd., for Street lighting July 2013, in the amount of \$16,826.40.

Question called. Motion carried unanimously.

For information purposes - Councillor Smith advised that as per her comments at the last Council Meeting, under Urban Municipalities Committee section, she noted that the increase to municipalities by NL Power has been adjusted from 7% to a little under 3%.

342-13 Motion – Councillor Tapper / Deputy Mayor Gallant

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 were included in Council's binders for information.

Signage Tender

As per the discussion held at the June 11, 2013 Finance Committee Meeting and discussion with staff, the Town will proceed with a tender call for the supply of onsite promotional signage for the Upper Three Corner Pond Park and Motion Playground. This is a budgeted item for 2013. A motion of Council is required to proceed.

343-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay proceed with a tender call for the supply only of onsite promotional signage for Upper Three Corner Pond Park and the Motion Playground. Town staff to install signage upon delivery.

Question called. Motion carried unanimously.

Equipment Tender

As per the discussion held at the June 11, 2013 Finance Committee Meeting, obtaining a legal opinion and discussion with staff regarding the technical requirements, in particular the transmission of a wheel loader, it is recommended that tender 2013002 be rejected and a new tender issued. The acquisition of a new wheel loader with blade/wing blade is a budgeted item for 2013. Motions of Council are required to proceed.

344-13 Motion – Councillor Tapper / Councillor Smith

RESOLVED THAT the Town of Torbay cancel tender 2013002 – wheel loader with blade/wing blade due to operational requirements.

Question called. Motion carried unanimously.

345-13 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay tender for the supply of a wheel loader, blade and wing blade. The tender specification will detail a higher class of technical requirements.

Question called. Motion carried unanimously.

GIS Program

A resident, whom is a confirmed GIS Program recipient, has paid his property tax invoice in full. As a result, he is due the 20% discount. A motion of Council is required.

346-13 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay refund account number SULLF001 \$189.34 as per the GIS Property Tax Reduction Program.

Question called. Motion carried unanimously.

Human Resources and Administration

Councillor Byrne advised there was no meeting held. There will be one more meeting held before new Council.

Planning and Land Use

Councillor Smith gave an overview of items discussed under the Planning and Land Use Development Committee Minutes, dated August 28, 2013.

Items discussed in the report included:

1. Development Proposals
 - a) Application from property owner of 50 Great Pond Road to rebuild and enlarge existing porch.
 - b) Proposal to construct a single family dwelling at 21 Brown's Lane. Dealt with under Building Application Report, dated August 29, 2013, Application 9877-12.
 - c) Proposed powder coating business at 7 Edgewater Lane. Dealt with under Building Application Report, dated August 29, 2013, Application B1119-13.
2. Five Year Review Items
 - a) Request from property owner at Humpity Marsh Road to have land rezoned.
3. Correspondence
 - a) – c) Correspondence from neighboring towns relating to proposed amendments.

- d) Correspondence from Department of Environment and Conservation in relation to development in the area surrounding the Jack Byrne Arena and Pine Ridge Valley. Motion to follow.
- e) Correspondence from Eastern Region Appeal Board in relation to development at 45 Marine Drive appeal decision.
- f) Correspondence from property owner at 39 Pulpit Rock Road. It was noted that CAO has already responded.

4. Other Items

- a) Legal opinion on Open Space Regulation 78 (2). Legal opinion received. Town’s planning consultant to provide options during five year review. Deputy Mayor thanked Councillor Smith, as Chair, and Committee for obtaining clarification and legal opinion.
- b) 45 Moore’s Valley Road – building requirements confirmed with Director of Planning.

3. *Correspondence*

- d) *Correspondence from the Department of Environment and Conservation in relation to development in area surrounding the Jack Byrne Arena known as Pine Ridge Valley.*

347-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay accept the Department of Environment and Conservation’s recommendations as outlined in their letter to the Town dated August 19, 2013, in relation to development in the area as outlined on the drawing attached to the noted letter. There shall be no further development in the area outlined, until the development wide water assessment is completed and approved by the Department of Environment and Conservation.

Question called. Motion carried unanimously.

