



MINUTES
PUBLIC COUNCIL MEETING
April 5, 2010

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on April 5, 2010 at 7:33 p.m.

Members Present

Mayor Bob Codner
Deputy Mayor Geoff Gallant
Councillor Peggy Roche
Councillor Carol Ann Smith
Councillor Ralph Tapper
Councillor Brian Whitty

Staff Present

Dawn Chaplin, CAO/Town Clerk
Brian Winter, Planning & Development Officer
Ann Picco, Executive Clerk

Regrets

Councillor Mike Byrne
Ken Anthony, Director of Programs and Services

Gallery

Total of 12 in attendance.

Meeting was chaired by Mayor Codner

111-10 **Adoption of Agenda**

Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

112-10 **Adoption of Minutes**

Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Minutes of the March 22, 2010, Public Council Meeting be adopted, with the following changes:

Page 10 – Under **NEW BUSINESS**, **Councillor Tapper** – “A resident on Motion Drive advised issues of garbage being missed.” **SHOULD READ**, “***A resident on Motion Drive advised issues of garbage pick-up being missed.***”

Question called. Motion carried unanimously.

113-10 **Motion** – Deputy Mayor Gallant / Councillor Roche

RESOLVED THAT the Minutes of the March 29, 2010, Special Meeting of Council be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

Mayor Codner welcomed Linda Lush of the Parkinson Society Newfoundland and Labrador to the Public Council Meeting. Ms. Lush read the Proclamation aloud, to let all members of Council and all citizens of Torbay know that April has been named Parkinson’s Awareness Month by Parkinson Society Canada.

114-10 **Motion** – Councillor Roche / Councillor Smith

RESOLVED THAT the Town of Torbay declare April, 2010, as Parkinson’s Awareness Month and invite all citizens of Torbay to join in wishing the Parkinson Society a successful Parkinson’s Awareness Month.

Question called. Motion carried unanimously.

CORRESPONDENCE

- 1) Department of Municipal Affairs – Provincial Government Funding to Attend Annual Municipal Symposium. **FYI. No comments.**
- 2) Eastern Newfoundland Regional Appeal Board – Decision of Appeal. **FYI. Deputy Mayor Gallant gave an overview to the gallery of what happened at the appeal.**
- 3) Northeast Avalon ACAP, Inc. – request for cash donation or in-kind contribution towards their project. **FYI.**
- 4) Correspondence from resident concerning flooding of 66 Motion Drive. **Deferred to Public Works Committee. Deferred to Finance Committee, as well. B/F.**
- 5) Department of Environment and Conservation – Newfoundland and Labrador Environmental Awards. **FYI. Mayor Codner advised that someone should be nominated, and to think seriously about it. He read from the nomination form, “Nominate a deserving person, group or business that has demonstrated outstanding conservation efforts and contributions to sustaining, protecting, and enhancing the environment.”**

- 6) Correspondence from resident concerning Accessibility to future building lot. *Defer to Planning and Land Use Development Committee. B/F.*
- 7) Correspondence from resident concerning South Pond. *Council had some discussion on the treatability study regarding the future of South Pond and Great Pond. It was agreed that Council will take the next 7 – 10 days to review the report; and, from there, they will meet with the consultants to discuss the contents of the report. B/F.*

BUSINESS OUTSTANDING

- 1) KMB Holdings Ltd. – Request for consideration of 2% increase to current maximum percentage street slope. *Deferred to Planning and Land Use Development Committee. B/F.*
- 2) Killick Coast – Constitution and By-Laws. *Councillor Roche requested that if members of Council have any suggestions to discuss with her, or contact her by email. COMPLETE.*
- 3) Correspondence from resident concerning water run-off on Ned's Place. *Deferred to Public Works Committee. B/F.*
- 4) Letter from resident on Quigley's Lane concerning damage to vehicle caused by snow plow. *CAO confirmed that this matter is referred to Insurance Provider. COMPLETE.*
- 5) Department of Municipal Affairs, Regional Operations – letter from Dan Noseworthy, Director of Regional Operations, concerning Council Remuneration. *CAO advised that this has been referred to/dealt with by Finance Committee. COMPLETE.*
- 6) Department of Environment and Conservation concerning Torbay Habitat Conservation Plan. *Deputy Mayor Gallant advised that TETC Committee is currently reviewing the draft plan. Council to review Plan and meet with TETC Committee, as well. This plan will need to be incorporated with the Town's Municipal Plan; the Habitat Conservation Plan and the Municipal plan will have to be reviewed together. B/F.*
- 7) Meeting with officials from Health Care Foundations concerning the upcoming Tri for Health Triathlon. *COMPLETE. See Minutes of Recreation and Community Services Committee Meeting, dated March 31, 2010.*
- 8) E-mail correspondence from resident concerning Canada Post – litter around mailboxes. *There was discussion among Council on this issue. Councillor Smith advised that UMC talked to Deer Lake on this issue, as they're having a similar problem. The Town is still attempting to arrange a meeting with Canada Post – CAO advised she's waiting for a reply back from Mr. Francis. It was discussed that residents need to be educated of this situation, and look after their own debris/garbage. B/F.*
- 9) Motion 036-10, Minutes of January 25, 2010, Public Council Meeting – Director of Programs and Services to contact Mr. Paul Porter of Newfoundland Design Associates Limited to request written confirmation that when culverts were installed in Phase 1 of the Pine Creek Development, the culverts were undersized. *Letter is written to Newfoundland Design Associates Limited – Councillor Whitty advised that they're still waiting for response. B/F.*
- 10) Community Policing – Speeding – *See Public Works Minutes, dated March 31, 2010, which addresses Traffic Flow, North Pond Road at Flemmings Hill. Councillor Smith suggested that the Town write Superintendent June Layden, of the RNC, confirming details of recent meeting with Mayor Coder and CAO – as a record of the meeting. She advised that the*

Town needs to remain pro-active on this as we need more policing in Torbay - The Town should keep pushing for adequate coverage. B/F.

- 11) Request from John Ryan for re-zoning of the old church property on Lower Street to from Public Property to Residential. ***It was discussed that there is presently two issues ongoing with this property – Mr. Ryan’s request for rezoning and issues being discussed with present owner and Council. Deferred to Planning and Land Use Development Committee / Heritage Committee concerning Mr. Ryan’s request; and referred to the Economic Development Committee – they have scheduled a meeting with the current owner concerning a previous business application and to discuss current owner’s story – for information purpose only. Also refer to the Planning and Land Use Development Committee Minutes, dated March 29, 2010. B/F.***
- 12) Keith Yeo – 1 Yeo’s Lane - request for reimbursement of installation of sewage services. ***Dealt with in Minutes of Public Works Committee, dated March 31, 2010. Councillor Whitty to schedule a meeting with resident. B/F.***
- 13) Thorne’s Lane Pump House – upgrading. ***Deferred to Public Works Committee. Councillor Whitty advised that the Committee is still in discussion with consultants for the best system to use. B/F.***
- 14) Resident meeting regarding issues at Kinsmen Center – Motion 250-09 - To have skateboard ramps removed from Kinsmen Center at the end of the season. Director of Programs and Services to confirm removal and storage. ***Dealt with in Recreation and Community Services Committee Meeting Minutes, dated March 31, 2010. COMPLETE.***
- 15) To explore the cost of a fence and gate at the Kinsmen Center – Motion 251-09 – Director of Programs and Services to confirm status of quote. ***Dealt with in Recreation and Community Services Committee Meeting Minutes, dated March 31, 2010. COMPLETE.***
- 16) Revisions to snow clearing policy – Director of Programs and Services to research and bring forth a recommendation to the Public Works Committee. ***Deferred to Public Works Committee. B/F.***
- 17) Councillor Smith advised of a presentation on National Homeless Initiative by Sheila Malone - ***CAO advised that presentation will be held on Monday, April 12th at 7:00 p.m. COMPLETE.***

COMMITTEE REPORTS

Economic Development - no report or motions

Councillor Tapper advised that the Committee met this afternoon on the Community Profile. He advised that there is a delay in printing by approximately one month.

Finance

115-10 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Finance Committee Meeting Minutes, dated March 17, 2010, as presented.

Question called. Motion carried unanimously.

116-10 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Finance Committee Meeting Minutes, dated March 29, 2010, as presented.

Question called. Motion carried unanimously.

Councillor Tapper advised that there will be a motion forwarded on Council Remuneration at the next Council Meeting.

117-10 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Financial Report for the period of March 22 – April 2, 2010, as presented.

Question called. Motion carried unanimously.

Human Resources and Administration – no report or motions

Planning and Land Use

118-10 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Planning and Land Use Development Committee Minutes, dated March 29, 2010, as presented.

Question called. Motion carried unanimously.

Council discussed St. Nicholas Parish Hall, which is included in the Planning and Land Use Development Committee Minutes; and, the question was raised on whether or not the Town could consider using the building for its own use – museum or library. *Deferred to Heritage Committee.*

Application: Development of Land
Marine Drive & Doyles/Quigley's Lane
Application for rezoning
Zoning: Residential Medium Density (RMD)

119-10 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay rezone the Parcel of Land as described on the proposal drawing from Mr. Gary Manning, civic numbers 6 & 8 Marine Drive and 2 Doyles & Quigleys Lane. This land is to be rezoned from Residential Medium Density (RMD) to Mixed Development (MIX). This will allow the applicant to apply to construct a Day Care Center on the property. 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.

Deputy Mayor Gallant requested that the Development and Planning Officer notify immediate residents in the neighborhood of this development.

120-10 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Building Application Report, dated April 1, 2010, as presented.

Question called. Motion carried unanimously.

Application: B1028-10
331 Indian Meal Line
Application for Esthetics Salon
Zoning: Residential Infill (RI)

121-10 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer the application 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.

Question called. Motion carried unanimously.

Application: B1037-10
860 B Torbay Road
Application for Cabinetry Shop, Elite Kitchens & Designs
Zoning: Mixed Development (MIX)

122-10 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve the application subject to the following conditions:

1. The business will be subject to Business Tax in accordance with the published schedule of Taxes and Fees for the Town of Torbay.
2. Approval from the Department Government Services in the following areas is required before final approval is given.
 - i. Fire and Life Safety
 - ii. Accessibility
 - iii. Septic Design
3. Subject to the Towns parking requirements.

Question called. Motion carried unanimously.

Public Works

123-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay approve the Public Works Committee Meeting Minutes, dated March 31, 2010, as presented.

Question called. Motion carried unanimously.

124-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay write resident of Civic Address #51 Bridge Road to inform him that the Town will not be paving his driveway. In consultation with our engineering company, the best option was to provide a hard surface for the driveway; however, as a potential temporary measure, Mr. White could consider constructing a Grass Swale along the right hand side of his driveway.

Question called. Motion carried unanimously.

125-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay meet with resident of Civic Address #1 Yeo's Lane to invite him to a meeting with members of Council and appropriate staff.

Question Called. Motion Carried.

For Motion: Deputy Mayor Gallant, Councillor Smith, Councillor Tapper,
Councillor Whitty

Against Motion: Mayor Codner, Councillor Roche

Council had some discussion on arranging meetings with residents, including staff and council attendance at these meetings, setting guidelines for these meetings, and security issues. Council members discussed these matters and the above motion; and, Councillors Smith, Tapper, and Whitty supported the motion, and Deputy Mayor Gallant advised he supported the motion with the assurance that it was cordial.

126-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT further to Motion 64-08 and 218-09, that the Town of Torbay accept the terms and conditions outlined in the local Government Gas Tax Funding Agreement between the Government of Newfoundland and Labrador and the Town of Torbay for the years 2006-2010 in the amount of \$675,633.08. Priorities outlined in this agreement include the rehabilitation of three (3) municipal roads; namely, Lynch's Lane/Mahon's Lane (2.0 km), Reddy Drive (980 meters) and Country Drive (1773 meters). Cost estimates were completed by the Town's Engineering Consultants, Newfoundland Design Associates Limited and are as follows: Lynch's Lane/Mahon's Lane (\$320,000.00), Reddy Drive (\$200,000.00) and Country Drive (\$105,000.00).

Question called. Motion carried unanimously.

Parks, Recreation and Community Services

127-10 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Minutes of the Recreation & Community Services Committee Meeting, dated March 31, 2010, be adopted as presented.

Question called. Motion carried unanimously.

Council discussed the issues of the skateboard park, which is included in the Minutes of the Recreation & Community Services Committee, and of meeting with and keeping our youth and residents involved and working together. It was discussed that it's important to provide our youth with something productive to do, rather than take away the skateboard park. Important concerns and issues of residents were discussed by Council – vandalism being one concern, and damage to residential property. It was discussed that as property damage is mostly done in the very early hours of the morning, that it's not the skateboarders that are causing damage or concern; and, that maybe it's really a policing matter or issue.

128-10 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT Further to motion number 250-09 that skateboard ramp was removed from the Kinsmen Centre at the end of season in 2009 and that we will reinstall in 2010 when the necessary repairs to the equipment take place.

Question called. Motion carried.
Against Motion: Councillor Smith

Councillor Smith suggested that this motion is not in order, as per previous motion. She advises that the intent was very clear – to remove the skateboarding equipment. She suggests that Motion 250-09 needs to be rescinded. Mayor Codner advised her that the intent is clear – to remove equipment at the end of the season.

Councillor Smith called Mayor Codner on Point of Order - she advised the Mayor to read Pg. 90 of the Roberts Rules of Order. She advised she feels very strongly that the motion is in contravention of the intent of the previous motion, 250-09. Mayor Codner advised that the Point of Order is not well taken, reasons being that the skateboarding ramps were removed at the end of the year, as per Motion 250-09 – it didn't state that they could not go back. Councillor Smith advised that the intent of a motion is lost when a motion hangs around for six or seven months before it's actioned on. Deputy Mayor Gallant advised Councillor Smith that the motion was actioned on and completed. **Mayor Codner asked CAO to check with Mr. Pittman for interpretation of intent of Motion 250-09. B/F.** Councillor Smith suggested that the Town notify residents of the ramps being put back. **Mayor Codner suggested that the Parks, Recreation and Community Services Committee meet with residents, and then bring back their recommendation. B/F.**

Technical Services – no report or motions

Mayor Codner advised that there is a meeting Tuesday, April 13th.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations – no report

There is a meeting scheduled for tomorrow, Tuesday, April 6th, at 6:00 p.m. and a meeting at 7:00 p.m. concerning the Hillside Festival.

By Pass Road – no report

There's a meeting scheduled for next Monday, April 12th.

LIAISON COMMITTEES

Heritage/Museum – no report

Jack Byrne Arena – no report

Deputy Mayor Gallant advised that there is a special meeting on Wednesday, April 7th; and, the next Board Meeting is on April 22nd.

Northeast Avalon Joint Council

Councillor Roche asked that Council Members review the Minutes of the Northeast Avalon Joint Council Meeting, dated March 17, 2010, which were provided.

The next meeting will take place on April 21st in Paradise. Councillor Roche advised that Dianne Whalen will be present at this meeting and a presentation of appreciation will be made to her. She advised that everyone is welcome to attend.

Northeast Avalon Regional Plan – no report

Torbay Volunteer Fire Department – no report

Urban Municipalities Committee – no report

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant extended a thank you to all Council who participated in the recent hockey game – Torbay Crushers vs. OZ FM. Approximately \$200.00 was raised. It's a fantastic event and hope we continue it in the future. It was a fun event and showed good community spirit.

Councillor Byrne - absent

Councillor Roche

Councillor Roche advised that some action was taken by the Department of Works, Services & Transportation in the South Pond meadow – surveyors were by and put pegs in the ground for the fence to stop vehicle traffic. She advises that the condition of the meadow has worsened with the amount of traffic there.

Councillor Smith

Councillor Smith read a statement she had prepared on the topic of Council Remuneration. She advises she finds it difficult to accept the 48% increase in remuneration and she doesn't understand why Council would want an increase from 2009. She advises that a remuneration increase will not have her work any differently, she will still give 100% to the residents of this Town. She asked where the additional revenue is coming from to provide Council with the increase in remuneration – tax collection. The Town took away the option of credit card payment for residents as it was costly to the Town, but yet the Town is willing to pay an increase to Council of over \$25,000.00. Councillor Smith asked that the decision be of residents of the Town – she's publicly seeking guidance on a motion to increase Council remuneration, which will be voted on by Council at the next Public Council Meeting on April 19th. She's seeking direction from the residents of the Town.

Councillor Tapper

Councillor Tapper brought up the issue of the large signs that developers have up, showing subdivision layout, and the fact that they block the driver's view when turning left or right onto a road. The Development and Planning Officer advised Councillor Tapper that this issue was brought up at an Occupational, Health, and Safety Meeting, as the Town's Public Works heavy equipment and snow plow operators had also advised that it was hard to see past these signs when turning. He advised that a letter has been written to the developers and owners of these signs asking to remove or relocate the signs.

Councillor Whitty – Pass

ADJOURNMENT

129-10 Motion – Councillor Smith / Deputy Mayor Gallant

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

Mayor

CAO/Town Clerk