



***MINUTES***  
PUBLIC COUNCIL MEETING  
October 11, 2016

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on October 11, 2016, at 7:30 p.m.

**Members Present**

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

**Staff Present**

Bernie Manning, Director of Infrastructure and Public Works  
Kim Osmond, Office Clerk  
Ann Picco, Deputy Clerk/Acting Town Clerk  
Brian Winter, Director of Planning and Development

**Absent**

Councillor Peggy Roche  
Dawn Chaplin, CAO/Town Clerk

**Gallery**

There were a total of 7 people in attendance.

**Adoption of Agenda**

357-16      Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

**RESOLVED THAT** the in the absence of the Chief Administrative Officer/Town Clerk for Tuesday, October 11, 2016, that Deputy 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: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors Smith, Scott, Thorne-Gosse and Whitty)

Against 0

Abstained: 0

358-16      Motion – Councillor Smith / Councillor Thorne-Gosse

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

Question called. Motion carried.

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

Against 0

Abstained: 0

**Adoption of Minutes**

359-16      Motion – Councillor Scott / Councillor Thorne-Gosse

**RESOLVED THAT** the Minutes of the September 26, 2016, Public Council Meeting be adopted as presented.

Question called. Motion carried.

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

Against 0

Abstained: 0

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

360-16      Motion – Councillor Scott / Deputy Mayor Gallant

**RESOLVED THAT** the Town of Torbay hereby proclaim the third full week in October, 2016, as National Teen Driver Safety Week.

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors 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:

- Resident of Russworthy Place
  - Resident discussed his farming operation and recent building application to construct an extension to his accessory building.
    - He discussed history of his businesses.
    - The resident advised that his issue is storage for his farming and landscaping business, noting that he doesn't have enough space for his equipment.
    - He discussed that he's having issues of break-ins on his property.
    - He asked for Council's support to reconstruct an extension to his accessory building; to support his business and operation as a farmer.
  - The application will be discussed and dealt with under Planning and Development.

### **BUSINESS ARISING**

The Business Arising Report, dated October 11, 2016, was accepted as presented.

### **CORRESPONDENCE**

1. Correspondence from resident concerning speeding in area of Bauline Line/Patrick's Path. ***Referred to the Infrastructure and Public Works Committee.***
2. Correspondence from resident concerning development issue on neighbouring property. ***Referred to the Planning and Development Committee.***
3. Councillor Scott – motion concerning plastic bags. ***See motion below:***

361-16      Motion – Councillor Scott / Deputy Mayor Gallant

WHEREAS, Municipalities Newfoundland and Labrador (MNL) passed a resolution at its 2015 AGM, “requesting the Province of Newfoundland and Labrador prohibit all retail stores from providing customers with single use plastic shopping bags;” and,

WHEREAS, The Board of Directors of MNL on September 12, 2016, has written the Provincial Minister of Municipal Affairs and the Provincial Minister of Environment and Climate Change requesting that a joint committee be struck to explore a Provincial ban; and, therefore,

**BE IT RESOLVED THAT** the Town of Torbay write a letter to the Province supporting the resolution passed by MNL in 2015 as well as the Board of Directors leadership on its letter to the Province dated September 12, 2016.

Question called. Motion carried.

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

Against 0

Abstained: 0

4. Canadian Union of Postal Workers – Canada Post review/resolution. ***For information purposes. Council agreed that the information and related survey will be placed in the next issue of Torbay Talks for residents' information and review.***
5. Memo from CAO concerning Torbay Volunteer Fire Department. ***See Motion below.***

362-16 Motion – Councillor Scott / Councillor Thorne-Gosse

**RESOLVED THAT** as per Section 2.4.1 E of the Torbay Volunteer Fire Department Constitution and By Laws, that the Torbay Town Council approve the election of Mike McGrath as Fire Chief of Torbay Volunteer Fire Department for a two year period.

Question called. Motion carried.

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

Against 0

Abstained: 0

6. Department of Municipal Affairs – Town of Torbay Municipal Plan Review 2015-2025. ***For information purposes – will be reviewed under Planning and Development.***

## **COMMITTEE REPORTS**

### **Planning and Development**

Councillor Smith provided an overview of items discussed under the Planning and Development Committee Meeting, dated October 7, 2016.

2. a) Town Plan Review Correspondence
  - The Town Plan Review was discussed. A letter of release was received from the Department of Municipal Affairs.
  - See motion below:

363-16      Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay adopt the Town of Torbay’s Municipal Plan and Development Regulations 2015-2025 as released by the Department of Municipal Affairs and in conformity with the St. John’s Urban Region Regional Plan Amendment No. 5, 2015. The Town will now proceed with the scheduled public hearing.

Question called. Motion carried.

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

Against 0

Abstained: 0

364-16      Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay appoint Mr. Tom Strickland as the commissioner for the required public hearing for the Town of Torbay’s Municipal Plan and Development Regulations 2015-2025.

Question called. Motion carried.

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

Against 0

Abstained: 0

Building Applications Approved

Under the Building Application Approved Report, dated October 7, 2016, the following applications were approved subject to the normal conditions and requirements for building within the Town of Torbay:

<b>Application</b>	<b>Location</b>	<b>Proposal</b>
C2016-144	19 Woodbridge Lane	Single Family Dwelling
C2016-145	33 Woodbridge Lane	Single Family Dwelling
C2016-146	37 Country Drive	Demolition of Accessory Buildings & Construction of Accessory Building
C2016-149	46 Woodbridge Lane	Single Family Dwelling
C2016-150	3 Clara’s Place	Accessory Building
C2016-151	19 Motion Lane	Extension to Single Family Dwelling
C2016-152	30 Easterbrook Drive	Accessory Building
C2016-153	5 Mayflower Drive	Accessory Building
C2016-154	185A Indian Meal Line	General Repairs

Building Applications to be Approved

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

365-16 Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay Approve Application C2016-120, under the Applications to be Approved section of the Building Application Report, dated October 7, 2016, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. A grading/drainage plan is required.
3. The application is subject Municipal Plan, Section 3.1.1 (vii)

Question called. Motion carried.

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

Against 0

Abstained: 0

Building Applications to be Refused

**Application:** C2016-147  
**Location:** 20 Russworthy Place  
**Proposal:** Remove a portion of an accessory building (16' x 24') and to reconstruct a new extension (24' x 34')  
**Zoning:** Residential Medium Density (RMD)

366-16 Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the Town of Torbay Refuse Application C2016-147, under the Applications to be Refused section of the Building Application Report, dated October 7, 2016, for the following reason:

1. The proposed accessory building extension does not meet the Town's Regulations.

Question called. Motion carried.

For Motion: 6 (Mayor Tapper, Deputy Mayor Gallant, Councillors 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 September 26 – October 5, 2016, the following invoices and recommended motions were presented for approval.

367-16      Motion – Councillor Thorne-Gosse / Councillor Smith

**RESOLVED THAT** the Town of Torbay approve payment of invoices, totalling \$137,318.18, as presented.

<b>Invoice Numbe</b>	<b>Vendor and Detail</b>	<b>Amount</b>
1.	CIBC Mellon (Pension Contribution for September 2016)	\$19,823.60
2.	Memorial University (Customer Service Seminar for Town Staff)	\$8,452.50
3.	Municipal Assessment Agency (4 <sup>th</sup> Quarter Assessment Fees)	\$26,369.00
4.	Receiver General (Payroll Deductions for September 16-30, 2016)	\$28,912.62
5.	T2 Ventures Inc. (Garbage Collection for September 2016)	\$44,935.00
6.	Town of Flatrock (Fire Department Substation Operations)	\$8,825.46

Question called. Motion carried.

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

Against 0

Abstained: 0

Municipal Museum Plan and Heritage Evaluation

368-16      Motion – Councillor Thorne-Gosse / Councillor Smith

**RESOLVED THAT** the Town of Torbay award the Municipal Museum Plan and Heritage Evaluation project to Linda Norris at a cost of \$79,960.00 (HST included). This is a budgeted item for 2016. The project expenses will be allocated to g/l's 5302-6530 (Priest House Operations) and 5307-6530 (Board of Governance Set Up).

Question called. Motion carried.

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

Against 0

Abstained: 0

Multi Year Capital Works Program 2014-2017

369-16      Motion – Councillor Thorne-Gosse / Councillor Scott

**RESOLVED THAT** the Town of Torbay borrow \$843,967.00 from RBC Royal Bank to pay expenditures related to the 2014-2017 multiyear capital works program. The loan will be amortized over ten years, with a five year term. The interest rate will be set at 2.72% and a payment of \$8,040.54 per month. This is a budgeted item for 2016. This loan is subject to the Department of Municipal Affairs approval.

Question called. Motion carried.

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

Against 0

Abstained: 0

Renovation and Expansion of the Kinsmen Community Centre

On September 26<sup>th</sup>, Corporate and Community Services Committee met with Pilot Communications to review their proposal to provide a fund development plan for the Town of Torbay. Revenue generated from this plan would offset the capital costs related to the renovation and expansion of the Kinsmen Centre.

370-16      Motion – Councillor Thorne-Gosse / Councillor Scott

**RESOLVED THAT** the Town of Torbay proceed with a fund development plan as it pertains to the renovation and expansion of the Kinsmen Community Centre as per the Pilot Communications proposal dated May 6, 2016, at a cost of \$25,000 plus HST. The project will be expensed to g/l 5372-6540 (programs).



Question called. Motion carried.

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

Against 0

Abstained: 0

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

No reports or motions.

### **NOTICES OF MOTION**

None.

*Councillor Whitty left the Public Council Chambers at 8:58 p.m. for the remainder of the Meeting.*

### **NEW BUSINESS**

#### ***Mayor Tapper***

Mayor Tapper discussed regional transit, advising that he attending a meeting with Metrobus on October 4<sup>th</sup>. They now have the University and the student population involved and are looking to implement a special pass to cover cost for expanding transit into surrounding area communities. Metrobus currently have a pilot in place in the Town of Paradise.

On October 5<sup>th</sup>, MNL put off a study tour – Adapting to Change: A North East Avalon Study Tour. The Tour started in CBS, to Portugal Cove – St. Philip’s, then Logy Bay-Middle Cove-Outer Cove. Topics discussed included coastal erosion, flood risk hazardous mapping, water issues, and climate change.

The MNL Convention took place from October 6<sup>th</sup> – 8<sup>th</sup>. There were long days with informative sessions to attend. Networked with other town councillors and mayors. The convention was well attended – over 800 people. MNL put off Shed Party event on Friday evening, October 7<sup>th</sup>, at the Jack Byrne Arena Regional Sports & Entertainment Centre, which was also well attended and everyone enjoyed.

Mayor advised that he spoke to representative from the English School District concerning purchase of property adjacent to the Elementary School and Mahon’s Lane. Councillor Smith asked if she was in conflict, at which time the Mayor advised she was not. Mayor further advised that the English School District are ninety-nine percent through the sale process, and they will be bringing motion to their board soon for approval.

In relation to the dead shrubs and trees in front of the school guardrail, the English School District indicated that they will have this cleaned up soon.

***Deputy Mayor Gallant***

Deputy Mayor Gallant thanked the Executive Committee for the recent staff customer service training, advising he's received good feedback on how staff are taking their training. He also thanked all for good teamwork.

***Councillor Roche - Absent***

***Councillor Scott***

Councillor Scott discussed the recent Premier's Forum on October 5<sup>th</sup>. He passed along a thank you to the communities who elected him as a representative. He advised it was a an informative session with good discussion. He had an opportunity to have a conversation with both the Minister of Municipal Affairs and the Premier. There were a lot of ideas brought forward regarding new revenues for municipalities, and there is more work to be done. There will be quarterly and periodic updates with another forum to be scheduled next year. Councillor Scott advised he's in process of writing a report on the Forum and will forward to all towns in the Avalon Region.

He discussed the MNL Convention events including the Shed Party, which was held at the Jack Byrne Regional Sports & Entertainment Centre. There was some discussion on equal voices and how to get women more involved in politics. He further noted that today, October 11<sup>th</sup>, is International Day of the Girl, noting that more opportunities are becoming available for girls around the world.

***Councillor Smith***

Councillor Smith provided an updated on street racing on Mahon's Lane/Lynch's Lane/Torbay Road area, advising there has been a lot of activity taken place in response to this issue. Mayor and Council Members made inquiries to the RNC and there was some resident engagement. The RNC were very active and visible at times in the area, and she advised that street racing has stopped one hundred percent. The individuals involved have been identified, and she noted that these persons were not from the Community. She advised this was a collaborative effort by everyone to get this issue resolved quickly, as something as serious as street racing needs to be actioned immediately. She thanked Mayor, Council and Staff who went over and above in their efforts to bring this issue to a close.

***Councillor Thorne-Gosse***

Councillor Thorne-Gosse discussed speed calming. She asked that once requests come in, that they're looked at and placed in priority; and, that we do what we can to look at these situations as some are dangerous and possibly life threatening.

***Councillor Whitty - Absent***

**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 Russworthy Place
  - The resident discussed his building application to construct an extension to his accessory building.
    - He discussed his disappointment that his application was not approved by Council.
    - He advised that he understands the Towns regulations and rules, but as a business owner he feels his hands are tied as he can't expand on what he presently has.
  - Planning and Development Committee to review for history and other possible options.
  
- Resident of Civic Flora Drive
  - Resident discussed concerns of development and construction on neighbouring property, and he questioned if it can be addressed.
    - He advised that it is a safety issue. Rocks fall onto his property from the twenty foot embankment on the neighbouring property. The resident spoke to the contractor, however, the issue has yet to be corrected.
    - The resident noted that the developer has the ditch filled in at their driveway. When it rains, water draining on the undeveloped land runs through their driveway, which they have to continually repair.
    - Resident also noted that not all lots in Phase I of the development are sold, and the developer has started developing and selling lots in Phase Two.
  - Planning and Development Committee to further look into and review.

**NEXT PUBLIC COUNCIL MEETING**

The next Public Council Meeting will take place on Monday, October 24, 2016, 7:30 p.m., Council Chambers, Torbay Town Hall.

**ADJOURNMENT**

371-16      Motion – Councillor Smith / Councillor Scott

**RESOLVED THAT** the meeting be adjourned at 9:21 p.m., as there was no further business.

Question called. Motion carried.

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

Against 0

Abstained: 0

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*Mayor*

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*CAO/Town Clerk*