Building Applications Approved

The following applications were 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>
10065-13	18 Birchy Nap Hill Road	Second Driveway Access
10066-13	9 Indian Meal Line	12’ x 16’ Accessory Building
10069-13	109 Country Drive	10’ x 12’ Accessory Building
10072-13	24 Patrick’s Path	8’ x 9’ Accessory Building
10075-13	9 Bourne’s Close	Single Family Dwelling

Building Applications for Approval

Application: 10067-13
Location: 46 Karon Drive
Proposal: 24' x 28' Accessory Building
Zoning: Residential Large Lot (RLL)

348-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10067-13, under the Applications for Approval section of the Building Application Report, dated August 29, 2013, subject to the following condition:

1. The use of the accessory building is restricted to residential accessory use.

Question called. Motion carried unanimously.

Application: 10068-13
Location: 51 Indian Meal Line
Proposal: Single Family Dwelling
Zoning: Residential Medium Density (RMD)

349-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 10068-13, under the Applications for Approval section of the Building Application Report, dated August 29, 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: 10069-13
Location: 39 Camp Carey Road
Proposal: 24' x 30' Accessory Building
Zoning: Residential Infill (RI)

350-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10069-13, under the Applications for Approval section of the Building Application Report, dated August 29, 2013, subject to the following condition:

1. The use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 10071-13
Location: 21 Tyndale Drive
Proposal: 20' x 24' Accessory Building
Zoning: Residential Medium Density (RMD)

351-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 10071-13, under the Applications for Approval section of the Building Application Report, dated August 29, 2013, subject to the following conditions:

1. The use of the accessory building is restricted to residential accessory uses.
2. Location to be confirmed and approved in the field by the Town's Planning Department.

Question called. Motion carried unanimously.

Application: 10073-13
Location: Portion of 56-58 Convent Lane
Proposal: Single Family Dwelling
Zoning: Residential Medium Density (RMD)

352-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10073-13, under the Applications for Approval section of the Building Application Report, dated August 29, 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: 10074-13
Location: Portion of 13-15 Quarry Road
Proposal: Single Family Dwelling
Zoning: Residential Infill (RI)

353-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 10074-13, under the Applications for Approval section of the Building Application Report, dated August 29, 2013, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. Provincial Government Services Centre, Operations Division Certificate of Approval is required for lot layout, well and septic system prior to release of a Building Permit.
3. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

Application: 10076-13
Location: 48 Flora Drive
Proposal: Single Family Dwelling
Zoning: Residential Large Lot (RLL)

354-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10076-13, under the Applications for Approval section of the Building Application Report, dated August 29, 2013, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. Provincial Government Services Centre, Operations Division Certificate of Approval is required for lot layout, well and septic system prior to release of a Building Permit.
3. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

Application: 10077-13
Location: 29 Torquay Drive
Proposal: Single Family Dwelling
Zoning: Residential Large Lot (RLL)

355-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 10077-13, under the Applications for Approval section of the Building Application Report, dated August 29, 2013, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. Provincial Government Services Centre, Operations Division Certificate of Approval is required for lot layout, well and septic system prior to release of a Building Permit.
3. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

Application: 10078-13
Location: 77 Karon Drive
Proposal: 24' x 28' Accessory Building
Zoning: Residential Large Lot (RLL)

356-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10078-13, under the Applications for Approval section of the Building Application Report, dated August 29, 2013, subject to the following condition:

1. The use of the accessory building is restricted to residential accessory use.

Question called. Motion carried unanimously.

Application: 10079-13
Location: 10 Weather Station Road
Proposal: 30' x 40' Accessory Building
Zoning: Residential Infill (RI)

357-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 10079-13, under the Applications for Approval section of the Building Application Report, dated August 29, 2013, subject to the following condition:

1. The use of the accessory building is restricted to residential accessory use.

Question called. Motion carried unanimously.

Application: 9877-12
Location: 21 Browns Lane
Proposal: Single Family Dwelling
Zoning: Residential Medium Density (RMD)

358-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9877-12, under the Applications for Approval section of the Building Application Report, dated August 29, 2013, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. The applicant must meet all requirements has listed in section 3.1.1 (vii) of the Towns Municipal Plan

Question called. Motion carried unanimously.

Application: 9875-12
Location: 50 Great Pond Road
Proposal: Replace Existing Porch
Zoning: Water Shed (WAT)

359-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9875-12, under the Applications for Approval section of the Building Application Report, dated August 29, 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: 10080-13
Location: 104 Patrick's Path
Proposal: Replace Existing Accessory Building with a new 36' x 36' Accessory Building
Zoning: Residential Medium Density (RMD)

360-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 10080-13, under the Applications for Approval section of the Building Application Report, dated August 29, 2013, subject to the following condition:

1. The use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Business Applications to be Advertised

361-13 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer the below Application, under the Applications to be Advertised section of the Business Application Report, dated August 29, 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.

