



MINUTES

PUBLIC COUNCIL MEETING
April 6th, 2009

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on March 9, 2009 at 7:35 p.m.

Members Present

Mayor Bob Codner
Deputy Mayor Thorne-Gosse
Councillor Peggy Roche
Councillor Mike Byrne
Councillor Jim Cantwell
Councillor Carol Ann Smith
Councillor Ralph Tapper

Staff Present

Dawn Chaplin, CAO/Town Clerk
Jacquie Berkshire, Executive Clerk
Ron Fleming, Director of Operations & Public Works

Regrets

Brian Winter, Development & Planning Officer

Meeting was chaired by Mayor Codner

087-09 Adoption of Agenda

Motion – Councillor Byrne/Councillor Smith

RESOLVED THAT the Agenda be adopted as presented.

Question called. Motion carried unanimously.

088-09 Adoption of Minutes – March 23, 2009

Motion – Councillor Smith/Councillor Roche

RESOLVED THAT the Minutes be adopted with the following changes:

Page 2 – Business Outstanding #4 – should include “refer to Heritage Committee – Complete”

Page 4 – *By Pass Road – Discussion around the recent blast whereby a fly rock hit a resident’s home. Concerns of the dangers of these fly rocks. Council were advised that residents are telling them that they are not hearing the warning sirens prior to the blasts. Councillor Smith again asked that all communications regarding the bypass road be documented.*

Question called. Motion carried unanimously.

PROCLAMATIONS/PRESENTATIONS

Alia Norman on behalf of the committee presented the Petition to Mayor Codner on behalf of Council. She advised that there were 1684 signatures on the petition and asked Council that this document be considered when making their decision.

CORRESPONDENCE

- 1) *Correspondence from the Town of Lewisporte re: Conference & Boat Show June 18-21, 2009. - FYI*
- 2) *Correspondence from Environment & Conservation – Minister Johnson – re: 20th Anniversary of the NL Environmental Award. – defer to Councillor Tapper re: TETC*
- 3) *Correspondence from Kyle Tapper re: Spring Clean-UP 2009. – B/F – Councillor Tapper asked about the set up of this year’s spring clean up. Director of Operations & Public Works to meet and provide information at next meeting. May 21 – 31 has been set at clean up week. Councillor Cantwell asked if anything was decided with respect to accepting other Town’s garbage. Councillor Tapper asked if we will be accepting tires. Mayor Codner advised that we have in the past however as it is an environmental concern CAO will contact the MMSB for clarification. It was also advised that tires can be dropped off at any garage.*
- 4) *Correspondence re: Annual Wreath Laying Ceremony observing the National Day of Mourning for Workers Killed or Injured in the Workplace - Mayor Codner and Deputy Mayor Thorne-Gosse with represent the town and lay a wreath.*
- 5) *Correspondence from Terence Sanford regarding Minimum Tax – Mayor advised that a letter will be sent to Mr. Sanford.*
- 6) *Correspondence from Dept. of Municipal Affairs re: Municipal Plan Amendment No. 11 and Development Regulations Amendment No. 27, 2008 – March 25, 2009 – Development & Planning Officer to reference land area on all amendments.*
- 7) *Correspondence from Northeast Eagles- February 15, 2009 – It was advised that the Northeast Eagles receive an annual donation from the Town of \$500.00 to use how they wish. CAO to clarify this to the Northeast Eagles.*
- 8) *Correspondence from Northeast Avalon Regional Economic Development Board re: Planning Session – April 1, 2009 – Mayor Codner and Councillor Roche to attend on behalf of the Town.*
- 9) *Correspondence from Community Services Council NL re: Volunteer Week 2009 – April 1, 2009 -FYI*
- 10) *Invitation from Capital Coast Development Alliance – rebranding launch – Councillor Roche, CAO and Economic Development Officer to attend on behalf of the Town.*

- 11) *Correspondence from City of St. John's re: public meeting April 14 on Proposed amendments to Municipal Plan & Development Regulations to allow development above the 190 metre contour for the Southlands area and the Southwest Development Area. - FYI*
- 12) *Correspondence from Dept. of Municipal Affairs re: Torbay Municipal Plan Amendment No. 13 and Development Regulations Amendment No. 29, 2009 -FYI*
- 13) *Correspondence from Northeast Eagles – March 31, 2009 – As per # 7 above.*

BUSINESS OUTSTANDING

- 1) *Procedure for release of 155 future serviced lots – Development & Planning Officer to meet with Council on Monday, April 13, 2009 at 7:30 to discuss.- B/F*
- 2) *Correspondence re: Proposed Development Regulations Amendments No.'s 10 and 25 for Moores Valley Road – B/F- Letter sent to Municipal affairs and copy to resident Councillor Smith advised that we need to be mindful of time lines and letters should be issued sooner than one month.*
- 3) *Tappers Cove Road ownership – Councillor Cantwell awaiting provincial clarification from MHA Kevin Parsons –B/F- Councillor Cantwell advised that there is nothing to report..*
- 4) *Forest Landing – Phase One/Phase Six Issues – Councillor Tapper advised there is a letter being drafted to residents and requesting a meeting with Jonathan Sharpe.*
- 5) *Correspondence regarding Killick Coast Regional Kiosk- Issue to be discussed at an association meeting in April – B/F – Councillor Roche advised that this is on the agenda to be discussed at the upcoming meeting..*
- 6) *Request for Street Light on Indian Meal Line from Mr. Rodgers – March 2, 2009 – Director of Operations & Public Works and Development & Planning Officer conducted a review of 1 street lights in the Town. Waiting for installation. – B/F*
- 7) *Nature Conservancy & Ecological Gifts Programs. – Councillor Tapper has made contact with the Nature Conservancy however has not been able to reach Mr. Chamberlain with the Ecological Gifts Program. B/F*
- 8) *Jones Pond Trail – Mayor Codner to meet with Crown Lands – B/F*

COMMITTEE REPORTS

Capital Works/Public Works/Roads

Nothing to report.

Building Applications

089 –09 Motion – Councillor Cantwell/Councillor Byrne

RESOLVED THAT Council approved the revised Building Application Report dated April 2, 2009 as presented.

Question called. Motion carried unanimously.

090 –09 Motion – Councillor Cantwell/Councillor Smith

RESOLVED THAT Council approve Crown Land Applications dated April 2, 2009.

Question called. Motion carried unanimously.

Financial Report

091-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Roche

RESOLVED THAT Council approve the Financial Report for the period of March 23 – April 3, 2009 as presented.

Question called. Motion carried unanimously.

092-09 Motion – Councillor Cantwell/Deputy Mayor Thorne-Gosse

RESOLVED THAT all bills be paid to April 3, 2009 to avoid interest.

Question called. Motion carried unanimously.

093-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Tapper

RESOLVED THAT the minimum tax for the 2009 taxation year for the Town of Torbay will be set at \$100.00 per parcel of land.

Question called. Motion carried unanimously.

094-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Byrne

RESOLVED THAT as a result of the roll back in the minimum tax, that the CAO cash \$202,572.45 from the Town's GIC investments and deposit to the main operating account.

Question called. Motion carried unanimously.

095-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Roche

RESOLVED THAT the Account's Receivable Clerk in conjunction with the CAO, conduct an analysis of arrears owing to the Town of Torbay. Once this analysis is complete, it will be brought forth to Council. At that time a Motion of Council will be sought to commence collection procedures in efforts to collect monies owing to the Town.

Question called. Motion carried unanimously.

096-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Roche

RESOLVED THAT For tax accounts not in good standing, that payment plans be applied against arrears first then current year.

Question called. Motion carried unanimously.

097-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Roche

RESOLVED THAT property located within the watershed be deemed non-taxable. Implication on budget to be determined and forwarded to Council.

Question called. Motion carried unanimously.

098-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Smith

RESOLVED THAT the CAO transfer \$32,833.00 from the Town's GIC investments and deposit to the main operating account. These monies are to be added to the Fire Department's budget.

Question called. Motion carried unanimously.

Councillor Cantwell left Chambers at 8:18 p.m. as it was thought there may be a conflict of interest.

099-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Byrne

RESOLVED THAT the mil rate for commercial farmers be set at 1 mil.

Question called. Motion carried unanimously.

100-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Byrne

RESOLVED THAT as a result of the mil rate rollback for farmers that the CAO cash \$4059.00 from the Town's GIC investments and deposit to the main operating account.

Question called. Motion carried unanimously.

Councillor Cantwell returned to Chambers at 8:20 p.m.

101-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Smith

RESOLVED THAT as per the public call for proposals regarding the revision to the Town's Strategic Plan and development of the Town's Integrated Community Sustainability Plan, that the Town of Torbay award the contract to AMEC Earth and Environmental in the Amount of \$41,804.00. This includes all professional fees, expenses and HST. Awarding of this contract is a budgeted item for 2009.

Question called. Motion carried unanimously.

102-09 Motion – Councillor Byrne/Councillor Cantwell

RESOLVED THAT approval be given to the Deputy Mayor and CAO to attend the Federation of Canadian Municipalities Annual General Meeting in Whistler from June 5 – 8, 2009. This is a budgeted item for 2009.

Question called. Motion carried unanimously.

Personnel & Training Committee - Nothing to report.

Recreation Committee

Councillor Tapper advised that there would be a Motion for Smoke-Free Workplace Policy forthcoming at the next Council Meeting after a Motion was put forwarded however was deferred.

Strategic Planning Committee

As per the Finance Report – awarding of ISCP Contract.

Development Committee

103-09 Motion – Councillor Smith/Councillor Tapper

RESOLVED THAT Council proceed with the next step of the amendment process, which is to adopt Plan Amendment No. 13 and Development Regulations Amendment No. 29 and to schedule a public hearing for April 30, 2009 at 7:30 p.m. Kinsmen Centre.

Question called. Motion carried unanimously.

104-09 Motion – Councillor Smith/Councillor Tapper

RESOLVED THAT Council appoint Mr. Tom Strickland as the commissioner for the public hearing for Plan Amendment No. 13 and Development Regulations Amendment No. 29.

Question called. Motion carried unanimously.

SPECIAL COMMITTEES OF COUNCIL

By-Pass Road

Mayor Codner advised there is a report generated for each blast following Municipal Affairs regulations. A warning horn is required to be sounded prior to each blast. Occupational Health and Safety can make spot checks on blasting sites. One fly rock incident has been reported. Rubber Mats are not being used. It is his understanding that they are blasting sedimentary rock and it breaks apart quickly sometimes causing fly rocks. There is no blasting when it dark and blasting is complete by 7:15 p.m. Blasts are estimated to be complete within the next three to four months. Councillor Smith and Councillor Byrne voiced their concerns of the power of the blasts. Mayor suggested that we may be able to issue a resident newsletter regarding the issue of blasting. Councillor Tapper asked if the times of the blasting could be posted. There is no access to the work site during periods of blasting.

105-09 Motion – Councillor Byrne/Councillor Roche

RESOLVED THAT CAO issue a resident newsletter concerning the issue of blasting operations. .

Question called. Motion carried unanimously.

Communications

Councillor Byrne advised that the webpage is being worked on regularly. Any problems that arise with the new site are looked after and resolved as quickly as possible.

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

Mayor Codner advised there is nothing new to report.

Regional Waste Management

Mayor Codner advised the last meeting was held on Wednesday, April 1, 2009. The committee will be looking to replace Ed Grant. Councillor Smith asked about the MMSB providing funding for the Town's waste reduction initiatives i.e. recycling. CAO spoke with MMSB and they do not provide financial support to individual Towns.

