



MINUTES
PUBLIC COUNCIL MEETING
February 20, 2012

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on February 20, 2012 at 7:35 p.m.

Members Present

Mayor Bob Codner
Deputy Mayor Geoff Gallant
Councillor Mike Byrne
Councillor Peggy Roche
Councillor Ralph Tapper
Councillor Brian Whitty

Staff Present

Dawn Chaplin, CAO/Town Clerk
Bernard P. Manning, Director of Public Works & Technical Services
Ann Picco, Executive Clerk

Regrets

Councillor Carol Ann Smith
Brian Winter, Development and Planning Officer

Gallery

There were a total of 16 people in attendance.

Meeting was chaired by Mayor Codner.

059-12 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Roche

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

060-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Minutes of the February 6, 2012, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

Mayor Codner welcomed and introduced members of the Torbay Allied Youth, who were in attendance.

061-12 Motion – Councillor Roche / Councillor Byrne

RESOLVED THAT the Town of Torbay proclaim March 4 – 10, 2012 to be Allied Youth Week in the Town of Torbay.

Question called. Motion carried unanimously.

062-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay proclaim the month of March, 2012 as National Nutrition Month in the Town of Torbay.

Question called. Motion carried unanimously.

CORRESPONDENCE

1. Health Care Foundation – thank you letter. ***For Information Purposes.***
2. Business Logistic Services – Public Hearing, Municipal Plan Amendment No. 20, 2011, and Development Regulations Amendment No. 40, 2011. ***Discussed under the Planning and Land Use Development Committee Minutes, dated February 15, 2012.***
3. Correspondence from Eastern Health concerning Eat Great & Participate Follow the Leader Challenge. ***For Information Purposes. Mayor Codner is participating.***
4. Correspondence to MHA concerning support of MNL’s proposal for a Municipal Strategic Plan. ***For Information Purposes – as per Motion 045-12, Public Council Meeting Minutes, dated February 6, 2012.***

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report was discussed and accepted as presented.

COMMITTEE REPORTS

Economic Development

No reports or motions.

Finance

The Financial Report, dated February 6 - 17, 2012, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of February 3 - 17, 2012, for 29 employees totaled \$64,629.40.

For the period of February 6 - 17, 2012, Accounts Payable invoices in the amount of \$141,168.29 were paid. These expenditures were within budget.

There are five (5) Main Operating Invoices totaling \$57,275.47 for approval.

063-12 Motion – Councillor Tapper / Deputy Mayor Gallant

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

Question called. Motion carried unanimously.

064-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Newfoundland Power Co. Ltd., for Street lighting for January 2012, in the amount of \$16,067.13.

Question called. Motion carried unanimously.

065-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Receiver General for Canada, for Payroll Remittance for February 1-15, 2012, in the amount of \$21,606.16.

Question called. Motion carried unanimously.

066-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Triware, for Greening Chambers and Sharepoint Document Management Contract Initiation, in the amount of \$5,508.75.

Question called. Motion carried unanimously.

067-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Ultramar Limited, for Diesel for Depot Tanks, in the amount of \$6,292.43.

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.

068-12 Motion – Councillor Tapper / Councillor Byrne

RESOLVED THAT as per the Municipal Fire Department Assessment Report completed by Fire and Emergency Services in December 2011 and presented to the Town of Torbay on January 11, 2012, and in the name of fire and life safety of our residents, that the Town of Torbay write a letter to the Minister of Municipal Affairs to seek an approval to borrow for \$224,959.27 (HST included) to purchase a unit 1050 Rescue Pumper as per Fire and Emergency Services Tender #16 2011/2012. This tender expires on March 31, 2012.

Question called. Motion carried unanimously.

Councillor Tapper verbally gave an overview of information, process and meetings that led to the above motion; and, Council discussed matters and issues relating to the Torbay Volunteer Fire Department's present emergency vehicle and the Town's acquisition of a new emergency vehicle.

Human Resources and Administration

Councillor Byrne gave an overview of items discussed in the Human Resources and Administration Committee Report, dated February 16, 2012.

