



MINUTES
PUBLIC COUNCIL MEETING
April 30, 2012

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on April 30, 2012 at 7:32 p.m.

Members Present

Mayor Bob Codner
Deputy Mayor Geoff Gallant
Councillor Mike Byrne
Councillor Peggy Roche
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

Gallery

There were a total of 22 people in attendance.

153-12 **Adoption of Agenda**

Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

154-12 Motion – Councillor Tapper / Councillor Smith

RESOLVED THAT the Minutes of the April 16, 2012, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS - None

CORRESPONDENCE

1. Avalon Soccer Association – request for donation. *Deferred to Finance Committee.*
2. Children’s Wish Foundation of Canada – Run the Rock 2012. *Deferred to Finance Committee.*
3. Heart & Stroke Foundation – 2012 Mayor’s March for Heart Disease and Stroke. *Deferred to Finance Committee.*

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report, dated April 30, 2012, was discussed and accepted as presented.

Item No. 4 concerning policy on snow clearing - CAO clarified policy is gone to Public Works to be modified. To be condensed with Item No. 60, Levels of Service.

Item No. 40 concerning flooding was discussed and will be actioned shortly.

COMMITTEE REPORTS

Economic Development

No report.

Finance

The Financial Report, dated April 16-27, 2012, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of April 16-27, 2012, for 25 employees totaled \$49,160.33.

For the period of April 16-27, 2012, Accounts Payable invoices in the amount of \$85,200.37 were paid. These expenditures were within budget.

There are two (2) Main Operating Invoices totaling \$56,761.24 for approval.

155-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Newfound Disposal Systems, for Garbage Collection for March 2012, in the amount of \$33,938.48.

Question called. Motion carried unanimously.

156-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Receiver General for Canada, for Payroll Remittance for April 1 – 15, 2012, in the amount of \$22,822.76.

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.

Human Resources and Administration

Memo from CAO, dated April 27, 2012 concerning Municipal Awareness Day. See Motion below.

157-12 Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Town of Torbay rescind motion 052-12 and that a meeting be arranged with all members of Council to discuss resident communications. (*Motion 052-12 read: RESOLVED THAT the Town of Torbay schedule public presentations for Municipal Awareness Day (as a pilot project) and that Committee Chairs present the initiatives of their respective departments.*)

Question called. Motion carried.

Against Motion: Deputy Mayor Gallant

Planning and Land Use

Councillor Smith gave an overview of items discussed at the Planning and Land Use Development Committee Meeting, dated April 25, 2012.

Items discussed in the Report included:

1. Development Proposals
 - a) Motion Drive Phase III
 - Brief history and outline of actions were included in the Minutes for information. Motion to follow.

Other applications for proposed renovations and dwellings around the community were received. Will provide further information as details become clearer.

2. Correspondence
 - a) Correspondence from Commissioner concerning Proposed Municipal Plan Amendments No. 14 and 16, 2010, and Development Regulations Amendments No. 31 and 33, 2010, along with St. John's Urban Region Regional Plan Amendment No. 3, 2011 (Proposed developments - KMB Holding Ltd., Phase II North of Peters Place, Barrox Holding Phase V and Forest Landing Phase 7)
 - Commissioner's Report was reviewed by the Planning and Land Use Development Committee. It was felt that there were several items/areas in the report where the Commissioner stepped outside his role and parameters to comment. It was requested that the Town write the Department of Municipal Affairs and express concerns on the commentaries made by the Commissioner. It's agreed to meet with the Developer next Monday evening, May 7th. Motions to follow.
3. Other Items
Draft Subdivision Guidelines / Draft Sign and Advertisement Regulations / Draft Backfilling Policy
 - Working on draft subdivision guidelines and will be brought back to next Committee Meeting.

1. **Development Proposals**
 - a. **Motion Drive Phase III.**

158-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT for the proposed development known as Motion Drive Estates Phase III, that the Town of Torbay accept the 10% Cash value of the undeveloped raw land value as determined in the current Municipal Assessment Roll book in lieu of open space. This is the established practice for determining land values for open space and the committee sees no reason at this time to change the practice.

Question called. Motion carried.

For Motion: Mayor Codner, Councillor Byrne, Councillor Roche, Councillor Smith

Against Motion: Deputy Mayor Gallant, Councillor Tapper, Councillor Whitty

This development was discussed by all Members of Council. Items discussed included history of events pertaining to this development, open space, conservation buffers, trails, and municipal acts and regulations, including Development Regulation 78.

Deputy Mayor Gallant requested an amendment to the Motion to read, whereby the Town would choose the land in this case and at such time we acquire land in the adjacent coastal park, then we can review to release the land at that time. It was agreed that the amendment was contrary to the motion, and there was no seconder to the amendment.

1. Correspondence

- a. Correspondence from Commissioner concerning Proposed Municipal Plan Amendments No. 14 and 16, 2010, and Development Regulations Amendments No. 31 and 33, 2010, along with St. John's Urban Region Regional Plan Amendment No. 3, 2011.**

159-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay reject the commissioners report submitted to the Town by Commissioner Christopher Sharpe in relation to Municipal Plan Amendments No. 14, & 16, 2010 and Development Regulations Amendment No. 31, & 33, 2010.

Question called. Motion carried.

Against Motion: Deputy Mayor Gallant

Councillor Tapper called Point of Order, stating that Councillor Smith should read out the Commissioner's recommendation; he has four or five points listed that everyone in the audience should be aware of. Mayor Codner advised that Point of Order was not well taken, stating that the audience/gallery is not part of voting process.

For information, Councillor Smith read out the Amendment numbers and the development information, including developer and property location.

160-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Municipal Plan Amendments No. 14, & 16, 2010 and Development Regulations Amendments No. 31, & 33, 2010, along with St. John's Urban Region Regional Plan Amendment No.3, 2011 (these amendments pertain to proposed developments - KMB Holding Ltd, Phase II North of Peters Place, Barrox

Holding Phase V and Forest Landing Phase 7). The next step is to send the amendments to Municipal Affairs for final review and registration.

Question called. Motion carried.
Against Motion: Deputy Mayor Gallant

Councillor Smith advised that there were eight (8) applications approved and permits issued under the Applications Approved section of the Building Application Report, dated April 27, 2012.

Application: 9692-12
Location: 79-81 Bauline Line
Proposal: General Repairs

161-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9692-12, under the Applications Approved section of the Building Application Report, dated April 27, 2012.

Question called. Motion carried unanimously.

Application: 9693-12
Location: 2 Albert Place
Proposal: Single Family Dwelling

162-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9693-12, under the Applications Approved section of the Building Application Report, dated April 27, 2012.

Question called. Motion carried unanimously.

Application: 9694-12
Location: 158 Indian Meal Line
Proposal: 12' x 16' Accessory Building

163-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9694-12, under the Applications Approved section of the Building Application Report, dated April 27, 2012.

Question called. Motion carried unanimously.

Application: 9696-12
Location: 6 Edgewater Lane
Proposal: Single Family Dwelling

164-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9696-12, under the Applications Approved section of the Building Application Report, dated April 27, 2012.

Question called. Motion carried unanimously.

Application: 9697-12
Location: 6 Upper Evenings Path
Proposal: General Repairs

165-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9697-12, under the Applications Approved section of the Building Application Report, dated April 27, 2012.

Question called. Motion carried unanimously.

Application: 9699-12
Location: 11 Riverview Place
Proposal: 12' x 16' Accessory Building

166-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9699-12, under the Applications Approved section of the Building Application Report, dated April 27, 2012.

Question called. Motion carried unanimously.

Application: 9700-12
Location: 17 Karon Drive
Proposal: 12' x 20' Accessory Building

167-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9700-12, under the Applications Approved section of the Building Application Report, dated April 27, 2012.

Question called. Motion carried unanimously.

Application: 9705-12
Location: 1 McBee Place
Proposal: 14' x 16' Accessory Building

168-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9705-12, under the Applications Approved section of the Building Application Report, dated April 27, 2012.

Question called. Motion carried unanimously.

Application: 9691-12
Location: 43 Flora Drive
Proposal: Single Family Dwelling
Zoning: Residential Large Lot (RLL)

169-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9691-12, under the Applications for Approval section of the Building Application Report, dated April 27, 2012, subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. 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.

Question called. Motion carried unanimously.

Application: 9695-12
Location: 82 Western Island Pond Drive
Proposal: 28' x 32' Accessory Building
Zoning: Residential Large Lot (RLL)

170-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9695-12, under the Applications for Approval section of the Building Application Report, dated April 27,

2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses

Question called. Motion carried unanimously.

Application: 9698-12
Location: 5 Forest River Road
Proposal: 24' x 30' Accessory Building
Zoning: Residential Large Lot (RLL)

171-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9698-12, under the Applications for Approval section of the Building Application Report, dated April 27, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9701-12
Location: 11 Bernice Drive
Proposal: 24' x 32' Accessory Building
Zoning: Residential Large Lot (RLL)

172-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9701-12, under the Applications for Approval section of the Building Application Report, dated April 27, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9702-12
Location: 1579-1581 Torbay Road
Proposal: Single Family Dwelling
Zoning: Residential Infill (RI)

173-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9702-12, under the Applications for Approval section of the Building Application Report, dated April 27, 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. This lot was 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: 9703-12
Location: 15 Peter's Place
Proposal: 20' x 32' Accessory Building
Zoning: Residential Infill (RI)

174-12 Motion – Councillor Smith / Roche

RESOLVED THAT the Town of Torbay approve Application 9703-12, under the Applications for Approval section of the Building Application Report, dated April 27, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9704-12
Location: 81 Karon Drive
Proposal: 24' x 30' Accessory Building
Zoning: Residential Large Lot (RLL)

175-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9704-12, under the Applications for Approval section of the Building Application Report, dated April 27, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9635-11
Location: 1540-1546 Torbay Road
Proposal: Single Family Dwelling
Zoning: Residential Infill (RI)

176-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9635-11, under the Applications for Approval section of the Building Application Report, dated April 27, 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. This lot was included in the infill water study.
3. Applicant to provide a Plot Plan showing the proposed location of the new residence.
4. Review of the site by the department of Environment and Conservation because of its close proximity to a small stream.
5. Review of the site by the department of Fisheries and Oceans because of its close proximity to a small stream.

Question called. Motion carried unanimously.

177-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay advertise the following Applications, under the Applications to be Advertised section of the Business Application Report, dated April 27, 2012 pending public notification and consultation required in accordance with Regulation 33 of the Torbay Development Regulations, and that any explicit costs associated with the public notification and consultation be paid in advance by the applicant.

<i>Application Number</i>	<i>Location</i>	<i>Proposal</i>
B1078-12	102 North Pond Road	Home Office for a Cleaning Business
B1080-12	8 Pulpit Rock Road	Home Office for a Consulting Business

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B1081-12	4 Nathaniel Drive	Home Office for a Hydro Seeding Business
B1082-12	15 Nathaniel Drive	Home Office for a Roofing Business
B1083-12	1 Katrina Place	Home Office for a Construction/ Renovation Business

Question called. Motion carried unanimously.

Public Works

Councillor Whitty gave an overview of items discussed at the Public Works Committee Meeting, dated April 26, 2012.

Items discussed in the Report included:

1. Animal Control Policy.
 - Under review by the Director of Public Works and Technical Services.
2. Bus Shelters.
 - It was discussed that because of possible implications in the way of vandalism, maintenance, it was decided not to go that route.
3. Moores Valley Bridge.
 - Bridge is in state of disrepair. In process of determining who is responsible for maintaining the bridge.
 - Mayor Codner advised that this is possibly a heritage project.
4. Dumping in Watershed
 - Staff observed someone about to dump, however, stopped in process. Police were called but unable to do anything.
5. Tidy Torbay
 - Staff are looking into a new approach to engage residents in beautifying the Town.
6. Waste Management Review
 - Staff to review Town's operations for efficiency.
7. Traffic Calming
 - Looking at ways to handle this matter, including looking at St. John's model.

Councillor Smith clarified and asked to be reflected in the Minutes that due to work commitments, she was unable to attend the Public Works Committee Meeting, and she did pass on her regrets to Committee.

Parks, Recreation and Community Services

Councillor Tapper gave an overview of items discussed at the Recreation Committee Meeting, dated April 11, 2012.

Items discussed in the Report included:

- Country Drive Development - Committee discussed green space - developer requested that the Town adjust lots.
- Tri Bon Consulting - this is a five-lot development. Committee agreed to take cash in lieu for open space.
- Seven Lot Development - Committee recommended taking cash in lieu of for smaller developments.
- Street Signs - signs are installed. Onsite signage at the Kinsmen Centre will be re-adjusted.
- Cooking for Wellness - extended a congratulations to the Recreation and Community Events Coordinator for a successful program.
- Municipal Awareness Day - Deputy Mayor advised he was hoping to move ahead with this; Committee were willing to proceed and prepare or it.
- Information Signage - Supervisor of Recreation and Healthy Living is checking to see if the Town's information sign can be put back on Torbay Road. CAO clarified that it's not permissible. Lit signage is also not permissible.

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Roche thanked staff for their hard work in putting together the 2012 Summer Community Guide. She advised that we're going to have a really busy summer and asked everyone to get out and enjoy.

She thanked and congratulated volunteers for working on events and for coming forward.

By Pass Road

Mayor Codner advised that he received an inquiry as to the speed limit on the Bypass Road. He discussed that it's a provincial road and the speed was set by the Provincial Government.

LIAISON COMMITTEES

Heritage/Museum

No report.

Jack Byrne Arena

Councillor Tapper reported that the AGM did take place on April 19th.

- He discussed the financial report.
 - This year the Arena showed a small amount of surplus. Budget has been adopted. There are different activities for the Arena all year round.
 - Auditors report was presented and will forward to CAO.
- Jack Byrne Arena Constitution.
 - He did bring forward the proposed constitutional amendments, as discussed by the Torbay Town Council, but these amendments were not passed. These included election of community representatives to the board instead of elected officials and term of office for directors.
 - There were some amendments concerning housekeeping that were brought forward by the Chair and Members of the Committee.
 - The allocation formula - four Torbay Representatives / two Representatives for other Towns - will remain unchanged.
 - Matter of signatures on constitution was discussed.
 - Will provide updated copy of constitution once finalized.
 - Councillor Tapper advised that he will be stepping down as Board Representative. He recommended getting a community representative. It was agreed to add the matter of Torbay representative to the agenda for Council's meeting next Monday, May 7th for discussion.
 - Deputy Mayor further discussed gender equity. Councillor Tapper advised that the Board did not agree to change the overall clause.

Mayor Codner reported that he attended the 2012 Landscape and Garden Show over this past weekend and the PA sound system wasn't working properly. Someone needs to have a look at the system.

Northeast Avalon Joint Council

No report.

Northeast Avalon Regional Plan

No report.

Torbay Harbor Authority

Councillor Byrne advised that he spoke to the President of the Harbour Authority who advised that officials from DFO looked at land matters today. Will report at the next Council Meeting.

Torbay Volunteer Fire Department

Councillor Byrne gave an overview of items discussed in the Torbay Volunteer Fire Department Meeting Notes, dated March 26, 2012:

Items discussed in the Report included:

- Constitutional Review. There are still ongoing meetings on that. Once changes are in place, will meet with the Executive Committee to go through and review.
- Mutual Aid Agreements are in place with surrounding communities. Mayor's signature is required.
- Firefighters Ball - Councillor Byrne thanked Mayor Codner for attending and bringing greetings. There was a great turnout. There were three people nominated for Firefighter of the Year - Congratulations goes to Karen Greeley - she's the first female Firefighter of the Year in 38 years.
- There have been eight (8) emergency calls since the last meeting.
- Fire Chief received an email from Former Deputy Chief thanking the Town.
- There is some trouble with the Flatrock station and the Fire Chief is working on that.

Urban Municipalities Committee

Draft Minutes of the Urban Municipalities Committee Meeting, dated March 2 – 3, 2012, were included for Council's information. Councillor Smith advised that Ms. Christine Cave of MNL, will be taking notes and preparing minutes for UMC going forward.

She advised that she did put herself forward to help with the Urban Summit; and, is honoured to be involved with this.

She discussed the Privacy Commissioner Decision regarding Corner Brook.

Finance section 10.3, Councillor Tapper noted increase in fees as stream of revenue for Towns, as well.

Councillor Smith advised she will answer questions at the next meeting.

NEW BUSINESS

Mayor Codner

Mayor Codner advised that he was impressed with the Multicultural Days event last Saturday, April 21st. He thanked the Town's Liaison person for an excellent job. There was food from all over the globe; and, it was a great time. Spoke to people and they were also impressed by the openness of Torbay.

Deputy Mayor Gallant

Deputy Mayor discussed his concerns regarding the Open Space Management Strategy in relation to trails.

- He advised that the outer loop is in danger of being cut off before we can get a chance to go somewhere with it – the trail to the waterfall, to loop out around to bring in visitors.
- He discussed buffers as per the Open Space Management Strategy and Motion Estates, Phase III – acquisition of lands to be developed for trail development.

He advised he received an email concerning signs in the area of Pine Line. A resident advised that there's a sign put up next to their house. He will forward the information.

Deputy Mayor extended a thank you to all residents and neighborhood residents of Motion Estates who came to the recent public meeting and voiced their concerns and support for green space. He asked that everyone please continue to be involved in the community.

Councillor Byrne

Councillor Byrne discussed the crosswalk in vicinity of the school. He asked if the Department of Transportation could paint yellow lines at the crosswalk, to catch the driver's attention. CAO to look into.

Councillor Roche - Pass

Councillor Smith - Pass

Councillor Tapper - Pass

Councillor Whitty - Pass

ADJOURNMENT

178-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the meeting be adjourned at 9:23 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk