



MINUTES
PUBLIC COUNCIL MEETING
January 15, 2018

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on January 15, 2018, at 6:33 p.m.

Members Present

Mayor Craig Scott
Deputy Mayor Trina Appleby
Councillor Geoff Gallant
Councillor Justin Martin
Councillor Tony Pollard
Councillor Peggy Roche

Staff Present

Dawn Chaplin, CAO/Town Clerk
Ross Houlihan, Communications
Bernie Manning, Director of Infrastructure and Public Works
Ann Picco, Deputy Clerk

Absent

Councillor Mary Thorne-Gosse
Brian Winter, Director of Planning and Development

Gallery

There were a total of 11 people in attendance.

Adoption of Agenda

001-18 Motion – Councillor Gallant / Councillor Martin

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried.

For Motion: 6 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, and Roche)

Against: 0

Abstained: 0

Adoption of Minutes

002-18 Motion – Councillor Gallant / Councillor Martin

RESOLVED THAT the Minutes of the December 18, 2017 Public Council Meeting be adopted as presented.

Question called. Motion carried.

For Motion: 6 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, and Roche)

Against: 0

Abstained: 0

PROCLAMATIONS / PRESENTATIONS / QUESTION & ANSWER SESSION

The Director of Community Services and the Community Services Coordinator was in attendance to present the below:

- Community Builder and Volunteer Canada 150 Recognition Award.
 - On October 16th the Director received a request from MP Nick Whalen to nominate an individual who makes a difference in the Community in relation to the Community Builder/Volunteer Award. Community Services nominated resident Ms. Jananne Dawe.
 - Jananne is an exceptional community volunteer who has volunteered with the Town over the past several years. Three years ago Jananne organized and formed a group of volunteers to increase community spirit, to bring people together, engage all ages and promote an inclusive and welcoming environment. The group planned a variety of activities supporting many local businesses.
 - Jananne's past volunteer experience include Army Cadets, Member of Torbay Allied Youth and Sparks Leader with the Girl Guides of Canada. She completed her Bachelor of Social Work Program. During her studies she volunteered with a variety of organizations including homeless shelters, mentoring programs, food banks, halfway houses and an outreach program.
 - Jananne is an individual in our Community who really makes a difference and is a true Community Builder.
 - On Monday, December 18th, MP Whalen held a Canada 150 Commemorative Ceremony and presented Jananne with the Community Builder/Volunteer Award.
 - Director of Community Services, Tina Auchinleck-Ryan, asked Jananne to come forward to present her Canada 150 award and speak on the pin she

received, of which only 50 were made from copper of the parliament building roof.

- Mayor Scott congratulated Jananne, advising it's great to see young people involved in our Community. Council appreciates everything Jananne has done and asked that she keep it up. Jananne thanked Council and Staff for their support.

- Freezin' for a Reason Presentation.
 - The Community Services Department thrives to bring new initiatives to the Community. Planning is done through team work, collaboration and seeking out what other communities may be doing and how we can make them our own.
 - This year a new event came to light – Freezin' for a Reason. This event involved the below:
 - A dip in the waters of Whiteways Pond in December, 2017.
 - Minimum of \$25.00 sponsored in order to participate. Donations to go the Torbay Public Library, which serves communities along the Killick Coast Region
 - Deputy Mayor Appleby sent out a challenge to other town deputy mayors.
 - There were a total of 25 registered participants.
 - A presentation was made to the Torbay Public Library in the amount of \$2,868.00. It was noted that more donations came in today bringing the amount over \$3,000.00.
 - The Director thanked all involved, including the Torbay Volunteer Fire Department for assisting with safety measures, Community Services Coordinator, Scott Martin, and MUN Work Term Student, Janessa Ward, for organizing.
 - Mayor Scott thanked all involved in organizing the event and all who participated and donated.

Mayor Scott referred to the Gallery and asked if anyone would like to present to Council. There were no comments.

MAYOR'S REPORT

Mayor Scott discussed the below:

- Mayor advised that he recently attended the following events/meetings:
 - Last week, the Town's engineer presented on roads, best available technology study and water alternatives study.
 - A lot of valuable information was presented, and especially informative to the new Members of Council.

- A meeting was held last week with the City of St. John's concerning probability of Torbay connecting to the regional water supply.
 - The City will be bringing the Town's request to the next Regional Water Services Board meeting to explore possibility of connection. The Town hopes to make significant progress in this area in the near future.
- Urban Municipalities Committee will be meeting in Grand Falls-Windsor this weekend coming.
 - The agenda contains good topics, and will provide an update at next Council Meeting.

BUSINESS ARISING

The Business Arising Report, dated January 15, 2018, was discussed accepted as presented:

- Item 20 – Ellard's Lane – request from resident for remediation of asphalt.
 - It was questioned if letter was sent to resident advising of ranking. CAO advised correspondence is in process of being completed.

CORRESPONDENCE

1. Municipal Assessment Agency Inc. – Letter from Avalon Director. ***For information. A thank you letter in support of recent election.***
2. Municipal Assessment Agency Inc. – Letter from Urban Director. ***For information. A thank you letter in support of recent election.***
3. Department of Municipal Affairs & Environment – Approval to Award Contract-Community Centre. ***Approval of design build tender approval. For information Mayor explained difference between design build and traditional design bid build.***
4. Atlantic Mayor's Congress
 - Minutes of Meeting dated October 19, 2017.
 - Minutes of Meeting, dated October 20, 2017. ***For information.***
5. Correspondence from MP Nick Whalen concerning Roundtable on the Smart Cities Challenge. ***The meeting scheduled for January 23rd has since been cancelled.***
6. Department of Municipal Affairs and Environment – Public Consultations on Municipal Legislation. ***The Provincial Government is holding public consultations to update the Municipalities Act. They're requesting information and comments from communities through submissions. Public engagement opportunities will be held in the Spring, 2018. The Town will promote to Torbay residents through all information venues. Council will also forward a letter.***

COMMITTEES OF COUNCIL REPORTS

Community Services and Economic Development

- No reports.

Finance

- Minutes of the Corporate Services Committee Meeting, dated January 12, 2018

Items discussed included:

1. Invoice approval, cheque register & expense report review
 - The Director of Corporate Services circulated copies of the expense report, cheque register and copies of invoices greater than \$5,000.
 - There were no issues and a motion will be included with the finance report to approve invoices totaling \$751,060.31. See motion below.
2. Appointment of Assessment Commissioner
 - As per Section 32 of The Assessment Act, all municipalities are required to appoint an assessment review commissioner on an annual basis (by January 31st).
 - Mr. James E.G. Vavasour has been used by the Town in past years and has confirmed his interest in serving in this role again for the 2018 calendar year. See motion below.

The 2018 Budget will be presented for approval at Council Meeting of January 29th. Dates are yet to be determined for a public information session.

- Corporate Services Report

Items discussed included:

- Payroll and honorariums for the period of December 16th, 2017, to January 12th, 2018, for 51 people (staff, council, volunteer fire department) totaled \$206,592.06.
- For the two week period of December 16th, 2017 to January 12th, 2018, invoices in the amount of \$827,879.09 were processed.
- The following thirty-nine (39) invoices were presented for approval.
 - See motion below:

003-18 Motion – Councillor Pollard / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment of invoices, as presented.

Invoice Number	Vendor and Detail	Amount
9622065218	Acklands-Grainger Inc. (Sets SCBA)	14,237.44

MINUTES
PUBLIC COUNCIL MEETING
January 15, 2018

100634	All-Net.ca Inc (Town App)	\$6,313.50
12200	Architecture 49 (Kinsmen Design Build)	\$5,830.50
370094	Care Services Limited (Heritage Site Project Claim #1)	\$39,537.00
Dec 2017	CIBC Mellon (Pension Contributions)	\$15,345.64
26612	Commissionaires (Security Nov 5-18)	\$9,568.00
26714	Commissionaires (Security Nov 19-Dec2)	\$10,304.00
26823	Commissionaires (Security Dec 3-16)	\$10,304.00
17-366	Core Engineering Inc (Town Hall Concept Design)	\$8,280.00
019096	DCH Crane Rental (Move Animal Shelter)	\$7,768.25
1519	Dominion Paving (Thorne's Lane Paving)	\$14,950.00
12731	Fireworks FX (New Year's Eve Fireworks)	\$8,000.00
17122	Grand Concourse (Trail Maintenance)	\$19,607.16
17134	Grand Concourse (U3C Multi-Purpose Court Planning)	\$101,614.34
17136	Grand Concourse (U3C Jr Softball Field Planning)	\$99,740.09
15704	H&H Auto (Salt/Sand Spreader)	\$8,849.25
NL-00847703	MicMac Fire & Safety (Hose for Fire Department)	\$6,175.50
1839	Mural Mosaic Inc (Canada 150 Mural)	\$9,843.75
14293948	Newfoundland Power (Group Billing - December)	\$11,697.88
14293963	Newfoundland Power (Group Billing - November)	\$18,702.59
Dec 2017	Newfoundland Exchequer (December 2017 HAPSET)	\$5,674.53
173047.04F	Powers Brown Architecture (Town Hall Renos)	\$10,212.00
10980-0000	Prime Creative (Community Profile)	\$6,900.00
10987-0000	Prime Creative (Recycling Program Tactics)	\$6,428.50
2016-023-3	Progressive Engineering (Skipper Landing Drainage)	\$9,142.50
Dec1-15 2017	Receiver General (Payroll Remittance)	\$37,529.68
Dec16-31 2017	Receiver General (Payroll Remittance)	\$35,524.84
2017-037-03	T2 Ventures (Garbage & Recycling November)	\$41,860.00
2017-037-04	T2 Ventures (Garbage & Recycling December)	\$41,860.00
11302017	Tappers (Fuel Purchases - November)	\$6,166.69
16107-07	Tract Consulting (Heritage Sites Detailed Design)	\$11,576.19
Dec 2017	Trio Benefits (Group Benefits - December)	\$7,188.61
181462	Triware (New Phone System - Depot)	\$51,957.00
181928	Triware (Prepaid Support to year end)	\$6,461.56
503814	Wajax Equipment (Brake repair to unit 05-02)	\$11,496.68
6854	Wedgewood Café (65+ Christmas Meal)	\$6,123.75
2222	WM Welding Ltd (Unit 05-05 Repair)	\$5,175.00

Question called. Motion carried.

For Motion: 6 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, and Roche)

Against: 0

Abstained: 0

- Appointment of Assessment Review Commissioner
 - As per Section 32 of The Assessment Act, all municipalities are required to appoint an assessment review commissioner on an annual basis (by January 31st). A motion of Council is required – see below:

004-18 Motion – Councillor Pollard / Councillor Roche

RESOLVED THAT the Town of Torbay appoint Mr. James E.G. Vavasour as the Assessment Review Commissioner for the Town of Torbay for the 2018 calendar year.

Question called. Motion carried.

For Motion: 6 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, and Roche)

Against: 0

Abstained: 0

Human Resources and Administration

- Minutes of the Human Resources and Administration Committee Meeting, dated December 20, 2017

Items discussed included:

1. Jack Byrne Arena Board of Directors

- Eight residents expressed their interest in serving as a community representative on the Jack Byrne Regional Sports and Entertainment Centre. Committee agreed that all candidates should be interviewed. Councillor Gallant and CAO conducted the interviews. See motions below.

- Jack Byrne Arena Board of Directors Community Representatives

Further to the December 20, 2017 minutes of the Human Resources and Administration Committee, the following motions were presented for Council's consideration based on the interview process.

005-18 Motion – Councillor Gallant / Deputy Mayor Appleby

RESOLVED THAT the Town of Torbay appoint Kris Drodge as a Town of Torbay Community representative to the Jack Byrne Regional Sports and Entertainment Board of Directors effective January 15, 2018. This appointment will be for a two year period.

Councillor Gallant provided a brief background on Mr. Drodge's resume, and provided information on the interview process.

Question called. Motion carried.

For Motion: 6 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, and Roche)

Against: 0

Abstained: 0

006-18 Motion – Councillor Gallant / Deputy Mayor Appleby

RESOLVED THAT the Town of Torbay appoint Jackie Fitzpatrick as a Town of Torbay Community representative to the Jack Byrne Regional Sports and Entertainment Board of Directors effective January 15, 2018. This appointment will be for a two year period.

Councillor Gallant provided a brief background on Ms. Fitzpatrick's resume.

Question called. Motion carried.

For Motion: 6 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, and Roche)

Against: 0

Abstained: 0

Planning and Land Use Development

- Minutes of the Planning and Development Committee Meeting, dated January 9, 2018

Items discussed included:

1. Development Proposals

- a) Request from Holy Trinity High School to change the proposed location of the outdoor classroom that was previously approved to be constructed in front of the school.
 - Committee reviewed the request to have the location of the proposed outdoor classroom gazebo to be moved from the front of the school to the rear of the building.
 - Committee agreed that it has no issue with the change. However, when the application first came to Council the neighborhood was notified of the proposal. Therefore, Committee agreed that a notification should go out again to seek input.
- b) Application from property owner 16 Shea's Lane to establish an art gallery with a painting studio serving the public.
 - The application was advertised and hand delivered to adjacent property owners. There were no letters of concern or support received.
 - Committee agreed that it would recommended that the application be approved with standard conditions.

- The application will be dealt with in the Business Application Report, Application Number C2017-191.
2. Amendment
- a) Request from Jack Byrne Regional Sport and Entertainment Centre to have an amendment done to the Town's Regulations to allow for the establishment of a Food Service/Catering Business within the existing building.
 - Committee discussed the request to amend the Public Buildings (PB) land use zone requirements to permit Food Service/Catering Business types.
 - After some discussion it was agreed that Committee would recommend that an amendment be made to the PB land use zone to list Food Service/Catering Business as a discretionary use within the zone.
 - The applicant will pay the cost of the amendment and any associated cost such as advertisements.
 - See motion below:

007-18 Motion – Councillor Martin / Councillor Roche

RESOLVED THAT the Town of Torbay add Food Service/Catering Business as a discretionary use within the Public Buildings (PB) Land use-Zoning table. A condition will also be added to the PB zone that states that a Food Service/Catering Business can only be considered discretionary as part of an already existing permitted use. (i.e. Arena, school, etc.).

Council discussed that the above motion will change land use zone to allow businesses within a public building. An application will have to be submitted to the Town to operate a business within the Arena.

Question called. Motion carried.

For Motion: 6 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, and Roche)

Against: 0

Abstained: 0

3. Crown Land Referrals
- a) The Director gave Committee an overview of a crown land referral that was received prior to the Christmas break. There was a 21-day review period and the Director provided feedback.
4. Other Items
- a) Torbay Environmental Advisory Committee.
 - Attached for information are comments from the current Chair of TEAC.

- b) Anstey's Cove Drainage
 - Director noted that himself and the Director of Infrastructure and Public Works will be meeting on this issue over the next couple of days.
- c) Marine Drive Trail
 - Director noted that he would be providing an update on the file at the next PLUD meeting.
- d) Quarry Appeal
 - Director noted that the Town had received the Eastern Regional Appeal Boards decision in relation to the Quarry Appeal during the Christmas break. With much discussion between the Mayor, CAO and Town's solicitors, it was decided to appeal the decision of the board due to fact that it contradicted itself.
 - In the conclusion it was noted that the approval in principal is to be reversed, but in the actual order it said that only condition #4 was to be revised and that all other condition are still in effect.
 - The Town Solicitors are now dealing with the issue.

Council discussed the above appeal, and the conclusion and order contradiction as indicated above. The Town is bound by the decision of the Appeal Board. The Town has reached out to the Appeal Board for clarification, however, has not received a reply. Council has the responsibility to ensure we accurately follow the order; therefore, we have to request clarification of decision in order to pass a motion that follows the order and not against the Appeal Board.

- e) Applications that require advertising.
 - The Director noted that over the Christmas break that the Town received two applications that can be consider discretionary uses. Because of the extended break between Council meetings and the publication dates of the North East Avalon Times (NEAT). The notices would be not published until February paper.
 - Committee agreed that it has no concerns with the Director advertising the applications in this month's NEAT in order to keep the application process moving and to help reduce the cost on the applicant in relation to the advertising cost.
 - Committee Chair also noted that when the Town is delivering notices that it should make sure that basement apartments also get the notices.

- Applications Approved Report, dated January 11, 2018

The following applications were approved subject to the normal conditions and requirements for building within the Town of Torbay:

Application	Location	Proposal
C2017-200	33 Gosse's & Rodger's Crescent	Single Family Dwelling

- Business Application Report, dated January 11, 2018

Business Applications to be Approved

Application: C2017-191
Location: 16 Shea's Lane
Proposal: Art Gallery and Painting Studio
Zoning: Residential Medium Density (RMD)

008-18 Motion – Councillor Martin / Councillor Pollard

RESOLVED THAT the Town of Torbay Approve Application C2017-191, under the Applications to be Approved section of the Business Application Report, dated January 11, 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: 6 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, and Roche)

Against: 0

Abstained: 0

Business Applications to be Deferred for Advertisement

Application: D2017-199
Location: 367 Indian Meal Line
Proposal: Hair Salon
Zoning: Residential Infill (RI)

009-18 Motion – Councillor Martin / Councillor Roche

RESOLVED THAT the Town of Torbay Defer Application D2017-199, under the Applications to be Deferred for Advertisement section of the Business Application Report, dated January 11, 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: 6 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, and Roche)

Against: 0

Abstained: 0

Application: D2018-001
Location: 33 Whitty's Lane
Proposal: Home Office for Wood Cutting Business
Zoning: Residential Infill (RI)

010-18 Motion – Councillor Martin / Councillor Gallant

RESOLVED THAT the Town of Torbay Defer Application D2018-001, under the Applications to be Deferred for Advertisement section of the Business Application Report, dated January 11, 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: 6 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, and Roche)

Against: 0

Abstained: 0

Protective Services and Public Safety

- Minutes of the Protective Services and Public Safety Committee Meeting, dated January 20, 2018

Items discussed included:

- Emergency Plan
 - CAO confirmed that the Town has received the approved copy of the Emergency Plan from Fire and Emergency Services. A motion of Council is required to adopt. Once adopted, the CAO and Fire Chief will meet with Fire and Emergency Services to arrange training for Council/staff and then set a date for the desktop exercise. Committee agreed to bring forth a motion for Council's consideration at the next Public Council Meeting. In addition, it was agreed that the Emergency Plan would be posted on the Town's website.
 - See motion below:

011-18 Motion – Councillor Gallant / Councillor Martin

RESOLVED THAT the Town of Torbay adopt its Emergency Management Plan effective January 15, 2018.

Council discussed the above motion, noting that the Plan was attached for information. The plan will be reviewed annually to ensure all information is up to date. It was also suggested to send out a request for anyone with special needs / requirements, so we know who and where they are in the event of an emergency. It was noted that the Lions Club has reached out to the Town – they are updating a list of residents with mobility issues. CAO advised she will talk to the Chief to ensure he has the list, as well.

Question called. Motion carried.

For Motion: 6 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, and Roche)

Against: 0

Abstained: 0

In relation to Juniper Ridge, road widening was questioned as it relates to timelines around the installation of the crosswalk. It was noted that as long as the consultant has specification, they can install infrastructure to install signage regardless of where the road is widened, and work should not slow down. Installation is expected to take place in the Spring.

- Municipal Enforcement Reports, dated November 2017 and December 2017, were included for information.
- Minutes of the Torbay Volunteer Fire Department Meeting, dated January 8, 2018, were included for information.

Public Works and Infrastructure

- No report.

LIAISON COMMITTEES

- Jack Byrne Regional Sports and Entertainment Centre
 - A meeting is scheduled for Thursday evening.
- Northeast Avalon Joint Council (NEAJC)
 - No report.
- Torbay Harbour Authority
 - No report.
- Torbay Volunteer Fire Department
 - Minutes were attached for information under the Protective Services and Public Safety Committee section.
 - Deputy Mayor advised she attending the Department's Christmas function Saturday evening past, noting they received an emergency call during the meal, and some Members had to leave. She advised the Department has full support of Council and she's looking forward to working with them.
- Urban Municipalities Committee
 - Mayor Scott noted that he is attending a meeting this weekend coming.

NOTICES OF MOTION

There were none.

NEW BUSINESS

Mayor Scott

Mayor Scott thanked everyone for all their work pertaining to the Strategic Plan and the 2018 Budget. He advised this is the first Council Meeting of 2018, and he's looking forward to the New Year.

He announced birthdays for the month of January, and wished all a Happy Birthday.

Deputy Mayor Appleby - Passed

Councillor Gallant

Councillor Gallant thanked all new Members of Council, advising they are doing well. He asked that everyone keep up the good team work.

Councillor Martin

Councillor Martin wished all colleagues on Council, staff and residents a Happy New Year, advising he's looking forward to working with everyone in 2018.

He discussed snow clearing and salting operations on Provincial roads, advising he's noticed road conditions seem more slippery than past seasons. Councillor Martin advised he's experienced slippery road conditions, which is new compared to salting they used to use. He reminded everyone to be cautious when driving tonight, in light of upcoming ice storm. Councillor Martin requested that the Town ask the Department of Transportation and Works to increase salting on Provincial roads within our Town.

Councillor Pollard - Passed

Councillor Roche - Passed

Councillor Thorne-Gosse - Absent

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. The following had comments:

- Resident in the Gallery questioned water servicing from the City – if all Torbay would be serviced or new only.
 - Mayor advised that the Town will have to wait to see what the City comes back with as to what the Town is required to do to come on to the regional water system. Once the City comes back, the Town will have to follow process, and find out what we need to do including costs involved and timeframes. We'll then send information back to various levels of government for funding.

- Resident in the Gallery questioned the Council Meeting Agenda process. Agenda has changed on the Gallery screen with items in blue.
 - It was noted this is new Agenda process and items highlighted in blue are attachments/documents for Council's review.

NEXT PUBLIC COUNCIL MEETING

The next Public Council Meeting is scheduled to take place on Monday, January 29, 2018, at 6:30 p.m., Council Chambers, Torbay Town Hall.

ADJOURNMENT

012-18 Motion – Councillor Martin / Councillor Gallant

RESOLVED THAT the meeting be adjourned at 8:05 p.m., as there was no further business.

Question called. Motion carried.

For Motion: 6 (Mayor Scott, Deputy Mayor Appleby, Councillors Gallant, Martin, Pollard, and Roche)

Against: 0

Abstained: 0

Mayor

CAO/Town Clerk