Items discussed in the Report included:

- **Recent Weather**
A special thank you is to be extended to the Public Works Staff for their dedication to serving the residents during the most recent rainstorm on Sunday, February 12, 2012. Staff worked round the clock to ensure the lift stations were operational and that ditches and drains were cleared. Thanks are to be extended to Pat Hawco, Leon Harris, Ed Brennan, Craig Connors, Stefan Swantee, Melissa Clarke, Wayne Cole, Scott Martin, Bob Gosse and Bud Tapper.
- **Next Committee Meeting**
The next Human Resources and Administration Committee will be held on Tuesday, February 21, 2012.

Planning and Land Use

Councillor Byrne gave an overview of items discussed at the Planning and Land Use Development Committee Meeting, dated February 15, 2012.

Items discussed in the Report included:

1. Development Proposals

- a) Proposal from property owner of 10 Kennedy's Brook Road to construct a 17 unit building. Fifteen of the units will be affordable seniors dwelling units.
- Committee reviewed the proposal. Both members agreed that the proposal looks more like a strip mall than a residential complex.
 - Committee agreed that the proposal wouldn't fit with the area. Development and Planning Officer to go back to the developer with these comments.

Council discussed this development and all agreed that it should be affordable housing, not just for seniors, but for everyone. They discussed the layout and design of the dwelling units, and the matter that it's not aesthetically pleasing to the area. Council agreed to meet with the developer to further discuss.

- b) Proposal from property owner of 35A Marine Drive to subdivide the property to develop 3 fully serviced building lots.
- Proposal is deferred to the Recreation Committee for review and comments.
 - It was agreed that the Planning and Land Use Committee would set a 14 day deadline for comments to be received back from the Recreation Committee, after which time the Planning and Land Use Development Committee would make a recommendation on the proposal back to the next Council Meeting.
- c) Request from property owner at 351-353 Indian Meal Line to develop a building lot.
- Committee agreed that the property currently doesn't have the required frontage for a building at the required setback location.
- d) Request from property owner at 70-79 Country Drive to subdivide property.
- Committee met with property owner. It was confirmed that the proposed subdivision of land to accommodate two new building lots was not possible. It is possible to subdivide the property for one additional building lot along with the existing lot.
- e) Revised proposal for Motion Drive Estates, Phase III.
- Committee reviewed revised proposal. Main differences between the new proposal and the old one are:
 - In the old proposal, four lots were using area in conservation zones as area for the lots. In the new proposal, there is no area from conservation areas being used for lots.
 - In the old proposal, there were 14 lots proposed with the possibility of one additional lot. In the new proposal, there are only 14 lots proposed.

- In the new proposal, the closest point that the rear of the lots come to the edge of the cliff is 25.6 meters. In the old proposal, the rear of the lots was around 20 meters from the edge of the cliff.
 - In the old proposal, the developer proposed areas for open space. In the new proposal, there are no areas proposed.
 - It was agreed that before the Committee would make a recommendation on the proposal, the Development and Planning Officer would go back to the developer to see what he is proposing for the open space requirement for the area.
2. Amendments
- a) Municipal Plan Amendment No. 19, 2011, and Development Regulations Amendment No. 38, 2011. Proposed Manning Development Bauline Line.
 - Committee reviewed the latest response from the Department of Municipal Affairs. DPO noted that the CAO has a meeting date set with the Department.
 - b) Municipal Plan Amendments No. 14 and 16, 2011, and Development Regulations Amendments No. 31 and 33, 2011, along with St. John's Urban Region Regional Plan Amendment No. 3, 2011.
 - Appointment letter received from Municipal Affairs for the public hearings commissioner.
 - c) Municipal Plan Amendment No. 20, 2011, and Development Regulations Amendment No. 40, 2011 will re-designate an area of land located on the north side of Indian Meal Line from Rural to Residential Large Lot.
 - Public Hearing was held on February 2, 2012. Commissioners Report was included.
 - Committee reviewed the Commissioner's Report. Both members agreed with the recommendation from the Commissioner.
3. Other Items
- a) Correspondence from NF Design concerning Flood Plain Analysis Study.
 - Committee reviewed correspondence. It was suggested that we go back to our consultants to ensure that the procedure outlined is the best and most effective way to move forward.
 - It was also agreed that the DPO would investigate what the Town of Logy Bay Middle Cove Outer Cove is doing as part of their flood plain analysis.

Council agreed that the Town should move forward on this study, as recommended by engineers. See motion below:

069-12 Motion – Deputy Mayor Gallant / Councillor Roche

RESOLVED THAT the Town of Torbay make no delay in moving forward, and engage Newfoundland Design Associates Ltd. to proceed with the Flood Plain Analysis.

Question called. Motion carried unanimously.

070-12 Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Town of Torbay adopt and accept the recommendations put forward in commissioner Tom Strickland's report dated February 2, 2012, in relation to Municipal Plan Amendment No. 20, 2011, and Development Regulations Amendment No. 40, 2011 which will re-designate an area of land located on the north side of Indian Meal Line from Rural to Residential Large Lot.

Question called. Motion carried unanimously.

071-12 Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Town of Torbay approve Municipal Plan Amendment No. 20, 2011, and Development Regulations Amendment No. 40, 2011 and to send them to the Department of Municipal Affairs for final review and registration.

Question called. Motion carried unanimously.

Application: 9661-12
Location: 45 Flora Drive
Proposal: Single Family Dwelling
Zoning: Residential Large Lot (RLL)

072-12 Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Town of Torbay approve Application 9661-12, under the Applications for Approval section of the Building Application Report, dated February 16, 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: 9662-12
Location: 174 Bauline Line
Proposal: Single Family Dwelling
Zoning: Residential Infill (RI)

073-12 Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Town of Torbay approve Application 9662-12, under the Applications for Approval section of the Building Application Report, dated February 16, 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.
3. Approval from Department of Transportation and Works is required for access on to Bauline Line.

Question called. Motion carried unanimously.

074-12 Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the following applications under the Applications to be Approved section of the Business Application Report, dated February 16, 2012:

No.	Application No.	Location	Proposal
1	B1075-12	13 Wildberry Lane	Home Office for a Contracting Business
2	B 1076-12	6 Hunter Place	Home Office for a Contracting/Inspection Business

The applications are approved 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. There shall be no parking of commercial vehicles on the property.

Question called. Motion carried unanimously.

Application B1074-11, proposal for a Light Industry (workshop) - Crafting Wooden Time Pieces, 10 Brixham Crescent was included in the above motion; however, Councillor Byrne asked that this be deferred as a written response was received.

075-12 Motion – Councillor Byrne / Councillor Roche

RESOLVED THAT the Town of Torbay defer/advertise the following application, under the Applications to be Advertised section of the Business Application Report, dated February 16, 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.

No.	Application No.	Location	Proposal
1	B 1076-12	6 Hunter Place	Home Office for a Contracting/Inspection Business

Question called. Motion carried unanimously.

Application: C1025-12
Location: Land South of 597 Indian Meal Line
Proposal: Possible Future Residential Development
Zoning: Residential Large Lot (RLL)

076-12 Motion – Councillor Byrne / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application C1025-12, under the Crown Land Application Report, dated February 16, 2012.

Question called. Motion carried unanimously.

Public Works

Councillor Whitty gave an overview of items discussed at the Public Works Committee Meeting, dated February 16, 2012.

Items discussed in the Report included:

- Levels of Service/Snow and Ice Control – completing final review.
- Community Issues – there has been flooding on Pineridge Crescent. Contacted resident in the area and discussed with Director of Public Works and Technical Services, who's going to look at this matter, as well.

Councillor Whitty advised that Committee also talked about wastewater treatment and steps. Looking at best technologies and groundwork to do a proposal.

Parks, Recreation and Community Services

Deputy Mayor Gallant gave an overview of items discussed at the Recreation Committee Meeting, dated February 1, 2012.

Items discussed in the Report included:

- Comprehensive Plan – very challenging to plan out parks and trails. Committee talked about the importance of 10% green space.
- Doug Ballam, NCC – had discussions concerning assessments/appraisals. Councillor Tapper discussed that NCC is trying to obtain lands around Motion area. Supervisor of Recreation and Healthy Living has some numbers on assessments that she forwarded to Mr. Ballam. He reported that Mr. Ballam emailed the property owner who they would like to obtain property from and did finally get a reply. She was very enthusiastic about the matter; and, Mr. Ballam hopes to make an offer on the property if she's not willing to donate.
- Vandals Rugby Club – there is some movement on that. Still need to check on insurance and meet with the Supervisor of Recreation and Healthy Living.
- Cooking for Wellness – there are 43 participants.
- Grants Update – Walmart Green Grant was not submitted due to timelines. Will be submitted under Age Friendly Grant.
- SAM Wetlands Sign – sign has been relocated.
- Liquor License at Kinsmen Centre – awaiting proper wording.
- Land for Wellness Centre – there have been inquiries around where centre is going.
- Community Church – this concerns upstairs rental of Kinsmen Centre on Sundays.
- Trails – City of St. John's charge \$1,000.00 per infill lot.
- Guiding Thank You – showed their appreciation to those who assist them throughout the year.
- March is Nutrition Month – towns will be involving their communities in challenges.
- Eat Great and Participate – Booklet will be going out within the next couple of months.
- Recreation Newfoundland and Labrador – RNL Conference is May 31 – June 2, 2012.
- School Meeting - Councillor Tapper reported that Staff have been talking to the Elementary School administration about the Easter and Summer Camp Programs. Looks like the Town may have secured the Elementary School facility for the programs, including the use of the soccer field.

Technical Services

No report or motions.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Torbay250 Community Guide and Events Schedule - Councillor Roche commended Staff for the work and effort put into this, especially the efforts of the Torbay250 Special Events Coordinator. She also thanked the Heritage, Arts and Culture Coordinator and the Committee. Councillor Roche thanked Councillor Tapper for filling in for her – she’s looking forward to getting back and working with everyone again.

Councillor Tapper reported verbally:

- Torbay250 Special Events Coordinator did receiving funding from Canadian Heritage in the amount of \$55,100.00. Still in talks with the Department of Innovation and Trade for more funding.
- This month sees the first of our events unfold:
 - The Torbay250 Button Contest at Holy Trinity Elementary.
 - The Torbay250 Film Series started on February 19th. Other dates are March 4th and March 18th.
 - The Book Club is taking place on Thursday, February 23rd in the Library. Eighteen people will be attending. The Club will have its second reading/book on March 29th.
 - On February 17th, a contract was signed with Great Big Sea. Tickets for concert will be available the last week of March, early April
- The official launch of Torbay250 will be on March 23rd at the Kinsmen Centre at 1:00 p.m. Media are invited. Schedule and outline of events will be announced. Allan Doyle will be in attendance to announce the event.
- Councillor Tapper invited everyone to the Folk Club Paddy’s Day Weekend Concert on March 10th at the High School Gym.

By Pass Road

No report.

LIAISON COMMITTEES

Heritage/Museum

No report. There is a meeting scheduled Tuesday, February 21st at 7:30 p.m.

Jack Byrne Arena

Deputy Mayor Gallant received Minutes from the past year from the Arena Manager, which are included for information:

- Minutes of the Jack Byrne Arena Board Meeting, dated March 3, 2011.

- Minutes of the Jack Byrne Arena Board Meeting, dated April 26, 2011.
- Minutes of the Jack Byrne Arena Board Meeting, dated November 29, 2011.
- Minutes of the Jack Byrne Arena Board Meeting, dated January 19, 2012.

Deputy Mayor advised that Council should discuss any constitutional amendments they want to make to the Jack Byrne Area. Chair Power would like to have all information by February 29th. He advised he will circulate the Constitution tomorrow, February 21st to all Council so everyone can read through.

Council briefly discussed the Constitution and the authority to make changes. This information is to be clarified and Mayor Codner to schedule meeting with Council.

Northeast Avalon Joint Council

Councillor Whitty advised that a meeting was held on February 13th in Pouch Cove. Topics included:

- Discounts to residents. Some towns do provide discounts – if residents are receiving guaranteed income supplement, then they're eligible for discounts.
- Inadequacy of municipal funding for Capital Works Projects. The President of MNL is spending a lot of time on this matter; and, hopefully will come up with some way to resolve.

Northeast Avalon Regional Plan

No report. The plan is with the Department of Municipal Affairs.

Torbay Harbour Authority

No report.

Torbay Volunteer Fire Department

Councillor Byrne gave an overview of items discussed in the Torbay Volunteer Fire Department Reports:

- Torbay Volunteer Fire Department Meeting Notes, dated January 30, 2012.
- Torbay Volunteer Fire Department Meeting Notes, dated February 13, 2012.

Items discussed in the Report included:

- There were 27 calls.
- The Ladies Aux. Chicken Dinner is on February 25th. Cost is \$10.00.
- Snow clearing – Director of Public Works and Technical Services and Councillor Byrne will be meeting to discuss.
- Five new recruits have started; Department now has 37 members.
- Councillor Byrne thanked the Fire Fighters who helped out with Snow Scuff this weekend past.

Urban Municipalities Committee

No report.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant discussed flooding and flooding analysis. Spoke to residents in area of the river. They have seen some flooding on their land. He asked if there is anything that the Town can do or if there is a shortterm remedy. Council discussed that a flood plain analysis has to be completed first to determine what needs to be done.

He extended a thank you to Councillor Tapper, CAO, Mayor Codner, and Councillor Byrne, Council Liaison for the Fire Department, for their work on the Finance and Fire Department Committees. There was a lot of work done in trying to track down a solution concerning acquisition of an emergency vehicle.

Councillor Byrne - Pass

Councillor Roche

Councillor Roche advised that the watershed sign in the vicinity of the pole line is cracked in half.

She discussed the culvert at the dam at South Pond. Mayor Codner advised that a letter was sent to the Minister of the Department of Transportation and Works. There should have been a culvert there. Awaiting response.

Councillor Smith - Absent

Councillor Tapper

Councillor Tapper discussed open space. His concern is that we're getting closer to the Municipal Plan five year review; there are some reports that have impacts on that report, including the Open Space Management Report. He discussed zoning, conservation areas, and areas not designated for residential development. He will be giving a Notice of Motion on this matter at the next Public Council Meeting, and Council can then discuss in full.

With regards to the Heritage Zone, he would like to bring forward a motion – he will recommend that the Heritage Committee do something official regarding the zoning for this area; the Heritage zone should be part of the Municipal Plan Review, as well. Need to solidify the Heritage zone. Councillor Byrne advised the he's been talking to the Chair and Vice Chair of the Heritage Committee on this matter. This matter will be brought up with the entire Committee.

Councillor Whitty

Councillor Whitty advised that he and the Director of Public Works and Technical Services had the opportunity to attend the FCM Conference in Ottawa. Some highlights from the Conference were:

- Community Sustainability – carbon emissions, curbside recycling and waste water treatment.
- It was interesting to note that everyone at the Conference had common issues, just on different scales. He noted that there was a community of 75 people and they received an award for water treatment. No matter how small you are, everyone can do something when it comes to protecting the environment.
- People were very complimentary of our Town; and, he thanked Council for the opportunity to attend the Conference.

He advised that he met with MP, Mr. Jack Harris, concerning proposal for green municipal funding for waste water treatment. Once proposal is ready, MP will try to work with the Town to get it completed.

ADJOURNMENT

077-12 Motion – Councillor Byrne / Councillor Tapper

RESOLVED THAT the meeting be adjourned at 9:02 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk