



MINUTES
PUBLIC COUNCIL MEETING
September 11, 2017

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on September 11, 2017, at 7:41 p.m.

Members Present

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

Staff Present

Dawn Chaplin, CAO/Town Clerk
Bernie Manning, Director of Infrastructure and Public Works
Ann Picco, Deputy Clerk
Brian Winter, Director of Planning and Development

Absent

Ross Houlihan, Communications

Gallery

There were a total of 8 people in attendance.

Adoption of Agenda

188-17 Motion – Councillor Smith / Councillor Thorne-Gosse

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried.

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

Against: 0

Abstained: 0

Adoption of Minutes

189-17 Motion – Councillor Smith / Councillor Thorne-Gosse

RESOLVED THAT the Minutes of the August 14, 2017, Public Council Meeting be adopted as presented.

Question called. Motion carried.

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

Against: 0

Abstained: 0

PROCLAMATIONS / PRESENTATIONS / QUESTION & ANSWER SESSION

Mayor Tapper turned the Chair of the Public Council Meeting over to Deputy Mayor Gallant at 7:45 p.m.

1. Prostate Cancer Canada Atlantic Region – Prostate Cancer Awareness Month.
 - Mayor Tapper read aloud the proclamation.
 - See motion below:

190-17 Motion – Mayor Tapper / Councillor Scott

RESOLVED THAT the Town of Torbay proclaim September 2017 as Prostate Cancer Awareness Month in Torbay.

Question called. Motion carried.

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

Against: 0

Abstained: 0

Mayor Tapper resumed as Chair of the Public Council Meeting at 7:51 p.m.

2. NL Sexual Assault Crisis and Prevention Centre - Sexual Violence Awareness Week Proclamation.
 - Councillor Smith read aloud the proclamation.
 - See motion below:

191-17 Motion – Councillor Smith / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay hereby proclaim September 10th – 16th, 2017 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, Scott, Smith, 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:

- A resident and candidate in the upcoming 2017 municipal election discussed water and flooding issues that residents are having in Skippers Landing. She questioned Council's position to resolve the issue.
 - Mayor noted that the Town has completed some work, and it may take some time to determine proper options to correct the water and flooding issue.
- Resident and candidate in the upcoming 2017 municipal election congratulated and thanked all current Council Members on their work over the last four years.
 - He wished all candidates best of luck and is looking forward to possibly working with all over the next four years.
- Mayor Tapper advised that a Public Council Meeting is scheduled for September 28th. This meeting will be the final meeting of this term of Council.

BUSINESS ARISING

The Business Arising Report, dated September 11, 2017, was discussed and accepted as presented.

- Item 1 – Regional Transit
 - An update was requested.
 - It was noted that Town staff had met with Metrobus regarding a potential route, and at the time Metrobus didn't have resources. Mayor also met with a neighbouring community to discuss a regional study.
 - Further to the above, Mayor advised that a study was completed and some routes were determined, with all ending up at the University. The University and student representative were involved as well in relation to a special mandatory pass for students and bus users. Haven't heard anything from the University on this matter since April past, since the Provincial budget announcement.

- Item 5 – Jones Pond Trail
 - It was questioned if a resolution was found with the landowner.
 - Councillor Smith asked that her comments be on record that a solution is to go through the Supreme Court system. Council has worked through the political and private sector to find a solution. Trails are a priority in the Community and important, and this would be a solution to ensure the Town can connect our trail system.

Councillor Smith left the Public Council Chamber at 8:09 p.m. as it was determined that she was in a conflict of interest.

At this point, Deputy Mayor called Point of Order, requesting rationale for excusing Councillor Smith.

- Mayor Tapper advised Point of Order well taken, advising that Councillor Smith is in process of negotiating acquisition from the Newfoundland and Labrador English School District on parcel of land adjacent to the property
- Item 6 – Acquisition of Gully Land
 - Mayor advised that the Town has received correspondence advising the Board is in agreement to the acquisition. There is, however, an issue with history of land and title. Title is still being searched and will hopefully be completed soon.

Councillor Smith returned to the Public Council Chamber at 8:12 p.m.

- Item 9 – Emergency Plan and mock training exercise
 - CAO discussed recent mock desktop exercise held recently in a neighbouring community. Fire and Emergency Services may do training on a regional level with surrounding area councils. CAO also noted that the document is still with Fire and Emergency Services. She further noted that desktop exercise should be held in the Fall of every year, as per the document.
- Item 7 – Regional Governance
 - It was noted that session took place in St. John's last week.
 - It was requested that this not be marked as complete and leave on the Business Arising Report.

CORRESPONDENCE

None.

COMMITTEE REPORTS

Planning and Development

Planning and Development Committee Motions

- Rezoning Amendment Request
 - Request from property owner 615 Bauline Line in relation to property zoning.
 - A motion was presented to permit the rezoning of property to allow for the rezoning of land in the area of 615 Bauline Line. The property is to be rezoned from Rural to residential Infill (RI). A Regional Plan Amendment is also required.
 - After discussion, Council agreed to defer. See motion below:

192-17 Motion – Councillor Thorne-Gosse / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay defer the above motion until more information is received on this and until the owners of the farm land in the area are properly communicated to.

Question called. Motion carried.

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

Against: 2 (Councillor Scott and Councillor Smith)

Abstained: 0

- Other Items
 - Motion for removal order that was issued on 1196 Torbay Road to have a sign removed.

193-17 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay issue a removal order to have one of the bold signs removed from 1196 Torbay Road. The removal of the sign will bring the properties signage into conformity.

Question called. Motion carried.

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

Against: 0

Abstained: 0

Applications Approved

Under the Applications Approved Report, dated September 8, 2017, the following applications were approved subject to the normal conditions and requirements for building within the Town of Torbay:

Application	Location	Proposal
DM2017-007	41 Lower Street	Demolition of Accessory Building
DM2017-008	171 Marine Drive	Demolition of Dwelling
C2017-121	1296 Torbay Road	Interior Renovations
C2017-122	15 Bullock's Town Road	Extension to Accessory Building
B2017-123	46 Lynch's Lane	General Repairs
C2017-124	3 Mayflower Drive	Single Family Dwelling
B2017-125	1407 Torbay Road	General Repairs/Renovation
C2017-127	17 Charles Lane	Extension to Accessory Building
C2017-128	39 Evening's Path (Portion of 30A Indian Meal Line and 51 Evening's Path)	Single Family Dwelling
C2017-129	43 Evening's Path (Portion of 30A Indian Meal Line and 51 Evening's Path)	Single Family Dwelling
B2017-130	16 Martin's Lane	General Repairs
C2017-131	17 Cherrywood Drive	Extension to Accessory Building
B2017-133	194 Marine Drive	General Repairs
B2017-135	12 Ryan's Road	General Repairs

Building Applications to be Approved

Application: C2016-178
Location: 8 Kinsmen Place
Proposal: Demolition of the existing building and construction of a new community wellness centre
Zoning: Recreation Open Space (ROS)

194-17 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay Approve Application C2016-178, under the Applications to be Approved section of the Building Applications Report, dated September 8, 2017, subject to the following conditions:

1. The development shall meet the normal building requirements of the Town.

Question called. Motion carried.

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

Against: 0

Abstained: 0

Councillor Whitty left the Public Council Chamber at 8:49 p.m., as it was determined that he was in a conflict of interest.

Business Applications to be Approved

Application: D2017-110

Location: 52 Whitty's Lane

Proposal: Home office for carpet and upholstery cleaning business

Zoning: Residential Infill (RI)

195-17 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay Approve Application D2017-110, under the Applications to be Approved section of the Business Applications Report, dated September 8, 2017, subject to the following conditions:

1. All normal conditions and requirements for operating a business within the Town of Torbay.
2. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
3. There shall be no parking of commercial vehicles on the property.

Question called. Motion carried.

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

Against: 0

Abstained: 0

Councillor Whitty returned to the Public Council Chamber at 8:50 p.m.

Business Applications to be Deferred for Advertisement

Application: D2017-134
Location: 439 Pine Line
Proposal: Cabinet and Woodworking Shop
Zoning: Residential Infill (RI)

196-17 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the Town of Torbay Defer for advertisement Application D2017-134, under the Applications to be Deferred for Advertisement section of the Business Applications Report, dated September 8, 2017, as per Condition 10 of the RI Land Use Zone and Regulations 10, 33 and 90 of the Torbay Development Regulations at the applicant’s expense.

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 reports or motions.

Corporate and Community Services

Corporate Services

The following four (4) invoices, totalling \$68,307.21 were presented for approval.

197-17 Motion – Councillor Thorne-Gosse / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment of invoices, totalling \$68,307.21, as presented.

Invoice Number	Vendor and Detail	Amount
1.	CIBC Mellon (Pension Contribution for August 2017)	\$19,205.70
2.	Harbourside Transportation Consultants (Preliminary Roundabout Design)	\$7,426.13

3.	Receiver General for Canada (Payroll Deductions August 16-31, 2017)	\$35,241.25
4.	Stewart McKelvey Stirling Scales (Legal Advice History House and New Community Centre)	\$6,434.13

Question called. Motion carried.

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

Against: 0

Abstained: 0

- Memo from Director of Corporate & Community Services, dated September 8, 2017
 - Motions of Council - Audited 2016 Financial Statements, Tax Recovery Plan, & Accounts Receivable Summary
 - A meeting was held on September 7th, 2017 with The Town's auditors to review the draft 2016 financial statements with the Corporate & Community Services Committee, Director and CAO. A motion of council is required for the statements to be forwarded to the Department of Municipal Affairs for compliance with the Community Sustainability Partnership. A tax recovery plan and tax receivable summary are also required to accompany this submission and also require a motion. The motions required are as follows:

198-17 Motion – Councillor Thorne-Gosse / Councillor Roche

RESOLVED THAT the Town of Torbay adopt the consolidated financial statements for the year ended December 31st, 2016 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

199-17 Motion – Councillor Thorne-Gosse / Councillor Roche

RESOLVED THAT the Town of Torbay submit the Tax Recovery Plan amended September 8th, 2017 to the Department of Municipal Affairs. This plan is a requirement of the community sustainability partnership.

Question called. Motion carried.

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

Against: 0

Abstained: 0

200-17 Motion – Councillor Thorne-Gosse / Councillor Roche

RESOLVED THAT the Town of Torbay submit the Summary of Taxes Receivable dated December 31, 2016 to the Department of Municipal Affairs. This summary is a requirement of the community sustainability partnership.

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

Mayor Tapper discuss speed limits in the three school zones in the Community. The Provincial Government Department of Transportation has given the Town permission to reduce the speed limits in all school zones in the Community to 30 km/h. The schools have been notified of this as well.

NOTICES OF MOTION

There were none.

NEW BUSINESS

Mayor Tapper

Mayor Tapper advised that the next Meeting of Council will take place on September 28th. New Council will be sworn in immediately after the meeting.

Mayor thanked the candidates in the upcoming municipal election for attending tonight's meeting, and wished all best of luck.

Deputy Mayor Gallant

Deputy Mayor Gallant discussed that this is the last business meeting for this Council. He thanked Mayor Tapper for all his hard work over the past four years; and, congratulated Councillor Scott who will be sworn in as Mayor on September 28th.

He thanked everyone for all their hard work, and wished all candidates best of luck in the upcoming election.

Councillor Roche

Councillor Roche thanked the Infrastructure and Public Works staff for the new pavement on Convent Lane.

She wished all candidates in the upcoming election good luck.

Councillor Scott

In relation to the change in speeds zones in the areas of the school, Councillor Scott further noted that the Director of Infrastructure and Public Works is in process of obtaining signage. He further discussed some issues and confusion pertaining to crosswalks, which will be taken care of.

Councillor Scott discussed the upcoming municipal election, and encouraged everyone to vote.

Councillor Smith - Pass

Councillor Thorne-Gosse

Councillor Thorne-Gosse discussed the crosswalks in front of the school, and changes in re-painting.

She discussed the crosswalk in front of the Town Office, indicating the need to have white lines painted on either side of the crosswalk to it's visible.

Councillor Thorne-Gosse discussed that officially this is the last meeting of this Council. She wished all candidates good luck in the upcoming election, and encouraged everyone to get out to vote.

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. There were none.

NEXT PUBLIC COUNCIL MEETING

The next Public Council Meeting is scheduled to take place on Thursday, September 28, at 6:30 p.m., Council Chambers, Torbay Town Hall. The new Council will be sworn in at this time, as well.

ADJOURNMENT

201-17 Motion – Councillor Smith / Councillor Scott

RESOLVED THAT the meeting be adjourned at 9:12 p.m., as there was no further business.

Question called. Motion carried.

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

Against: 0

Abstained: 0

Mayor

CAO/Town Clerk