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1119-13	7 Edgewater Lane	Refinishing Metal Parts Business (Home Based)

Question called. Motion carried unanimously.

Councillor Roche left the Council Chambers at 8:21 pm, as it was determined that she was in a conflict of interest.

Crown Land Applications

Application: C1038-13
Location: Adjacent to 266-306 Bullock's Town Road
Proposal: Addition to Existing Private Property, Possible Future Residential Development
Zoning: Residential Subdivision Area (RSA)

362-13 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application C1038-13, under the Crown Land Application Report, dated August 29, 2013.

Question called. Motion carried unanimously.

Councillor Roche returned to the Council Chambers at 8:22 pm.

Public Works & Technical Services

No report.

Councillor Tapper discussed drainage and water run-off at Pineridge/Karon Drive area. He requested that Council and the Public Works Committee keep on radar after upcoming 2013 election, as residents have fear of flooding. Councillor Whitty noted that the Director of Public Works did speak to some residents and offered solutions. Residents can contact him again if they so wish. Council further discussed regulations, building inspections, liabilities relating to inspections, engineering, and agreements relating to development, construction, and subdivisions.

Councillor Tapper questioned the recent hydrant flushing indicating that some residents were upset as they advised they did not receive notification. It was discussed that ample notification be forwarded to residents or a schedule sent out earlier in the year with dates. See motion below.

363-13 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT before any future flushing of pipes go forward, that the Town of Torbay send out Green Communication notice to residents twenty-four (24) hours before it occurs.

Question called. Motion carried unanimously.

CAO noted that this would be tasked under the Communications position and hiring was deferred until the Fall of this year.

Councillor Tapper requested that the Public Works Committee meet before the next Council Meeting concerning the municipal depot site and provide an update back to Council concerning site location. He put forth a Notice of Motion to bring matter forward at next Council Meeting that will deal with this particular site.

Recreation, Parks and Community Services

No report.

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

None.

LIAISON COMMITTEES

Heritage/Museum

No report.

Jack Byrne Arena

Deputy Mayor Gallant noted that he's following up on the Strategic Plan. Councillor Byrne requested that he send to all Members of Council.

Northeast Avalon Joint Council

No report. Councillor Roche advised that there's a meeting scheduled in September.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

Councillor Byrne acknowledged Council's involvement with construction of washroom at Tapper's Cove for the food fishery. All worked together to complete.

Torbay Volunteer Fire Department

Councillor Byrne gave an overview of items discussed under the Torbay Volunteer Fire Department Meeting Minutes, dated August 12, 2013.

Items discussed in the report included:

- Repeater in Flatrock has been corrected.
- Communication room is still a work in progress.
- Five (5) emergency calls to date. Up to 120 calls for the year.
- Safety Report – resident forwarded a word of thanks for care shown by the fire fighters towards her. She was very grateful for their efforts.

Urban Municipalities Committee

Councillor Smith reported that she will have minutes of the last meeting for the next Council package.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant discussed candidate's election signs, with a reminder that signs are not permitted to be posted on utility poles.

He thanked Councillors and staff who throughout debate and different opinions on the matter of green space have now found legal answer.

Deputy Mayor thanked Councillor Byrne, who this year is not running as a candidate in the upcoming election. He thanked him for all his hard work and all the good he has done for the community.

He thanked CAO and staff for work relating to the upcoming election.

Councillor Byrne - Pass

Councillor Roche

Councillor Roche congratulated all who put their names forward for nomination as candidates. Being on Council is a great experience and she wished good luck to everyone.

She reminded everyone that school opens tomorrow and to drive slowly as children are on the roads. She requested that everyone take special care and caution to keep everyone safe.

Councillor Smith

As school re-opens tomorrow, Councillor Smith asked if Town staff could assist with the traffic and parking at the school on the first day in the area of Doyle's and Quigley's Lane. It's a safety concern, as the road becomes congested with parked vehicles, and it was determined last year that an emergency vehicle could not get through if so needed. CAO to check with Public Works.

She reminded the Director of Community Services to keep in mind the Provincial Health Line and information when promoting events. We all own responsibility to residents around health. We need to remind residents that there is a toll free line that you can call and nursing staff can help you. She requested that this information be included wherever possible and in general communications, as well.

Councillor Tapper - Pass

Councillor Whitty - Pass

ADJOURNMENT

364-13 Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT the meeting be adjourned at 8:50 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk