



MINUTES
PUBLIC COUNCIL MEETING
September 12, 2016

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on September 12, 2016, at 7:45 p.m.

Members Present

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

Staff Present

Dawn Chaplin, CAO/Town Clerk
Ann Picco, Deputy Clerk
Brian Winter, Director of Planning and Development

Absent

Bernie Manning, Director of Infrastructure and Public Works

Gallery

There were a total of 7 people in attendance.

Adoption of Agenda

328-16 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried.

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

Against 0

Abstained: 0

Adoption of Minutes

329-16 Motion – Councillor Thorne-Gosse / Councillor Whitty

RESOLVED THAT the Minutes of the August 1, 2016, Public Council Meeting be adopted as presented.

Question called. Motion carried.

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

Against 0

Abstained: 0

330-16 Motion – Councillor Smith / Councillor Thorne-Gosse

RESOLVED THAT the Minutes of the August 15, 2016, Public Council Meeting be adopted as presented.

Question called. Motion carried.

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

Against 1 (Deputy Mayor Gallant)

Abstained: 0

In relation to the above motion, Deputy Mayor discussed Motion 316-16 advising that he had suggested that the Minutes of August 1st be corrected as per his comments and voted on in Chambers, not actually deferred. He advised that he wished to have his comments recorded in tonight's Minutes that he did not make the motion to defer the Minutes of August 1st, and that he was the voice that voted against the deferral.

Deputy Mayor discussed that his comments under the New Business section were omitted, and he asked that they be added to the Minutes – that Council have the Department of Municipal and Intergovernmental Affairs in for further discussions.

PROCLAMATIONS / PRESENTATIONS / QUESTION & ANSWER SESSION

331-16 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay hereby proclaim September 12 – 16, 2016, as Sexual Violence Awareness Week and encourage all citizens to become involved in activities organized throughout this week.

Question called. Motion carried.

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

Against 0

Abstained: 0

332-16 Motion – Councillor Scott / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay hereby proclaim September 2016 as Prostate Cancer Awareness Month in Torbay.

Question called. Motion carried.

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

Against 0

Abstained: 0

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

- Torbay Library Board
 - Torbay Library Board Secretary provided an updated:
 - Secretary expressed their appreciation to Council for support received.
 - The Library Board is requesting further financial support, and asked for Council's consideration in the upcoming budget process.
 - Secretary provided an overview of latest developments, statistics and fundraising efforts, and noted that a letter is tabled at tonight's Council Meeting.

BUSINESS ARISING

The Business Arising Report, dated September 12, 2016, was discussed and accepted as presented.

- Item No. 6 – Unwanted and Dangerous Activities in the Community
 - It was discussed that there's unwanted activity taking place at the High School parking lot. There's evidence of drug paraphernalia and the damage to the parking lot is significant with racing taking place there over the Summer.
- Item No. 7 – Town's Emergency Plan
 - Status of the Town's Emergency Plan was questioned. CAO advised Council that the Plan has been drafted, and will be reviewed by the CAO, Fire Chief, and Director of Infrastructure and Public Works within the next couple of weeks.

- Item No. 8 – Video/teleconference attendance at Council Meetings
 - Policy was questioned. CAO advised that this matter has been brought to the last Executive Committee Meeting, and there are some action items to be followed up on.

CORRESPONDENCE

1. Torbay Library Update. *Mayor discussed that budget process is underway, and hoping to get budget in place ready for presentation to Council in mid-November. The Library's needs will be taken into consideration throughout this process.*
2. Multiple Sclerosis Society of Canada Annual MS Bike. *The event is scheduled for September 24th, starting in Paradise, through Portugal Cove – St. Philip's, Flatrock to Torbay. They will be using Provincial-owned roads. Their schedule is attached for information.*
3. Cape St. Francis Liberal District Association. *Council discussed arranging a meeting to discuss any issues relating to the Community. Mayor to respond and suggest a meeting.*
4. Royal Newfoundland Constabulary - Municipal Enforcement. *Mayor advised that this is a follow up to a meeting that our CAO and Portugal Cove – St. Philip's CAO had with the RNC's Deputy Chief to discuss municipal enforcement. Regional mayors feel municipal enforcement can be pursued regionally, and this meeting was at the request of the regional mayors. The RNC have recommended that a meeting be arranged with a potential service provider who can provide ticketing services to municipalities. A meeting is scheduled next week with them for further information.*
5. East Coast Trail Association – Study: Assessment of Parking Areas, Highway Hiking Segments and Campsites. *The Association is looking for feedback on how trails impact communities in the way of parking areas, camp sites, etc. Mayor noted that the Heritage Committee has received positive news from ACOA as to funding and what the Town can do in the beach area to increase parking areas for hikers. Mayor to respond and provide information. CAO noted that when we were refining our funding proposal, there were sites that had economic impact to the East Coast Trail. They were engaged as part of the process, and they provided a letter of support for our proposal.*

COMMITTEE REPORTS

Planning and Development

Building Applications Approved

Under the Building Application Approved Report, dated September 9, 2016, the following applications were approved subject to the normal conditions and requirements for building within the Town of Torbay:

Application	Location	Proposal
B2016-122	23 Manning's Hill	General Repairs
B2016-124	15 Gallows Cove Road	Replace Septic System
C2016-125	35 Gallows Cove Road	Single Family Dwelling
C2016-126	20 Piperstock Place	Replace Existing Accessory Building
C2016-128	315 Indian Meal Line	Accessory Building
C2016-129	2 Hunter Place	Accessory Building
C2016-130	4 Cedarwood Lane	Single Family Dwelling
C2016-131	15 Cherrywood Drive	Replace Patio & Enclose Stairwell
C2016-132	1304 Torbay Road	Extension to Single Family Dwelling
C2016-133	11 Eagle Ridge Drive	Single Family Dwelling
C2016-134	63 Crowe's Lane	Accessory Building
C2016-135	49 Motion Lane	Extension to Single Family Dwelling

Building Applications to be Advertised

Application: C2016-120
Location: 21 Brown's Lane
Proposal: Duplex (Double Dwelling)
Zoning: Residential Medium Density (RMD)

333-16 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay Defer Application C2016-120, under the Applications to be Advertised section of the Building Application Report, dated September 9, 2016, pending public notification and consultation required in accordance with Regulation 33 of the Torbay Development Regulations.

Question called. Motion carried.

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

Against 0

Abstained: 0

Business Applications to be Advertised

Application: D2016-123
Location: 1234 Torbay Road
Proposal: Pizza Takeout Business
Zoning: Mixed Development (MIX)

334-16 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay Defer Application D2016-123, under the Applications to be Advertised section of the Business Application Report, dated September 9, 2016, for advertisement as per Condition 4 of the MIX Land Use Zone and Regulations 10, 33 and 90 of the Torbay Development Regulations.

Question called. Motion carried.

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

Against 0

Abstained: 0

Application: D2016-127
Location: 38 Whitty's Lane
Proposal: Home office for marketing consulting business
Zoning: Residential Infill (RI)

335-16 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay Defer Application D2016-127, under the Applications to be Advertised section of the Business Application Report, dated September 9, 2016, for advertisement as per Condition 11 of the RI Land Use Zone and Regulations 10, 33 and 90 of the Torbay Development Regulations.

Question called. Motion carried.

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

Against 0

Abstained: 0

Executive Committee

No report or motions.

Corporate and Community Services

Under the Corporate Services Motions Report, dated August 15 – September 8, 2016, the following invoices and recommended motions were presented for approval.

336-16 Motion – Councillor Thorne-Gosse / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment of invoices, totalling \$225,837.09, as presented.

Invoice Number	Vendor and Detail	Amount
1.	All-Net Inc. – Service Tracker Software (Customer Service Initiative)	\$5,367.50
2.	AMEC Foster Wheeler Americas Limited - Municipal Depot Project	\$10,087.66
3.	AMEC Foster Wheeler Americas Limited - Municipal Depot Project	\$7,637.84
4.	E.C. Boone – Gateway Signage	\$80,203.32
5.	Envisio Solutions Inc. – Strategic Planning and Project Management Software	\$10,674.00
6.	Provincial Fence Products Ltd. – Guardrail for Tapper’s Cove	\$20,427.45
7.	Receiver General for Canada – Payroll Remittance for August 1-15, 2016	\$22,910.23
8.	Receiver General for Canada – Payroll Remittance for August 16-31, 2016	\$23,594.09
9.	T2 Ventures Inc. Garbage Collection for July 2016	\$44,935.00

Question called. Motion carried.

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

Against 0

Abstained: 0

337-16 Motion – Councillor Thorne-Gosse / Councillor Roche

RESOLVED THAT the Town of Torbay donate \$2,000.00 towards the Municipalities Newfoundland and Labrador annual Convention. Funds will be allocated from g/1 5007-6010 (public relations).

Question called. Motion carried.

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

Against 0

Abstained: 0

338-16 Motion – Councillor Thorne-Gosse / Councillor Roche

RESOLVED THAT the Town of Torbay proceed with the acquisition of one tandem axle truck with snow equipment as per the Government of Newfoundland and Labrador Master Standing Officer. Total delivered price is \$244,526.00. This is a budgeted item for 2016.

Question called. Motion carried.

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

Against 0

Abstained: 0

339-16 Motion – Councillor Thorne-Gosse / Councillor Roche

RESOLVED THAT the Town of Torbay finance the acquisition of one tandem axle truck with snow equipment with RBC Royal Bank over a sixty (60) month period. Interest rate will be set at 3.45%, with a monthly payment of \$5,006.08. Borrowing is subject to the review and approval of the Department of Municipal Affairs. This is a budgeted item for 2016. Funds will be allocated from g/l 5417-6610 (public works tandem dump truck).

Question called. Motion carried.

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

Against 0

Abstained: 0

340-16 Motion – Councillor Thorne-Gosse / Councillor Roche

RESOLVED THAT the Town of Torbay provide operational support to the Torbay Folk Arts Council in the amount of \$5,000.00. Funds will be allocated from g/l 5357-6530 (Heritage Advisory Committee).

Question called. Motion carried.

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

Against 0

Abstained: 0

341-16 Motion – Councillor Thorne-Gosse / Councillor Roche

RESOLVED THAT further to motion 192-16 and at the request of the Department of Municipal Affairs, the Town of Torbay confirms that the borrowing terms for the renovation and expansion of the Kinsmen Community Centre will be provided by RBC Royal Bank. The term to borrow \$2,866,624.31 will be set at 5 years with a 20 year amortization, at a 3.25 interest rate and a monthly payment of \$16,261.00. This is subject to the review and approval of Municipal Affairs.

Question called. Motion carried.

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

Against 0

Abstained: 0

Infrastructure, Public Works, Public Safety and Shared Services

Road Upgrading – Morris Avenue (Gas Tax 2015-2024)

342-16 Motion – Councillor Scott / Councillor Thorne-Gosse

RESOLVED THAT the Town of Torbay award the Road Upgrading and Paving – Morris Avenue (Road Upgrading Morris Avenue, Gas tax 2015-2024) tender to the low bidder, Weir’s Construction Ltd. in the amount of \$356,629.95 (HST included). Total project cost including engineering is \$404,077.06, which is in line with pretender estimate. The tender awards is subject to the review and approval of the Department of Municipal and Intergovernmental Affairs.

Question called. Motion carried.

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

Against 0

Abstained: 0

Municipal Depot Building Project – Change Orders 14, 15 and 16

343-16 Motion – Councillor Scott / Councillor Thorne-Gosse

RESOLVED THAT the Town of Torbay approve change order number Fourteen, Fifteen and Sixteen for the Municipal Depot Building Project in the amount of \$18,602.85 plus HST, for a total of \$21,393.28. This change order pertains to fire rating and demising wall in the wash bay outside the designed scope. Also included is a credit of \$7,743.00 for work eliminated with the removal of guiderail deemed unnecessary to the project.

Question called. Motion carried.

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

Against 0

Abstained: 0

Council questioned and discussed road repair work and sidewalk construction in the community, grand opening of new walking trail at Upper Three Corner Pond Park, and sidewalk construction damage on Mahon's Lane from motorized vehicles.

NOTICES OF MOTION

None.

NEW BUSINESS

Mayor Tapper

Mayor Tapper discussed his recent vacation to Ireland. He discussed that the Irish Newfoundland Connection event took place here last year, at which time Torbay twinned with Dungarvan, Ireland. This year, fifty-nine people from Newfoundland and Labrador visited Ireland with a group for ten days. All fifty nine people were provided with a tour of council chambers, where they were allowed to speak and exchange gifts. The group were given tours of various locations, towns and sites, and there were several civic receptions, at which Torbay was recognized. Mayor advised that the Irish Newfoundland Connection is attracting a lot of people to the province and our Community.

Councillor Thorne-Gosse also travelled to Ireland, and she advised that there were a lot of pictures taken of the Mayor speaking and of recognition given to the Town. She suggested that we obtain these pictures and include in the upcoming edition of Torbay Talks.

Deputy Mayor Gallant

Deputy Mayor Gallant thanked staff in the absence of the Mayor and CAO, advising that everything ran smoothly and staff had all well in hand.

He asked that the Department of Municipal and Intergovernmental Affairs get involved in the way Council conducts public meeting and related procedures. He discussed that he would like Council to work as a team for an amicable solution, as he feels he's been wronged in the past several months. Deputy Mayor asked that Council all work together and continue to do so with the assistance of Municipal Affairs.

Councillor Roche

Councillor Roche thanked the Infrastructure and Public Works Department for the trail system in Whiteway's Pond. She further advised that she's looking forward to the upcoming grand opening of the trail at Upper Three Corner Pond Park.

Councillor Scott reported that the trail at Barkwood is nice, as well, further noting that it's a large open space and is approximately sixty-five percent complete.

Councillor Scott

Councillor Scott congratulated and thanked staff, volunteers and all athletes involved in the Killick Coast Games. All events went well and were well attended.

He advised that he attended the year-end fun activity event for the North East United Soccer Club, and said a few words on behalf of the Town. Positive feedback was received and over 300 kids had registered this year. He thanked the Executive for a great job and hoping for bigger and better turnout for next year.

Councillor Scott advised that he received an invitation from a local REMAX agency, who recently provided a donation in the amount of \$2,500.00 to our area food bank. He extended a thank you to them.

Councillor Smith

Councillor Smith discussed street racing taking place on Mahon's Lane, Lynch's Lane, Torbay Road and Marine Drive over the Summer months. Racing is still taking place, usually between 8:30 – 10:30 p.m. She asked staff to request RNC presence in this area, as this is of great concern to area residents.

Council discussed further issues in the Community, including speeding, noise, and ATV issues. It's important that residents report all issues and concerns to the RNC; and, Mayor suggested the possibility of a public meeting with the RNC.

Councillor Thorne-Gosse

Councillor Thorne-Gosse discussed issues of the lock being cut several times at the gate to Tappers Cove. There is work being done in the area and the whole area could be jeopardized if the gate is not locked. Councillor Thorne-Gosse reported that the Harbour Authority have done a lot of great work and she asked that the Town get involved and support them. The Director of Infrastructure and Public Works and CAO are looking in to this matter.

Councillor Whitty

Councillor Whitty discussed the recent Killick Coast Games. He advised that he heard positive comments from athletes and volunteers, and extended congratulations to all involved.

He thanked representatives of the Torbay Library Board for attending tonight's meeting to make presentation and provide an update.

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 84 Quigley's Lane
 - Resident advised that Municipal Affairs has recently released a neighbouring community's municipal plan, and he questioned Torbay's Plan.
 - Mayor Tapper advised that the Town is next in process.

NEXT PUBLIC COUNCIL MEETING

The next Public Council Meeting will take place on Monday, September 26, 2016, 7:30 p.m., Council Chambers, Torbay Town Hall.

ADJOURNMENT

344-16 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the meeting be adjourned at 9:29 p.m., as there was no further business.

Question called. Motion carried.

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

Against 0

Abstained: 0

Mayor

CAO/Town Clerk