



MINUTES
PUBLIC COUNCIL MEETING
April 2, 2012

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on April 2, 2012 at 7:46 p.m.

Members Present

Mayor Bob Codner
Deputy Mayor Geoff Gallant
Councillor Mike Byrne
Councillor Carol Ann Smith
Councillor Ralph Tapper
Councillor Brian Whitty

Staff Present

Dawn Chaplin, CAO/Town Clerk
Bernard P. Manning, Director of Public Works & Technical Services
Brian Winter, Development and Planning Officer
Ann Picco, Executive Clerk

Regrets

Councillor Peggy Roche

Gallery

There were a total of 8 people in attendance.

109-12 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

110-12 Motion – Councillor Tapper / Councillor Smith

RESOLVED THAT the Minutes of the March 20, 2012, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

Ms. Lynn Lush, Regional Board Chair, Parkinson Society of Newfoundland and Labrador, and Ms. Cathy Boylan, sister of Mr. Tom McGrath, who is a resident in our community living with Parkinson's, were in attendance for the signing of the Parkinson's Awareness Month Proclamation.

Mayor called both Ms. Boylan and Ms. Lush forth and read the Proclamation aloud. Ms. Lush verbally provided information and statistics about Parkinson's to Council.

111-12 Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Town of Torbay proclaim the month of April, 2012, as Parkinson's Awareness Month. The Town invites all citizens of Torbay to join in wishing the Parkinson Society a successful Parkinson's Awareness Month.

Question called. Motion carried unanimously.

112-12 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the Town of Torbay proclaim the period from April 15 – 21, 2012 to be observed throughout the Town of Torbay as Volunteer Week. The Town calls upon and urges all residents to lend their time and skills to this worthwhile activity.

Question called. Motion carried unanimously.

CORRESPONDENCE

1. Municipalities Newfoundland and Labrador – 2012 Municipal Symposium, Gander. **CAO is attending. Mayor Codner and Councillor Smith advised that they will attend.**
2. Correspondence from Resident concerning speed limit on Marine Drive, between Torbay Road and Easterbrook Drive. **Mayor Codner to forward letter to the Department of Transportation and Works, as this is a provincial road, and to the RNC.**
3. Correspondence from the Town concerning business tax. **For information purposes.**
4. WoodWORKS! Atlantic – request for information and support for wood as a material of choice. **Council discussed that home construction is generally done by developers/contractors, and they make that determination.**
5. Department of Municipal Affairs – Federal Gas Tax Program allocation. **For information purposes. CAO advised that this is the Town's first payment for this year. Another installment of the same figure will be later in the year.**
6. St. John's and District Labour Council – Annual Wreath Laying Ceremony, National Day of Mourning. **Mayor and Deputy Mayor will be participating.**
7. Correspondence from Resident concerning meeting with Council and sponsorship for the Miss Teen Canada World pageant. **CAO to arrange meeting prior to Council Meeting on April 16th.**

8. Correspondence from Resident concerning Motion Estates Development.
9. Correspondence from Resident concerning Motion Estates.
10. Correspondence from Resident concerning Torbay Bight.
11. Correspondence from Resident concerning Motion Estates Phase III.
12. Correspondence from Resident concerning Motion Estates Development.

Correspondence Items 8 – 12 are deferred to the Planning and Land Use Development Committee. Councillor Smith advised that there is some confusion regarding the upcoming public information session on Wednesday, April 4th – will be discussed further in the next Planning and Land Use Development Minutes.

13. Correspondence from Publisher of the Northeast Avalon Times concerning the Town's advertising. ***This correspondence was added to the Agenda as Item no. 13. This correspondence was discussed at the Public Council Meeting of March 20, 2012. The Town will be advertising in the paper in the month of April.***

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report, dated April 2, 2012, was discussed and accepted as presented.

COMMITTEE REPORTS

Economic Development

Councillor Tapper gave an overview of items discussed at the Economic Development Committee Meeting, dated March 26, 2012.

Items discussed in the Report included:

- Economic Development Officer, Jeff Lawlor, has left his position with the Town. He did great work for the Town, and there's a history of award winning accomplishments that he had a part in. Jeff attended the meeting on March 26th, and brought all those in attendance up to date.
- Great Big Sea Concert
 - This event was worked on by both the Torbay250 Committee and the Economic Development Committee. It was a great partnership.
 - Tickets are going on sale starting April 5th.
 - Committee is looking at transportation to and from the venue – shuttle service. Economic Development Officer contacted some providers, including Metrobus. As this is a big event, the Town is looking to eliminate as much traffic in the area as possible.
- Torbay250 Sponsorship
 - Have reached sponsorship estimate of \$40,000.00, including Molson's. Expecting more to come in.

- Business Park
 - Final draft of proposal for the next water assessment study has been completed by CBCL. Department of Environment is reviewing and will provide commentary. Once completed, will develop a terms of reference and go to tender.
- Tax Incentives
 - Included in budget report for 2012, and currently being developed.
- Tourism Map/Brochure
 - Map is completed and will be used as the basis for a tourism brochure this summer.
- Tourism Brand
 - Economic Development Officer was in process of getting a generic brand that the Town could encourage local businesses to use on their souvenirs/merchandise items.
- Promotional Materials
 - Business Investment Package has been completed.
- Other items discussed, that the new Economic Development Officer will be working on, include:
 - Farmers Market
 - Small Business Awards
 - Website Translation
 - Torbay Business Brief/Business Directory
 - Mega Projects Impact Study
 - Business Retention and Expansion
 - Applications for Funding

Finance

The Financial Report, dated March 19-30, 2012, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of March 19-30, 2012, for 29 employees totaled \$60,039.33.

For the period of March 19-30, 2012, Accounts Payable invoices in the amount of \$325,366.48 were paid. These expenditures were within budget.

There are two (2) Main Operating Invoices totaling \$14,334.66 for approval.

113-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to DBI – Garbage Removal, for Curbside Recycling for February 2012, in the amount of \$7,801.00.

Question called. Motion carried unanimously.

114-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Lighting and Traffic Systems Ltd., for set up for Christmas Lights and Trees and Town Buildings, in the amount of \$6,533.66.

Question called. Motion carried unanimously.

There are no Capital Invoices for approval.

A copy of the current income and expense reports were included for Council's information.

115-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay set up a separate bank account to record the revenue and expenditures associated with the Torbay250 Special Celebrations.

Question called. Motion carried unanimously.

Councillor Tapper reported that a recommendation from the Town's auditor needs to be completed. He further reported that as of March 31st, 2.3 million dollars of property taxes have been received. This is up from the same period of last year, over \$500,000.00. Staff are reviewing numbers to see how payments were received, via mortgage, etc.; and, this information will be brought back to Council.

Human Resources and Administration

Councillor Byrne gave an overview of items discussed at the Human Resources and Administration Committee Meeting, dated March 26, 2012.

Items discussed in the Report included:

- Sports and Wellness Coordinator
 - 25 applications were received. Interviews were conducted on March 22nd and 27th. CAO made recommendation for hire, which Committee agreed. See motion below.

116-12 Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Town of Torbay offer the Sports and Wellness Coordinator position to Allison Power.

Question called. Motion carried unanimously.

- Staff Resignations
 - Committee discussed recent resignations of the Economic Development Officer and the Supervisor of Outside Operations. Committee agreed to move to an

immediate posting for the Economic Development Officer. Committee requested further input from the Director of Public Works and Technical Services before posting of the Supervisor of Outside Operations position.

- Seniority List
 - Outstanding issues were discussed.
- Professional Growth Plans
 - CAO has started meeting with staff to go over plans for 2012. This will be completed by the end of April.
- Committee Meeting Schedules
 - Committee discussed moving committees within Council. CAO to consult with Council members and senior staff regarding availability for committee meetings. No decision made yet.
- Organizational Chart
 - Committee reviewed changes, and deferred to next Committee Meeting.

117-12 Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT in the absence of the Chief Administrative Officer/Town Clerk for the period of April 9 – 22, 2012, that the Town of Torbay appoint Executive Clerk Ann Picco as Acting Town Clerk.

Question called. Motion carried unanimously.

Planning and Land Use

Councillor Smith gave an overview of items discussed at the Planning and Land Use Development Committee Meeting, dated March 29, 2012.

Items discussed in the Report included:

- Received some requests for development, which have been dealt with. People are trying to find the best value for their land and best usages.
- Correspondence received from the City of St. John's concerning amendment to the St. John's Urban Region Regional Plan.
- Received correspondence from residents regarding unresolved expropriation matters concerning the Bypass Road.
- Reviewed engineering design guidelines for subdivisions. The Director of Public Works and Technical Services is now reviewing; and, he will provide his feedback to the Planning and Land Use Development Committee.
- Comprehensive Development Plans are in process of being finalized.
- The Town is hosting an information session concerning developments in the community this Wednesday evening, April 4th, at 7:00 p.m. at the Kinsmen Community Centre.
 - Councillor Smith discussed the format of the meeting. She advised she will be chairing the meeting.
 - Written format of meeting will be provided to attendees of the meeting.

- There will be presentations from a variety of content experts, including the Mayor, Development and Planning Officer, Supervisor of Recreation and Healthy Living, and the Town's Planner.
- Presentations will be first; then, the floor will be opened for questions and answers. If all questions cannot be answered, then questions will be recorded and information provided to individuals.
- Councillor Smith advised she will be interviewed on a call in show with the media, to discuss the upcoming information session.

Deputy Mayor questioned the format and asked if it will prevent the public from asking questions to Councillors. Councillor Smith advised that Council will listen to the presentations and the question and answer session. The information will be used to make informed decisions when voting on developments. Content experts will be fielding all questions.

Deputy Mayor discussed the motion he put forward last year, Motion 167-11 and the intent – choice before Council of land or cash value; and, he discussed being accountable to the public. Councillor Smith discussed Motion 167-11, and information and events that led to the motion; including correspondence from residents of Motion Estates. In terms of Motion Estates, matters will be addressed and the intent of the motion will be dealt with at the public information session to inform people and give them an opportunity to be heard. She advised that residents and the public have access to all Council members; and, Council are accountable to the public and residents on a daily basis. Residents do not have to wait for an information session.

A Green Communications notice of the public information session on April 4th will be going out to residents tomorrow, April 3rd.

Mayor Codner left the Public Council Chambers at 8:32 pm., as it was determined that he was in a conflict of interest.

Deputy Mayor Gallant took over as Chair of the Public Council Meeting at 8:32 pm.

Councillor Smith reported that there were three (3) applications approved/issued, under the Building Application Report, dated March 30, 2012.

Application: 9671-12
Location: 3 Flora Drive
Proposal: Single Family Dwelling

118-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve application 9671-12 under the Applications Approved section of the Building Application Report, dated March 30, 2012.

Question called. Motion carried unanimously.

Application: 9673-12
Location: 5 Katrina Place
Proposal: Single Family Dwelling

119-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve application 9673-12 under the Applications Approved section of the Building Application Report, dated March 30, 2012.

Question called. Motion carried unanimously.

Application: 9676-12
Location: 9 Eagle Ridge Drive
Proposal: Single Family Dwelling

120-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve application 9676-12 under the Applications Approved section of the Building Application Report, dated March 30, 2012.

Question called. Motion carried unanimously.

Application: 9671-12
Location: 3 Flora Drive
Proposal: 24' x 30' Accessory Building
Zoning: Residential Large Lot (RLL)

121-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9671-12, under the Applications for Approval section of the Building Application Report, dated March 30, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9667-12
Location: Portion of 22 Seaview Avenue
Proposal: Subdivide Property and Construct a Single Family Dwelling
Zoning: Residential Medium Density (RMD)

122-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9667-12, under the Applications for Approval section of the Building Application Report, dated March 30, 2012, subject to the following conditions:

1. The development shall meet the normal building requirements of the Town.
2. The property shall be serviced with municipal water and sewer services. The applicant is responsible to bring water and sewer services to the site. This lot was not included in the infill water study.
3. Applicant to provide a Plot Plan showing the proposed location of the new residence.

Question called. Motion carried unanimously.

Application: 9677-12
Location: 7 Codner's Place
Proposal: Extension to Existing Dwelling
Zoning: Residential Infill (RI)

123-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9677-12, under the Applications for Approval section of the Building Application Report, dated March 30, 2012, subject to the following condition:

1. The development shall meet all normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

Application: 9672-12
Location: 1108 Torbay Road
Proposal: Single Family Dwelling
Zoning: Mixed Development – Residential Infill (RI)

124-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9672-12, under the Applications for Approval section of the Building Application Report, dated March 30, 2012, subject to the following conditions:

1. The development shall meet the normal building requirements of the Town.
2. Applicant to provide a new Plot Plan showing the proposed driveway access point.
3. Provincial Government Services Centre, Operations Division Certificate of Approval is required for lot layout, well and septic system prior to release of a Building Permit.
4. Department Works Service Approval for access on to Torbay Road.

Question called. Motion carried unanimously.

Application: 9674-12
Location: 35-37 Codner's Place
Proposal: Single Family Dwelling
Zoning: Residential Infill (RI)

125-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay defer Application 9674-12, under the Applications to be Deferred section of the Building Application Report, dated March 30, 2012, as the Development and Planning Officer is seeking more information.

Question called. Motion carried unanimously.

Application: 9675-12
Location: Portion of 1150 Torbay Road
Proposal: Single Family Dwelling
Zoning: Mixed Development – Residential Infill (RI)

126-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay refuse Application 9675-12, under the Applications to be Refused section of the Building Application Report, dated March 30, 2012, for the following reason:

1. The development only has enough frontage to accommodate the existing building lot.

Question called. Motion carried unanimously.

In relation to the above Application 9575-12, Councillor Tapper discussed the size of two building lots located at Torbay Road/Manning’s Hill. Councillor Smith clarified that the two lots on Torbay Road/Manning’s Hill intersection are confirmed as approved. All levels of requirements have been met, including surveys. All requirements are within the building requirements of the Town. The proposed application, 9675-12, does not have sufficient frontage on the road. There’s no comparison. Also, to further clarify, Councillor Smith advised that the two lots on Torbay Road/Mannings Hill each have their own driveways.

Mayor Codner returned to the Public Council Chambers and took over as Chair of the Public Council Meeting at 8:43 p.m.

Public Works

No report.

Parks, Recreation and Community Services

Deputy Mayor Gallant gave an overview of items discussed at the Recreation Committee Meeting, dated March 28, 2012.

Items discussed in the Report included:

- Program Reports
 - Volunteer Appreciation Week
 - Earth Day
 - Charity Hockey
 - Easter Market
 - Cooking for Wellness

- Dee Murphy Grant – Councillor Tapper has been in contact with the church.
- Beautification – Work is continuing
- Signage – launch was set at Lower Street on March 29th.
- Open Space Management
 - Discussed trail plan and recommendation.
- Open Space Management Strategy is now on the website.
- Public Meeting
 - Discussed structure of the meeting.

Deputy Mayor brought up open space concerning Motion Estates development, Phase III – land versus cash value. Councillor Smith called Point of Order, stating that this information was not included in the Minutes of the Recreation Committee Meeting, dated March 28th; and, Mayor Codner advised Point of Order was well taken and the Deputy Mayor’s comments were out of order.

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

No report.

By Pass Road

Mayor Codner discussed letter received from the Department of Transportation and Works. Deputy Mayor called Point of Order, stating that this information was not included in the Agenda for tonight’s meeting. Mayor advised that Point of Order not well taken as this is important information to the operations of the Town. He advised that the Department has authorized the Town to obtain and install a culvert near the spillway. Director of Public Works and Technical Services advised culvert not yet received; and, some field work is to be done.

LIAISON COMMITTEES

Heritage/Museum

Councillor Byrne advised that there’s a meeting tomorrow night. He will have information for the next meeting.

Jack Byrne Arena

No report.

Northeast Avalon Joint Council

No report.

Northeast Avalon Regional Plan

No report.

Torbay Harbor Authority

Councillor Byrne gave a verbal report:

- He advised that there was a meeting with members of the Harbor Authority.
- There are some issues ongoing with Tappers Cove; the gate has been removed.
- There is cutting within the Conservation area. Would like for TETC to get involved.
- There are safety issues/concerns with people going to the area after dark.
- Overall general discussion with whole group at meeting is how to proceed. There is no formalized plan. The Department of Fisheries and Oceans and Mayor are meeting with the RNC. As the preliminary plans move forward, will advise as we proceed.
- Councillor Byrne asked that the public call the RNC if they see interference or suspicious activity or call the Town Office. The Town's security will be visiting the area soon.

Torbay Volunteer Fire Department

Councillor Byrne advised that everyone has a copy of the Torbay Volunteer Fire Department Meeting Notes, dated March 26, 2012; however, they were not received in time to be included on the agenda. He will include them for the next meeting.

He verbally advised:

- The Fireman's Ball is on April 21st.
- Twelve emergency calls were received since the last meeting.
- The Department discussed civic numbers in the Town. Fire fighters have a difficult time responding to calls when civic numbers are not visible. He asked Councillor Whitty to bring this matter to the Public Works Committee. He asked if the Town could implement this matter and make it mandatory that every house have a visible civic number.

Urban Municipalities Committee

Councillor Smith advised that the next meeting is in Gander.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant discussed the Open Space Management Strategy and some information and facts that he found in the document. He advised that there's some confusion, and he wanted to justify the Recreation Committee's recommendation to take land option versus cash value.

Mayor Codner advised Deputy Mayor that he was out of order, stating that there's a motion coming up possibly in the next Council meeting.

Mayor Codner called for a Decision of Council to engage out of order:

For: Mayor Codner, Councillor Byrne, Councillor Smith, Councillor Whitty.

Deputy Mayor further advised that the public information session is taking place on Wednesday, April 4th.

Councillor Byrne

Councillor Byrne congratulated Former Deputy Chief, Jack Hickey, who is a resident in Torbay. He has done great things in his fire fighting career and world events. Mayor to write a letter of congrats on his retirement.

Councillor Roche - Absent

Councillor Smith - Pass

Councillor Tapper - Pass

Councillor Whitty

Councillor Whitty discussed bus shelters. When he spoke to members of the School Council, there was a lot of talk of safety issues. There are no sidewalks, right now, in the community. They questioned the possibility of bus shelters and asked that we check with clubs and community groups in our Town.

He discussed the bussing issue and the move to reduce the 1.6 km distance for bussing to 1 km. The School Council asked the Town to look into this matter, as well.

Councillor Tapper advised that another point raised was the location of a new school. There's a representative in our community from the School Board – the Town should request a meeting with him.

Councillor Whitty congratulated Jack Hickey, former Deputy Chief, and resident of Torbay – he had a great fire fighting career.

MINUTES
PUBLIC COUNCIL MEETING
April 2, 2012

He recognized Jeff Lawlor, Economic Development Officer, and Barry Smith, Supervisor of Outside Operations for jobs well done and he wished them well.

ADJOURNMENT

127-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the meeting be adjourned at 9:04 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk