



MINUTES
PUBLIC COUNCIL MEETING
October 23, 2017

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on October 23, 2017, at 7:05 p.m.

Members Present

Mayor Craig Scott
Deputy Mayor Trina Appleby
Councillor Geoff Gallant
Councillor Justin Martin
Councillor Tony Pollard
Councillor Peggy Roche
Councillor Mary Thorne-Gosse

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
Ross Houlihan, Communications

Absent

Ann Picco, Deputy Clerk

Gallery

There were a total of 3 people in attendance.

Adoption of Agenda

218-17 Motion – Councillor Roche / Councillor Thorne-Goose

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried.

For Motion: 7 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, Roche and Thorne-Gosse)

Against: 0

Abstained: 0

Adoption of Minutes

219-17 Motion – Councillor Pollard / Councillor Gallant

RESOLVED THAT the Minutes of the October 11, 2017 Public Council Meeting be adopted as presented.

Question called. Motion carried.

For Motion: 7 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, Roche and Thorne-Gosse)

Against: 0

Abstained: 0

PROCLAMATIONS / PRESENTATIONS / QUESTION & ANSWER SESSION

Mayor Scott referred to the Gallery and asked if anyone would like to present to Council. There were no questions or comments at this time.

BUSINESS ARISING

Correspondence and Action Report accepted as presented.

CORRESPONDENCE

1. House of Assembly from the Office of the Official Opposition – Congratulations. **Information only**
2. LW Consulting – Councillor Orientation Circular. **Information only**
3. LW Consulting - Councillor Orientation Registration Form. **Information only.**
4. Municipal Agency’s Annual Report for 2016-2017. **Referred to Planning and Development for Review**
5. Northeast Avalon ACAP – Congratulations. – **Information only.**
6. Memo for the Deputy Clerk, Returning Officer of the 2017 Municipal Election, dated October 20, 2017, regarding Retention of Election Ballot Boxes – **Motion is required – see below:**

As per Section 59 of the Municipal Elections Act, thirty days have passed since the September 26, 2017, municipal election. No recounts were requested and no court actions are pending regarding the election. As a result, the ballot boxes and associated material must be destroyed on October 26, 2017.

A motion of Council is required to complete this action. See motion below:

220-17 Motion – Councillor Gallant / Councillor Thorne - Gosse

RESOLVED THAT Further to Section 59 of the Municipal Elections Act, that the ballot boxes and associated material related to the 2017 Municipal Election held on September 26, 2017 in the Town of Torbay be destroyed.

Question called. Motion carried.

For Motion: 7 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, Roche and Thorne-Gosse)

Against: 0

Abstained: 0

COMMITTEE REPORTS

Community Services

Date of Meeting – October 18, 2017.

Items discussed:

Overview of Programs / Events

Discussed e-services and it was agreed upon by Committee that staff would be reviewing and possibly implementing a FAQ and how to video related to E-Services.

Upper Three Corner Complex - Committee is to a review rental policies for town facilities, also to review future policies for user groups and public request. The director is to look at other municipalities policies and review nonprofit groups as well.

Correspondence from Time in Torbay festival committee was reviewed at committee meeting. It was the consensus of the committee that Ms. Cara Eustace be extended an invitation to meet with committee and review last year's festival and request for funding for 2018.

Correspondence from Torbay Folk Arts Council was also reviewed by committee. The committee is working on policies for facilities and sport fields for 2018. A letter will be sent to the Torbay Folk Arts Council advising of the same, when a decision has been made they will be notified.

Correspondence from MP Nick Whalen's office who are in the process of looking for citizen who has made an outstanding contribution to the community. A name has been identified and will be submitted back to MP's office. The Director will make contact with the citizen to determine if interested.

Upper Three Corner Plans for Multi-Purpose Courts was also discussed at Committee. The Director provided an update to the committee that plans are currently being discussed to begin the Multi-Purpose Courts for 2017 at Upper Three Corner as per the concept and design and feasibility study.

Killick Coast Game 2018 application to be submitted in the coming weeks.

Economic Development

Date of Meeting: October 18, 2017

Items discussed:

EDO provided an overview of the current projects being undertaken in the EDO work-plan to familiarize committee with them.

Some discussion ensued regarding business retention efforts in the Town. A highlighted issued was to begin examining the feasibility and timelines to foster the development of a chamber of commerce in Torbay. EDO to provide a draft work-plan on how this could happen.

EDO provided an update on the Town's new app, currently in development and current timelines aim to launch the app in time for the Torbay Community Market in November.

Discussion regarding the next phase of the Regional Demographics Project was highlighted by the EDO. This partnership with the City of St. John's, Paradise, Conception Bay South and Portugal Cove-St. Philip's, Memorial University, Municipalities NL and ACOA will soon be launching its next phase. This project examines population growth trends, employment changes, immigration, opportunities and challenges with demographics on the business community, incomes and spending, industry analysis and the changing provincial economy. This phase will begin in November/December and be completed by the spring 2018.

1. Tender Award Approval

- The EDO gave an overview of the Torbay Heritage Sites Project and Committee agreed with the project consultant recommendation to award the construction tender for the new Torbay Beach Bridge, Look-Out and Amherst Monument to the only bidder, Carew's Services. Motion is required.

221-17 Motion: Deputy Mayor Appleby / Councillor Roche

RESOLVED THAT the Town of Torbay award the construction contract, TORB-16107, of the Torbay Heritage Sites to Carew Services Ltd. In the amount of \$430,100 HST inclusive.

There was some discussion among Council regarding the tender and what department should be responsible for overseeing the work to be completed outlined in the tender. Chief Administrative Officer (CAO) advised Council that the project was deemed a tourism initiative however due to the nature of the work, the Public Works and Infrastructure department have be involved in the consultation related to this project and would oversee the scope of the work to be completed.

Question called. Motion carried.

For Motion: 7 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, Roche and Thorne-Gosse)

Against: 0

Abstained: 0

Deputy Mayor Appleby highlighted a number of issues to be considered in the future EDO work-plan. Priorities involved memberships of key industry associations that the Town/staff should be involved with to further the growth of our Town's local economy and business attraction initiatives. Also an examination of municipal signage policy to the benefit of local businesses.

Finance

Corporate Services

Payroll

Payroll for the period of October 7th – 20th, 2017 for 31 employees totaled \$65,711.54.

Accounts Payable

For the two week period of October 7th to 20th, 2017 invoices in the amount \$370,780.90 were processed.

Invoices for Approval

The following eight (8) invoices are presented for approval:

222-17 Motion – Councillor Pollard / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment of invoices, totaling \$196,595.89, as presented.

<u>Invoice Number</u>	<u>Vendor and Detail</u>	<u>Amount</u>
Purchase	Dr. Paul Smith (Mummer Collection for History House)	\$19,000.00
99347	Municipal Assessment Agency (Q4 Assessment fees)	\$26,523.00
14293963	Newfoundland Power (Street lighting)	\$18,660.19

9188	North East Avalon Regional Arena (Municipal Election)	\$10,407.50
173047.01F	Powers Brown Architecture (Town hall renovations concept)	\$5,750.00
ACOA Funding	Receiver General for Canada (Funding advance for Heritage Site)	\$56,775.64
Oct 1-15 2017	Receiver General for Canada (Payroll remittance)	\$22,987.37
TORB-16107-07	Tract Consulting Ltd (Heritage Site Design)	\$36,492.19

There was some discussion among Council regarding the invoice for the Mummer Collection for the History House. Council were given a synopsis from the CAO regarding the details and importance of such a collection. She also assured Council that this would be a worthwhile tourism item and that the collection would be properly stored as are all the artifacts within the Museum and History House.

Question called. Motion carried.

For Motion: 7 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, Roche and Thorne-Gosse)

Against: 0

Abstained: 0

Councillor Pollard presented the Corporate Services Committee overview of it's meeting on October 18th, 2017.

Items Discussed:

1. 2018 Budget

- The timeline and process to be used for the coming year's budget were discussed.
- Budget submission is due to Municipal Affairs in January due to this year's election, but it is still the intention to have it completed prior to Christmas break.
- DCCS to meet with each department to attain information to create a first draft of the budget to be reviewed with committee.
- Assessment roll received from MAA to be uploaded to TownSuite this week.
- Discussion occurred regarding the town's Asset Management plan. DCCS indicated the town has been working with KPMG to set up the TCA model and will follow up with them for and update to be provided for the next meeting.

2. Council Package Format

- DCCS presented copies of prior Finance reports for committee review
- Committee discussed and decided to keep the report the same, but substitute the income/expense report with the cheque register to be included on a quarterly basis.
- Income/expense report to be reviewed at committee level going forward.

3. Meetings with Auditor & Bank

- DCCS advised that the town's auditor is BDO & banking is done through RBC.
- DCCS to set up meetings with committee and a representative from BDO & RBC to discuss the town's financial history and current position. Other members of council will also be invited to attend these meetings.

4. Terms and conditions for the 2017-2020 Multi Year Capital Works Agreement

- DCCS provided a copy of a memo presented to previous Corporate Services Committee which was deferred to this committee regarding funding agreement with the Department of Municipal Affairs for the town's community centre.
- The town's capacity to borrow its share of the funding has been confirmed by RBC.

2017-2020 Multi Year Capital Works Program

The bank has confirmed the town's capacity to borrow its share of the funding. Please also note reference to the Department's project delivery timeline policy. We are well underway with the design build process for our community center, so I do not anticipate any issues with compliance on all department requests.

A motion of Council is required to execute the funding agreement.

223-17 Motion: Councillor Pollard / Councillor Roche

RESOLVED THAT Town of Torbay accept funding in the amount of \$3,699,371.00 from the Department of Municipal Affairs & Environment under the 2017-2020 Multi Year Capital Works Program.

Mayor Scott and CAO to execute the funding agreement.

Question called. Motion carried.

For Motion: 7 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, Roche and Thorne-Gosse)

Against: 0

Abstained: 0

Human Resources and Administration

No report.

Planning and Land Use Development

Date of Meeting: October 17, 2017

Items discussed:

The Director of Planning and Development (DPD) started the meeting with a Power Point presentation providing members of the Committee with an overview of the Planning and Development Department.

Development Proposals:

Proposal from property owner at 439 Pine Line to establish a cabinet and woodworking business from his accessory building. The proposal is considered a Discretionary Use; therefore, it was advertised and notices sent out to the area residents. There were a number of letters of concern received for consideration.

Committee reviewed the application along with the letters of concern that were received.

DPD outlined the main concerns from the letters:

- i. Noise in the neighborhood
- ii. Fumes from materials being used
- iii. Combustible materials being used
- iv. Hours of operation
- v. Possible increase in traffic
- vi. Property values
- vii. Possible health hazards

Committee asked the DPD if the Town has approved or refused similar types of applications in the past. DPD noted that Council has refused similar types of proposals in the past due to concerns from area residents.

Committee Chair also noted that a similar type of business was operating in a residential area a number of years ago and it caught on fire and there was a lot of concern over whether or not it was going to spread to adjacent properties.

After much discussion, Committee agreed that it would be recommending that the application be refused. Committee felt that the points brought forward in the written responses were valid, and that such an operation is probably better suited for a non-residential area.

Referral from Crown lands – 636 Bauline Line:

E-Referral from the Department of Fisheries and Lands Resources Lands Branch (Crown Lands) in relation to a Crown Land proposal for residential lots in the area of 636 Bauline Line.

Director of Planning and Development noted that the attached E-Referral is now the new process for reviewing Crown Land applications.

Committee reviewed the proposal for Crown Land on Bauline Line. Approximately 0.9 acres is being requested in the Residential Infill Land use zone.

Committee agreed that it had no concerns with the Crown Land proposal.

Amendment:

Municipal Plan Amendment No. 1, 2017 and Development Regulations Amendment No.2. An amendment to rezone land in the Forest Landing area from Rural (RUR) to Residential Large Lot (RLL).

Committee reviewed the proposed amendments along with the one letter of concern that was received.

DPD noted that the concerns that were brought forward in the email letter are good points. These items are all addressed in the Town's Engineering Design Guidelines for Subdivisions. All developers are required to complete water studies and septic engineering studies, which are then reviewed/approved by government agencies.

Committee agreed that development of the area would allow for better road connection, a completed trail way for the area and provide the developer with an area to complete a proper drainage plan.

The rezoning of this area will provide a finished product for the overall development. This will more than likely be the final phase of development in this particular area.

Committee agreed that the amendments would enable the developer to finish off the development in that area.

Committee agreed that it would recommend moving to the next step in the amendment process which is to send the amendments to Municipal Affairs for review.

Torbay Environment Advisory Committee:

Committee discussed the Environmental Advisory Committee and it was agreed that the DPD should draft a new terms of reference for the committee, which would outline the committee size, roles, responsibilities and how Council should engage them

Applications Approved

Under the Applications Approved Report, dated October 20, 2017, the following applications were approved subject to the normal conditions and requirements for building within the Town of Torbay:

Application	Location	Proposal
C2017-153	46 Convent Lane	Single Family Dwelling
C2017-154	48 Convent Lane	Single Family Dwelling
C2017-155	50 Convent Lane	Single Family Dwelling
C2017-156	55 North Pond Road	Single Family Dwelling
C2017-157	49 North Pond Road	Single Family Dwelling
C2017-158	47 North Pond Road	Single Family Dwelling
C2017-159	57 North Pond Road	Single Family Dwelling

C2017-160	42 Fleming's Hill	Accessory Building
B2017-161	17 McDuff Place	General Repairs
C2017-162	16 Convent Lane	Accessory Building
C2017-163	144 Patrick's Path	Single Family Dwelling
C2017-164	79 Marine Drive	Accessory Building
C2017-165	446 Indian Meal Line	General Repairs
C2017-166	80 Dunphy's Lane	Single Family Dwelling with Subsidiary Apartment

Business Application Report dated October 20, 2017

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

224-17 Motion – Councillor Thorne- Gosse / Councillor Martin

RESOLVED THAT Town of Torbay Council exercise their discretion and Refuse Application D2017-134, under the Business Application Report, dated October 20, 2017, taking into account the concerns put forward from the area residents received as a result of a public discretionary notice

Question called. Motion carried.

For Motion: 7 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, Roche and Thorne-Gosse)

Against: 0

Abstained: 0

Protective Services and Public Safety

Date of Meeting: October 17, 2017

Items discussed:

Committee stated that pedestrian safety was a key item during the most recent election campaign and were pleased that Mayor provided a committee to champion and dedicated staff resources.

Committee reviewed its mandate and agreed that the Commissionaires would meet with Committee once a month to provide an update. This report in turn would be provided to all Council. Regarding the Torbay Volunteer Fire Department, Mayor Scott would continue to serve as its liaison. Fire Chief would provide input into pedestrian safety measures and play

a key role in emergency preparedness. It was suggested that Fire Chief attend the next Committee meeting to provide an overview of the Fire Department.

CAO advised Committee that she met with Bill Collins of Fire and Emergency Services on October 10, 2017 to discuss emergency management training for Council and the coordination of a desktop exercise. CAO confirmed that Fire Chief and she will meet with Bill Collins upon Chief's return to design the exercise. Committee discussed the importance of training for Council, so everyone is aware of their role during an emergency. It was requested that the emergency plan be circulated to Committee members for their review.

A. Crime Stoppers Signs

Committee reviewed the correspondence regarding the provision of crime stoppers signs at no cost to the community. Committee requested that the CAO follow up with the Commissionaires to confirm potential sign locations.

B. Pedestrian Safety Study

Committee discussed the pedestrian safety study and associated policies. It was agreed that Committee needed to review the policies and bring forth recommendations that work in the best interests of the community. It was agreed that all speed calming measures implemented need to be monitored and evaluated for their effectiveness. CAO stated she has requested a meeting with the consultant to gain a great understanding of the resident request process. CAO also stated the consultant has proposed November 15, 2017 to meet with Committee to provide an overview of the study. Committee requested that the CAO reconfirm this meeting date with the consultant.

C. Crosswalk for Juniper Ridge Intermediate

CAO presented a proposal by Harbourside Consultants as it pertains to the scope of work to assess the appropriate pedestrian crossing for Torbay Road in the vicinity of Juniper Ridge Intermediate School. The scope of work was developed based on the requirements of the Provincial Government. CAO stated she would seek out a second quote and follow up with the Department of Transportation and Works to seek their feedback on the feasibility of a crossing guard program.

The next meeting of the Protective Services and Public Safety Committee will be held on Wednesday, October 25, 2017 at 6pm.

Public Works and Infrastructure

Deferred to the next Public Meeting of Council.

LIAISON COMMITTEES

Jack Byrne Regional Sports and Entertainment Centre

No Report

Northeast Avalon Joint Council

No Report

Torbay Harbour Authority

Councillor Martin – Shed City was the successful bidder for the utility shed that is just about been completed. The East Coast trail is looking at replacing steps in the same area. The gates at Tapper’s cove will now open at 6:30 am and close at 6:30 pm to avoid vandalism.

Torbay Volunteer Fire Department

No Report

Urban Municipalities Committee

No Report

NOTICES OF MOTION

There were none.

NEW BUSINESS

Mayor Scott – update on the on the boil order issued by the town, There was a Malfunction at the chlorine station, staff are currently working on this matter with Water Resources and hoping to have resolved before the end of the week.

Premiers Forum on Local Government – The mayor is attending the next Premier’s forum and will be representing the Town of Torbay and the Avalon Region.

Killick Coast Regional Meeting of Mayors – to be held at the Town of Bauline on October 26, 2017. The meeting will be an informal Meet and Greet.

Mayor’s Report will be highlighted in this section for this meeting only. This report will be added to the agenda for future meetings.

Mayor helped serve lunch at Juniper Ridge Intermediate on October 10, 2017.
Attended the Grand Opening of Juniper Ridge Intermediate on October 18, 2017.
Attended True Patriots Love Gala – supporting Veterans on October 20, 2017.
Attended two dinners at the Parish Hall in support of Torbay Public Library on October 14, 2017.
Attended the Concert and Closing Ceremony of Solomon Goose’s Birthday on October 21, 2017.

Deputy Mayor Appleby – Advised Council that she attended a meeting with Stewardship Association of Municipalities (SAM) on October 21-22, 2017 in Grand Falls – Windsor. She also advised Council the Town of Torbay was highly recognized for the fantastic job they did with hosting the SAM this summer. The Deputy Mayor said she was proud to represent the Town and extended congratulations on the long standing relationship the Town of Torbay has had with SAM. Thank you to past and current council support and their connection with SAM. Deputy Mayor Appleby also highlighted a potential link between the Town of Torbay and Ducks Unlimited for future learning.

Councillor Gallant - Thank you to all new Councillors on Council for their enthusiasm in getting started on new projects. Keep up the good work!

Councillor Martin – Thank you to the Torbay Folk Arts Council, Torbay Lions Club and Torbay Public Library for their involvement in Solomon Gosse’s Birthday.

Councillor Pollard – Congratulate all the organizers of the Solomon Gosse’s Birthday events for a fantastic week of fundraising.

Councillor Roche - wished to highlight some pre-election issues and concerns and refer to their respective committees of Council for review and follow up. The following streets have various issues that need review by Council.

- Pine Line
- Piperstock Hill
- Lower Street
- Goose’s Lane
- Reardon’s Lane
- Juniper Ridge

She pointed out that all are important to the person, however some require priority.

Councillor Thorne-Gosse – highlighted some of the on-going issues with the town e-services and online event registration. She hopes that the town can provide tickets for those who wish to purchase in person for a short term solution.

QUESTION & ANSWER SESSION

Mayor Scott 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 Monday, November 6, at 7:00 p.m., Council Chambers, Torbay Town Hall.

ADJOURNMENT

225-17 Motion – Councillor Martin / Councillor Thorne-Gosse

RESOLVED THAT the meeting be adjourned at 9:10 p.m., as there was no further business.

Question called. Motion carried.

For Motion: 7 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, Roche and Thorne-Gosse)

Against: 0

Abstained: 0

Mayor

CAO/Town Clerk