



MINUTES

PUBLIC COUNCIL MEETING
April 21, 2009

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on April 21, 2009 at 7:48 p.m.

Members Present

Mayor Bob Codner
Deputy Mayor Thorne-Gosse
Councillor Peggy Roche
Councillor Jim Cantwell
Councillor Carol Ann Smith

Staff Present

Dawn Chaplin, CAO/Town Clerk
Jacquie Berkshire, Executive Clerk
Ron Fleming, Director of Operations & Public Works
Brian Winter, Development & Planning Officer

Regrets

Councillor Mike Byrne
Councillor Ralph Tapper

Meeting was chaired by Mayor Codner

108-09 Adoption of Agenda

Motion – Councillor Smith/Councillor Roche

RESOLVED THAT the Agenda be adopted as presented.

Question called. Motion carried unanimously.

109-09 Adoption of Minutes – April 6th, 2009

Motion – Councillor Cantwell/Councillor Smith

RESOLVED THAT the Minutes be adopted with the following changes:

Page 2 – Correspondence - #3 – ...May 21 – 31, 2009...

Page 3 –Business Outstanding 8) Jones Pond Trail – Mayor Codner to meet with Crown Lands – B/F

Page 6 – Rubber mats are **NOT** being used...

Question called. Motion carried unanimously.

PROCLAMATIONS/PRESENTATIONS

110 –09 Motion – Councillor Smith/Deputy Mayor Thorne-Gosse

RESOLVED THAT Council acknowledges April 19 – 25, 2009 as Volunteer Week

Question called. Motion carried unanimously.

CORRESPONDENCE

- 1) *Correspondence from Ronald J. Maher – March 10, 2009 - Complete*
- 2) *Correspondence from Dept. of Municipal Affairs re: Municipal Plan Amendment No. 9, 2007 and Development Regulations Amendment No. 23, 2007 – March 31, 2009 – Forest Landing Phase 6 - Complete*
- 3) *Correspondence from Don Drew re: letter of support*

111 –09 Motion – Councillor Roche/Deputy Mayor Thorne-Gosse

RESOLVED THAT Council support one additional helicopter (to supplement not replace Gander) to be stationed on the Avalon Peninsula for fast response time and will write a letter to Minister Peter MacKay to request recommendations outlined in Correspondence from Mayor Don Drew, Mayor – Town of Bay Bulls.

Question called. Motion carried unanimously.

- 4) *NEAJC Presentation – Conflict of Interest & Conduct Draft* – Councillor Roche asked everyone to review the draft and provide any feedback suggestions or feedback by May 20, 2009. She advised that if no feedback is received it is assumed that everything is fine with the document. Councillor Cantwell suggested that it is not our roll to change the act but to forward any concerns. Councillor Roche stated that we have the authority to make recommendations for amendments. B/F
- 5) *Correspondence to Kevin Parsons, MHA re: condition of Torbay Road from Main Bridge to Quarry Road – April 14, 2008* – Mayor Codner advised that he has not yet heard anything and that 80% of funding has been allocated to just one project
- 6) *Correspondence from Dept. of Municipal Affairs – Clarification of Parliamentary Rules - FYI*
- 7) *Correspondence from Dept. of Municipal Affairs re: Municipal Plan Amendment No. 12, 2008 & Development Regulations Amendment No. 28, 2008 – Bourne Property, Torbay Road* – Development and Planning Officer advised that this is now part of our Plan.
- 8) *Correspondence to Crown Lands – April 15, 2009 - FYI*

BUSINESS OUTSTANDING

- 1) ***Procedure for release of 155 future serviced lots*** – This will be addressed as part of Development Committee Report - Complete
- 2) ***Correspondence re: Proposed Development Regulations Amendments No.'s 10 and 25 for Moores Valley Road*** – Development and Planning Officer advised that he hasn't heard anything to date further to his letter requesting clarification of time lines from the Department of Municipal Affairs regarding the East Coast Trail. Councillor Smith asked the Development and Planning Officer to follow up for an update. – B/F
- 3) ***Tappers Cove Road ownership – Councillor Cantwell awaiting provincial clarification from MHA Kevin Parsons*** – Councillor Cantwell advised that ownership has still not been addressed however Provincial Government has offered to provide culverts if Town installs and takes over the road. Trevor Taylor advises it is Provincial. Deputy Mayor Thorne Gosse stated that Tenders for harbour authority work went out last week. Mayor Codner to write a letter due to the activity at the boat launch and safety concerns. Additional signs will be erected. - B/F
- 4) ***Forest Landing – Phase One/Phase Six Issues – Nothing to report in Councillor Tapper's absence*** – B/F
- 5) ***Jones Pond Trail*** – Complete
- 6) ***Correspondence regarding Killick Coast Regional Kiosk - Issue to be discussed at association meeting in April 28. Councillor Roche and CAO to attend*** – B/F
- 7) ***Request for Street Light on Indian Meal Line from Mr. Rodgers – March 2, 2009*** – Development & Planning Officer advised that request has been sent to NL Power - B/F
- 8) ***Nature Conservancy and Ecological Gifts Programs*** – Nothing to report in Councillor Tapper's absence - B/F
- 9) ***Spring Clean-up 2009*** – Director of Public Works advised that this year's spring clean up will be May 20 – 30, 2009. The Torbay Pick me up will be May 30 and the MMSB household hazardous waste day is June 6. There will be a flyer going in the mail for all residents shortly. – B/F
- 10) ***Mayor Codner to write letter to MHA Kevin Parsons regarding condition of Torbay Road.*** - Complete

COMMITTEE REPORTS

Capital Works/Public Works/Roads

It was reported that a meeting is being scheduled.

Building Applications

112 –09 **Motion** – Councillor Cantwell/Deputy Mayor Thorne-Gosse

RESOLVED THAT Council approved the revised Building Application Report dated April 17, 2009 as presented.

Question called. Motion carried unanimously.

113 –09 **Motion** – Councillor Cantwell/Councillor Roche

RESOLVED THAT Business Application Report dated April 17, 2009 has been withdrawn as per applicant.

Question called. Motion carried unanimously.

Financial Report

114-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Roche

RESOLVED THAT Council approve the Financial Report for the period of April 6-17, 2009 as presented.

Question called. Motion carried unanimously.

115-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Roche

RESOLVED THAT all bills be paid to April 17, 2009 to avoid interest.

Question called. Motion carried unanimously.

116-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Roche

RESOLVED THAT further to Motion 097-09 that only “*vacant land*” within the watersheds of North Pond, South Pond and Great Pond be deemed non taxable.

Question called. Motion carried unanimously.

117-09 Motion – Councillor Cantwell/Councillor Roche

RESOLVED THAT the Town of Torbay accept the lawyer’s recommendation regarding the Planchat case. The Town will not appeal the judge’s ruling.

Question called. Motion carried unanimously.

Personnel & Training Committee - Nothing to report.

Recreation Committee

118-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Roche

RESOLVED THAT smoking will be prohibited at any time in all buildings owned and operated by the Town of Torbay and all vehicles owned or leased and operated by the Town of Torbay.

Smoking is prohibited within a nine (9) meter perimeter of any designated Town of Torbay Municipal Building.

Question called. Motion carried unanimously.

Strategic Planning Committee

Nothing to report.

Development Committee

119-09 Motion – Councillor Smith/Councillor Roche

RESOLVED THAT Council give Marathon Holdings Inc. approval in principal so they can proceed with engineering and design work on Forest Landing Phase 6, no permits will be issued until all normal conditions for developing within the Town of Torbay are met and a Development Agreement is signed. The street in front of Lot 22 will be required to be extended to the end of the property and a proper turn around shall be installed. The open space requirement will be determined at a later date.

Question called. Motion carried unanimously.

120-09 Motion – Councillor Roche/Councillor Smith

RESOLVED THAT Council give Look Limited approval in principal so they can proceed with engineering and design work on the 7 unserviced lots adjacent to Forest Landing Phase 5 CD, which will connect Sprucewood Lane to Streamside Lane. No permits will be issued until all normal conditions for developing within the Town of Torbay are met and a Development Agreement is signed.

Question called. Motion carried unanimously.

121-09 Motion – Councillor Smith/Councillor Roche

RESOLVED THAT Council Rezone the Parcel of Land as described on the proposal drawing from Hawco King Renouf Ltd dated March 2009 drawing number 09-096-1 (landing is between Nathaniel Drive and Peters Place North of the piece of property recently rezoned for KMB Holdings Ltd.) From Rural (RUR) to Residential Large Lot (RLL), this will start the process of an Amendment. The applicant will pay for the cost of the amendment up front before any work is started by the Town's Planning Consultant.

Question called. Motion carried unanimously.

122-09 Motion – Councillor Roche/Councillor Smith

RESOLVED THAT Council proceed with a compressive plan for the area North of Indian Meal Line in the area between Nathaniel Drive and Peter's Place, this will provide the Town and potential developers with a concept for proper road networks and lot layouts for the area. This is a budgeted item in the 2009 municipal budget.

Question called. Motion carried unanimously.

Councillor Roche left Chambers at 8:17 p.m. as it was thought she might be in a conflict of interest.

123-09 Motion – Councillor Smith/Deputy Mayor Thorne-Gosse

RESOLVED THAT Council approve the recommendations as presented by the Development and Planning Officer to council at its special meeting on April 13, 2009, in relation to the Towns call for proposals for the allocation of the remaining water capacity at North Pond.

Proposals that were approved are as follows:

1. Country Living Homes, extension to Riverdale Drive 18 addition lots
2. Kavanagh Construction, extension to Tyndale Drive 10 lots
3. Wallie Gosse, Torbay Road North 20 lots

Approved proposals have a 12 month time frame to have all required engineering, design work completed and to have a development agreement executed with the Town along with all sureties in place. All proposals are subject to the normal requirements for construction in the Town of Torbay and this approval is for water allocation only. The applicant is still required to submit all necessary applications and proposals for development approval.

All people that submitted proposals will be notified in writing over the next couple of weeks.

Question called. Motion carried unanimously.

Councillor Roche returned to Chambers at 8:19 p.m.

SPECIAL COMMITTEES OF COUNCIL

By-Pass Road

Concerns were addressed regarding the 2 lane by pass. Mayor Codner and CAO met with NL Design and they have redesigned road. The Next step is to meet with Department of Highways. CAO is waiting for a reply for the date of the meeting. Councillor Cantwell advised that he had a conversation on this issue recently. The CAO advised that we have until the fall however Councillor Roche stated that MHA Kevin Parsons told her the deadline is March 31, 2009. CAO advised that this is incorrect. Councillor Smith again advised that she believes all communication with the Government should be in writing and not verbal. She also feels that we should move quickly. Councillor Cantwell has been advised that the road will be ready for paving by fall. Councillor Roche stated that she has been asked about the current trail system where the bypass road is concerned. She feels that the government may not be aware of these trails. CAO advised that the trail system will be part of the Recreation Master Plan.

124-09 Motion – Councillor Smith/Councillor Deputy Mayor Thorne-Gosse

RESOLVED THAT the Town attend the meeting with Government regarding the By Pass road with a proposal written by Newfoundland Design on the Town's behalf.

Question called. Motion carried. Mayor Codner against motion.

Communications

Nothing to report in Councillor Byrne's absence.

Northeast Avalon Regional Plan (formerly known as the St. John's Region Regional Plan) –

Development and Planning Officer advised there is a Public Hearing set for May 27, 2009 at the Kinsmen Centre.

Regional Waste Management – Nothing to report

LIAISON COMMITTEES

Arena

Deputy Mayor Thorne-Gosse advised that the Arena has its first Gold Banner won by the Northeast Eagles Atom B Team.

Northeast Avalon Regional Economic Development Board (Capital Coast Development Alliance)

Councillor Roche advised that the next meeting was scheduled for Monday, April 27, 2009 at the Justina Centre.

Environment

Nothing to report in Councillor Tapper's absence.

Heritage/Tourism

Minutes of February 24th, 2009 meeting were presented. Councillor Roche advised that the General Meeting with the Killick Coast Tourism Association is scheduled for April 27, 2009. Councillor Roche addressed a correspondence she received from Laurie Dempster concerning the Town's website and volunteer groups/quick links. CAO advised that this will be actioned. The next meeting of the Heritage/Tourism Committee is scheduled for May 17 for election of officers. CAO will attend this meeting.

Hillside Festival – Nothing to report

North East Avalon Joint Council

This was addressed by Councillor Roche under correspondence #4.

School

Nothing to report in Councillor Tapper's absence.

Torbay Volunteer Fire Department

Deputy Mayor Thorne-Gosse advised that the Annual Fireman's Ball was being held on April 24, 2009 and that Fire Chief Mike McGrath as well as Bill Woods, Sr. were being honored for 35 years of service.

Urban Municipalities Committee

Deputy Mayor Thorne-Gosse reported that the next meeting will be held in June in Labrador City.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Thorne-Gosse

Deputy Mayor Thorne-Gosse wanted extend a thank you to all our volunteers. As well she stated that it was very nice to see the number of people that attended the volunteer appreciation night.

Councillor Byrne - Absent

Councillor Cantwell

Councillor Cantwell wanted to also acknowledge our volunteers and remarked on the turnout at the Volunteer appreciation night event.

Councillor Roche

Councillor Roche to address off ramps vs. overpass for Torbay Road and are there thoughts of that being changed/ Mayor Codner and CAO advise that this is still being designed. As well she asked about a sewerage treatment plant and whether there is funding available to assist the Town in resolving our problem instead of a band aid solution. Mayor Codner and Director of Operations and Public Works advised they will be looking at the options and quotes. Director of Operations and Public Works also stated that there are different levels of treatment and he will have more information soon to provide to council.

Councillor Roche also wanted to say thank you to all volunteers as well as congratulations to those that were nominated. She felt that the Volunteer Appreciation Night was a great celebration of our volunteers.

Councillor Smith

Councillor Smith wanted to say thank you all volunteers as well as congratulate all staff who were involved in the organizing of the Volunteer Appreciation Night held on Monday, April 20th, 2009.

Councillor Tapper - Absent

ADJOURNMENT

As there was no further business the meeting adjourned at 9:46 p.m. on a motion by Councillor Cantwell and seconded by Councillor Smith.



Mayor



CAO/Town Clerk