LIAISON COMMITTEES

Arena

Deputy Mayor Thorne-Gosse advised that the Minutes of the February 12, 2009 Arena Board were included in the Council Packages for everyone's information. Mayor Codner advised that the Board recently had an Election and that Deputy Mayor Thorne-Gosse is now the Vice Chair, Paul Thomey was elected as Secretary and Wayne King elected as Treasurer. Councillor Roche asked about signage for the Arena as there is currently nothing to advertise upcoming events.

Deputy Mayor Thorne-Gosse advised that there will be a light installed at the end of the road. Councillor Cantwell asked about the area in front of the Arena regarding having the area cleaned up.

106-09 Motion – Councillor Tapper/Deputy Mayor Thorne-Gosse

RESOLVED THAT the owner of the land in front of the Arena have it leveled and cleaned up as soon as possible. The Development & Planning Officer to write a letter to Mr. Williams regarding this matter. **B/F**

Question called. Motion carried unanimously.

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

Councillor Roche reported that the Regional Meetings were held on March 27 – 28, 2009 at the Capital Hotel. Councillor Roche, CAO and Economic Development Officer were in attendance.

Environment

Councillor Tapper reported that the next meeting will be held on April 7, 2009.

Heritage/Tourism

Councillor Roche advised that the Heritage Committee will be meeting on April 14 and that the Tourism will meet on April 27, 2009.

Hillside Festival

Councillor Smith advised that the Committee met and the event planning is moving along well with Entertainment in place and contracts signed. A calendar of events is being put together and will be circulated.

North East Avalon Joint Council

Councillor Roche reported that the next meeting will be held in Harbour Main on April 15, 2009.

School

Councillor Tapper advised both councils met however he was unable to attend the High School meeting due to a resident meeting regarding the bypass road. The plans for the new school were reviewed and there are concerns with access and traffic flow. Mayor Codner and Councillor Tapper will be requesting a meeting with the School Board to discuss both these issues.

Torbay Volunteer Fire Department – Nothing to report

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 brought forward a letter from Ronald Maher regarding Dominion Hill. This letter will be included in the next council package.

Councillor Byrne

Councillor Byrne addressed property upkeep. The Director of Public Works advised that the Municipal Enforcement officer is visiting the list of delinquent properties to confirm current status. This information will be brought back to the Public Works Committee to determine the next steps. Councillor Byrne stated his concern regarding the black signs on Torbay. CAO advised that this will be addressed as part of the Tidy Towns competition this year. He also addressed the condition of Torbay Road. Discussions focused on the state of disrepair. Political commitments were made to have this repaired and paved for the past 2 years. It won't be fixed in 2009. The majority of roadwork monies for the district are being spent on the bridge in Logy Bay-Middle Cove-Outer Cove.

107-09 Motion – Councillor Byrne/Councillor Roche

RESOLVED THAT Mayor Codner write a letter to MHA Kevin Parson, seeking resolution to the disrepair of Torbay Road issue. **B/F**

Question called. Motion carried unanimously.

Councillor Cantwell

Councillor Cantwell once again wanted to extend his concern regarding his being quoted inaccurately. He stated that he has no problem being quoted as long as what he is being quoted accurately reflects what he has said. He addressed Petitions and advised that individuals have the right to choose to sign or not sign petitions depending upon their view of the issue that is being petitioned and this is true for everyone.

Councillor Roche

Councillor Roche wanted to bring to Council's attention the 2009 Canada Post Community Literacy Award whereby deserving individuals can be nominated. The deadline is May 22, 2009. She advised that he has heard nothing but positive comments. She also asked about the status of Whiteway's Pond.

Councillor Smith

Councillor Smith wanted to acknowledge bringing back the Action Reports which will be included as part of the Minutes. She also stated that she would like to see Committee reports included in the Council Packages.

Councillor Tapper - Pass

ADJOURNMENT

As there was no further business the meeting adjourned at 9:37 p.m. on a motion by Councillor Cantwell and seconded by Councillor Smith.



Mayor



CAO/Town Clerk