



***MINUTES***  
PUBLIC COUNCIL MEETING  
August 15, 2016

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on August 15, 2016, at 7:45 p.m.

**Members Present**

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

**Staff Present**

Dawn Chaplin, CAO/Town Clerk  
Bernie Manning, Director of Infrastructure and Public Works  
Kim Osmond, Office Clerk  
Brian Winter, Director of Planning and Development

**Absent**

Councillor Peggy Roche  
Councillor Craig Scott  
Ann Picco, Deputy Clerk

**Gallery**

There were a total of 6 people in attendance.

**Adoption of Agenda**

314-16      Motion – Councillor Smith / Councillor Thorne-Gosse

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

Question called. Motion carried.

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

Against 0

Abstained: 0

**Adoption of Minutes**

315-16      Motion – Deputy Mayor Gallant / Councillor Whitty

**RESOLVED THAT** the Minutes of the July 4, 2016, Public Council Meeting be adopted as presented.

Question called. Motion carried.

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

Against 0

Abstained: 0

316-16      Motion – Deputy Mayor Gallant / Councillor Thorne-Gosse

**RESOLVED THAT** the Minutes of the August 1, 2016, Public Council Meeting be deferred for clarification, as the Deputy Clerk was not in attendance.

Question called. Motion carried.

For Motion: 4 (Mayor Tapper, Deputy Mayor Gallant, Councillors Smith, and Whitty)

Against Motion: 1 (Councillor Thorne-Gosse)

Abstained: 0

In relation to the above motion, clarification is required on voting concerning motions 302-16 and 309-16.

**PROCLAMATIONS / PRESENTATIONS / QUESTION & ANSWER SESSION**

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

- Chair, Torbay Folk Arts Council
  - The Chair provided background information on the Folk Arts Council.
  - He indicated that he's going to resubmit a proposal to Council that he presented a few years ago concerning funding.
  - The Folk Arts Council's goal is to celebrate the cultural heritage in Torbay and to expand out to residents and youth.

**CORRESPONDENCE & ACTION REPORT**

The Correspondence and Action Report, dated August 15, 2016, was discussed and accepted as presented.

- Item #5 - Status of Trail off Marine Drive (Jones Pond Trail)
  - Mayor Tapper advised that the property owner is inquiring status of the trail development and possible development of his land. The Director of Planning and Development is speaking with the land owner.

**CORRESPONDENCE**

1. Municipalities Newfoundland and Labrador – “MNL Shed Party” on Friday, October 7, 2016 at the Jack Byrne Arena. *This is a request for donation towards this year’s Eastern Night. Referred to the Corporate and Community Services Committee.*
2. Memo from CAO – Amendment to Torbay Volunteer Fire Department Constitution. *A Motion is required to adopt the Torbay Volunteer Fire Department Constitution and By Laws as presented with the amendment to Section 3.2. See motion below:*

317-16      Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay adopt the Torbay Volunteer Fire Department Constitution and By Laws as presented with the amendment to Section 3.2.

Question called. Motion carried.

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

Against 0

Abstained: 0

**COMMITTEE REPORTS**

**Planning and Development**

Councillor Smith provided an overview of items discussed under the Planning and Development Committee Motions report, dated August 9, 2016:

1. Development Proposals
  - a) Development Proposal for a 9 lot unserviced development off Bauline Line
    - See motion below:

318-16      Motion – Councillor Smith / Councillor Thorne-Gosse

**RESOLVED THAT** the Town of Torbay give the applicant (Gary Manning) approval in principal so he can proceed with engineering and design work on the proposed 9 lot unserviced subdivision as outlined on Mae Design Limited’s drawing number C-1, project no 2011-014. No permits will be issued until all conditions for developing within the Town of Torbay are met, and a development agreement is signed.

Question called. Motion carried.

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

Against 0

Abstained: 0

Information relating to the above will be included in the next edition of Torbay Talks.

3. Other Items

- a) House location versus approved location on Country Drive
  - See motion below:

319-16      Motion – Councillor Smith / Councillor Thorne-Gosse

**RESOLVED THAT** the Town of Torbay Council use its discretion under regulation 10 and to use regulation 42 to set the building line setback requirement for 14 Country Drive at 4.64 meters at its closest point, other points along the front of the property meet the required standards for this civic address only.

Regulations

10. Discretionary Powers of Council

- (1) In considering an application for a permit or for approval in principle to carry out development, the Council shall take into account the policies expressed in the Municipal Plan and any further scheme, plan or regulations pursuant thereto, and shall assess the general appearance of the development of the area, the amenity of the surroundings, availability of utilities, public safety and convenience, and any other considerations which are, in its opinion, material, and notwithstanding the conformity of the application with the requirements of these Regulations, the Council may, in its discretion, and as a result of its consideration of the matters set out in this Regulation, conditionally approve or refuse the application.

42. Building Line and Setback

The Council, by resolution, may establish building lines on an existing or proposed street or service street and may require any new buildings to be

located on those building lines, whether or not such building lines conform to the standards set out in the tables in Schedule C of these Regulations.

Question called. Motion carried.

For Motion: 4 (Mayor Tapper, Councillors Smith, Thorne-Gosse and Whitty)

Against Motion: 1 (Deputy Mayor Gallant)

Abstained: 0

In relation to the above motion, Deputy Mayor discussed his concerns relating to new process whereby Planning and Development staff can approve an application as it meets regulations; and, he questioned what Council are going to do to prevent issues similar to the above from happening again. Councillor Smith called Point of Order, indicating that no errors were made from the Town's perspective. Council discussed the below:

- Building inspections could prevent this from happening in the future.
- Councillor Thorne-Gosse had requested that regulations 10 and 42 be included as part of the motion, as per above, and all agreed.
- Councillor Smith requested that her comments be recorded that there were two options – to remove the dwelling or comply with current measurements. There was a difference between the approved drawing, as it met all conditions, and the house location when erected. Committee recommended accepting the building as it is right now and to make compliant under Regulations 10 and 42.

Under the Building Application Approved Report, dated August 12, 2016, the following applications were approved subject to the normal conditions and requirements for building within the Town of Torbay:

Application	Location	Proposal
C2016-116	61 Evening's Path	2.4 m x 5.2 m Extension to Accessory Building
C2016-117	7 Seaview Avenue	Single Family Dwelling
B2016-118	17 Reardon's Lane	Fence and General repairs
C2016-119	397 Pine Line	General Repairs
C2016-121	29 Byrne's Lane	Extension to Single Family Dwelling

It was noted that the above listing will be presented at Council Meetings for information and appeal purposes.

Deputy Mayor Gallant questioned the above applications listing and process, and put forward a motion to rescind Motion 279-16 made by Councillors Smith and Thorne-Gosse, and bring back to Committee of the Whole the procedures and guidelines. There was no seconder to the proposed motion.

**Crown Land Applications for Approval**

Application: CL2016-012  
Location: Land located to the rear of 173 Indian Meal Line  
Proposal: To establish clear title  
Zoning: Residential (R)

320-16 Motion – Councillor Smith / Councillor Thorne-Gosse

**RESOLVED THAT** the Town of Torbay Approve Application CL2016-012, under the Applications for Approval section of the Crown Land Application Report, dated August 12, 2016.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

Application: CL2016-013  
Location: Land located to the rear of 591 Indian Meal Line (at the Torbay and Portugal Cove-St. Philip's border)  
Proposal: Residential Development  
Zoning: Residential Large Lot (RLL)

321-16 Motion – Councillor Smith / Councillor Thorne-Gosse

**RESOLVED THAT** the Town of Torbay Approve Application CL2016-013, under the Applications for Approval section of the Crown Land Application Report, dated August 12, 2016.

Question called. Motion carried.

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

Against 0

Abstained: 0

**Executive Committee**

No report or motions.

**Corporate and Community Services**

Councillor Thorne-Gosse provided an overview of the Corporate Services Motions report, dated August 1-12, 2016.

322-16      Motion – Councillor Thorne-Gosse / Councillor Smith

**RESOLVED THAT** the Town of Torbay approve payment of invoices, totalling \$94,429.95, as presented.

Invoice Number	Vendor and Detail	Amount
1.	Newfoundland Power Inc. – Street Lighting	\$18,036.19
2.	Trio Benefits – Group Benefits August 2016	\$8,319.64
3.	Walsh and Peters Architects Inc. – Town Hall renovations (Detailed Design and Associated Drawings)	\$68,074.12

Question called. Motion carried.

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

Against 0

Abstained: 0

**Budget 2017**

On August 10, 2016, a meeting regarding timelines for the 2017 Budget was held.

See motion below:

323-16      Motion – Councillor Thorne-Gosse / Councillor Smith

**RESOLVED THAT** the Town of Torbay proceed with the budget 2017 citizen engagement video project as outlined by Waterwerks Communications. The cost of the project is \$17,750 plus HST. The project will be expensed to general ledger codes 5021-6010 (strategic plan), 5420 (resident engagement) and 5041-6050 (communications RFP).

Question called. Motion carried.

For Motion: 4 (Mayor Tapper, Deputy Mayor Gallant, Councillors Thorne-Gosse and Whitty)

Against Motion: 1 (Councillor Smith)

Abstained: 0

In relation to the above motions, Councillor Smith asked that her comments be recorded - she discussed that this is a nice idea, but questioned if the above was necessary and if the funds could be better applied to existing projects. She advised she's in support of citizen engagement; however, perhaps an alternative to the proposed planning engagement could be a face to face meeting, with early advertisement notification going out through all venues, then fully supported by our communications staff and the Mayor on all media platforms. Perhaps municipalities should show leadership by innovative and less costly initiatives and projects can achieve the same end result. She discussed she hopes that the Town will be a leader in our Province and re-assure all residents that we are doing our part to keep expenses to a minimum during tough economic times.

Donation for Muscular Dystrophy

The Torbay Volunteer Fire Department is fundraising for Muscular Dystrophy, and the Fire Chief advised that the Department has raised approximately \$900 to date. It was agreed to recommend a donation of \$200.00. A motion of Council is required – see below:

324-16      Motion – Councillor Thorne-Gosse / Councillor Smith

**RESOLVED THAT** the Town of Torbay donate \$200.00 to Muscular Dystrophy, care of the Torbay Volunteer Fire Department.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

**Infrastructure, Public Works, Public Safety and Shared Services**

Councillor Thorne-Gosse provided an overview of items discussed under the Infrastructure and Public Works Committee Motions report, dated August 1-12, 2016. Items discussed included:

- There are two change orders and two credits attached that fall within contingency and are a result of changes to initial scope of work.
- See motions below:

325-16      Motion – Councillor Thorne-Gosse / Councillor Smith

**RESOLVED THAT** the Town of Torbay approve change order number 10R1 and 11 for the municipal depot building project in the amount of \$20,547.95 plus HST, for a total of \$23,219.20. This change order pertains to extra mechanical and door framing installation outside the designed scope.



Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

326-16      Motion – Councillor Thorne-Gosse / Councillor Smith

**RESOLVED THAT** the Town of Torbay approve change order (Credits) number Thirteen (13) and Fourteen (14) for the Municipal Depot Building Project in the amount of \$10,637.00 plus HST, for a total of \$12,232.55. This change order pertains to the reduction in scope of work related to site work and guardrail deemed excessive to the project.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

### **NOTICES OF MOTION**

None.

### **NEW BUSINESS**

***Mayor Tapper*** - Pass

***Deputy Mayor Gallant***

Deputy Mayor Gallant commented that for the second meeting in a row he has asked that his comments go on the record and was not permitted. He also requested that Council have the Department of Municipal and Intergovernmental Affairs in for further discussions.

Deputy Mayor served Notice of Motion to return to the previous process for Council meetings.

***Councillor Roche*** - Absent

***Councillor Scott*** - Absent

***Councillor Smith*** - Pass

***Councillor Thorne-Gosse***

Councillor Thorne-Gosse discussed the below:

- Torbay Harbour Authority
  - Construction has started. All positive feedback to date.
- Speed Calming Meeting
  - It is important to move forward in putting signage in place and move forward with initiatives. A resident of Patrick Path advised her concerns with speeding in the area. Had no previous knowledge that this resident had issues with speeding.
- Pat Dawe Softball Tournament
  - This year is the 15-year anniversary of the tournament. Hope to see a good turnout for the tournament; and hope that our staff will be supporting and volunteering during the tournament, specifically our recreations staff.

***Councillor Whitty - Pass***

**QUESTION & ANSWER SESSION**

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

- Resident of Civic 106 Bauline Line
  - Resident discussed the motion pertaining to 14 County Drive, and suggested that the Town have a system in place whereby a homeowner will be subjected to higher taxes when they are not compliant with the conditions of a development permit.

**NEXT PUBLIC COUNCIL MEETING**

The next Public Council Meeting will take place on Monday, August 29, 2016, 7:30 p.m., Council Chambers, Torbay Town Hall.

**ADJOURNMENT**

327-16      Motion – Councillor Smith / Councillor Thorne-Gosse

**RESOLVED THAT** the meeting be adjourned at 9:16 p.m., as there was no further business.

Question called. Motion carried.

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

Against Motion: 0

Abstained: 0

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*Mayor*

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*CAO/Town Clerk*