



## ***MINUTES***

PUBLIC COUNCIL MEETING  
February 23, 2009

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on February 23, 2009 at 7:00 p.m.

### **Members Present**

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

### **Staff Present**

Dawn Chaplin, CAO/Town Clerk  
Brian Winter, Development and Planning Officer

### **Regrets**

Councillor Carol Ann Smith  
Ron Fleming, Director of Operations and Public Works  
Jacquie Berkshire, Executive Clerk

Meeting was chaired by Mayor Codner

#### 051-09      **Adoption of Agenda**

Motion – Councillor Byrne/Councillor Roche

**RESOLVED THAT** the Agenda be adopted as presented.

Question called. Motion carried unanimously.

#### 052-09      **Adoption of Minutes**

Motion – Councillor Cantwell/Councillor Roche

**RESOLVED THAT** the Minutes be adopted with the following changes:

Page 6 – *Environment* – Councillor Tapper clarified that a *draft copy* of the TETC newsletter was sent to Councillor Tapper, Mayor Codner and CAO for *editing purposes before final printing and distribution*.

Page 6 – *Heritage/Tourism* – Councillor Byrne clarified that the Town’s Museum has a set of skis that *were part of the original* Scott Expedition.

Question called. Motion carried unanimously.

### **CORRESPONDENCE**

- 1) *Correspondence from The Town of Flatrock regarding Regional Water Supply – February 10, 2009* – For Information Purposes.
- 2) *Correspondence from the Town of Logy Bay-Middle Cove-Outer Cove regarding Regional Water Supply – January 19, 2009* – For Information Purposes.
- 3) *Email from Maureen Foley regarding Capital Coast Development Alliance hosting a Municipal Planning Session – February 11, 2009*. Councillor Roche and CAO to attend.
- 4) *Email from Carl Galeana regarding Dominion Hill – February 5, 2009*. For Information Purposes.
- 5) *Correspondence from East Coast Trail Association regarding application to rezone the Gosse Property on Moores Valley Road from Conservation to Residential – February 9, 2009*. Mayor Codner states that the February 25, 2008 letter referenced was circulated and tabled at the March 10, 2008 Council Meeting.
- 6) *Correspondence from Greater Avalon Regional Waste Management Committee regarding Clarification of Information – February 9, 2009*. For Information Purposes. Councillor Byrne stated this document provides a good rationale for operations of waste management with the Greater Avalon Region.
- 7) *Correspondence from Terence Sanford regarding large individual municipal tax increases for some residents – February 5, 2009*. For Information Purposes. To be addressed with Finance Committee as part of other residents concerns regarding the minimum tax.
- 8) *Correspondence from Ethel Labrie regarding rezoning of conservation land – February 9, 2009*. For Information Purposes.
- 9) *Correspondence from Brian Hudson and Jacenta Smith regarding rezoning land off Peter’s Place and Nathaniel Drive – February 16, 2009*. For Information Purposes. Development and Planning Officer clarified that this letter is not an objection letter; it is merely to make Council aware of issues in the area.
- 10) *Correspondence from Martin Balodis regarding Torbay By pass Well Water Monitoring Program – February 11, 2009*. For Information Purposes.
- 11) *Correspondence from Martin Balodis regarding Well Monitoring Program for the Torbay Bypass – February 10, 2009*. For Information Purposes.
- 12) *Correspondence from Martin Balodis regarding property of Angela Smith at the End of Quigley’s Lane – February 11, 2009*. For Information Purposes.
- 13) *Correspondence from Eastern Health*. For Information Purposes.

- 14) *Correspondence from Gerard Dunphy regarding rezoning of 52-122 Byrne's Lane – February 20, 2009.* Development and Planning Officer to write a letter to the resident to explain the ADA process. B/F
- 15) *Decision of Appeal – February 16, 2009*

053-09      Motion – Councillor Tapper/Deputy Mayor Thorne-Gosse

**RESOLVED THAT** a building permit be issued to Gordon and Ann Young once all conditions are met and that condition #3 be removed as outlined in the appeal decision (File number SEPT08E35).

Question called. Motion carried unanimously.

- 16) *Correspondence to Mayor Roche – January 22, 2009.* For Information Purposes.
- 17) *Correspondence to Honorable Dianne Whalen regarding clarification regarding challenge of the Chair and proposed development regulations amendments No. 10/25 – February 6, 2009.* For Information Purposes.

### **BUSINESS OUTSTANDING**

- 1) *Procedure for release of 155 future serviced lots – to be referred to the Public Works Committee – B/F*
- 2) *Correspondence re: Proposed Development Regulations Amendments No.'s 10 and 25 for Moores Valley Road – Development and Planning Officer to request clarification of timelines in writing from the Department of Municipal Affairs regarding East Coast Trail and Town Plan amendments – B/F*

054-09      Motion – Councillor Cantwell/Councillor Byrne

**RESOLVED THAT** The Town of Torbay write a letter to Small Crafts Harbours Division of Federal Fisheries and Oceans in support of the Harbour Authority's proposal to widen Tapper's Cove Hill Road to address safety issues.

Question called. Motion carried unanimously.

- 3) *Mayor Codner will speak with university representatives regarding the possibility of an archeological dig at the Battery site.* – Nothing to report at this time - B/F
- 4) *Forest Landing – Phase One Issues* – Councillor Tapper has been speaking to TETC regarding this and Phase Six issues and will bring the issue forward - B/F
- 5) *Regional Water* – COMPLETE.
- 6) *Jones Pond Trail* – Mayor Codner to meet with Crown Lands. - B/F
- 7) *Neighborhood Pace Car Program* – COMPLETE.
- 8) *CAO to advise regarding Memorandum of Agreement on the Transmittal of Information – Date of Birth and 2 signatories* – COMPLETE.
- 9) *Correspondence regarding Killick Coast Regional Kiosk* – CAO reported this matter will be discussed at a meeting in April. Councillor Roche is in receipt of correspondence regarding an MOU between the regional tourism association and the two regional economic development boards. She will investigate further and bring clarification back to Council. - B/F

## **COMMITTEE REPORTS**

### **Capital Works/Public Works/Roads**

There will be a Committee meeting within the next 7-10 days. Councillor Cantwell referenced high water pressure for residents in the Shea's Lane and Country Drive areas. He was surprised to learn that residents have not been installing pressure release valves. Councillor Tapper extended a thank you to the Director of Operations and Public Works for providing technical clarification on this issue. It was recommended that all resident inquiries be directed to the Director of Operations and Public Works.

### **Building Applications**

055-09 Motion – Councillor Cantwell/Councillor Tapper

**RESOLVED THAT** Council approve Building Application Report dated February 23, 2009 as presented.

Question called. Motion carried unanimously.

### **Financial Report**

056-09 Motion – Councillor Cantwell/Deputy Mayor Thorne-Gosse

**RESOLVED THAT** Council approve the Financial Report for the period of February 9-20, 2009 as presented.

Question called. Motion carried unanimously.

057-09 Motion – Councillor Roche/Deputy Mayor Thorne-Gosse

**RESOLVED THAT** all bills be paid to February 6, 2009 to avoid interest.

Question called. Motion carried unanimously.

058-09 Motion – Councillor Cantwell /Deputy Mayor Thorne-Gosse

**RESOLVED THAT** The Town of Torbay appoint Mr. James E.G. Vavasour as the Assessment Review Commissioner for the Town of Torbay for the 2009 calendar year.

Question called. Motion carried unanimously.

059-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Cantwell

**RESOLVED THAT** Further to motions 18-08, 54-08, 82-08 and 136-08 regarding the construction of the Northeast Avalon Regional Arena (MPA Project Number 06019) that

the Town of Torbay accept the terms and conditions for the \$300,000 capital grant as outlined in the January 30, 2009 correspondence from Minister Dianne Whalen. This is conditional based on motions of acceptance from our regional partners, namely the Towns of Logy Bay-Middle Cove-Outer Cove, Pouch Cove, and Flatrock.

Question called. Motion carried unanimously.

060-09 Motion – Councillor Roche/Deputy Mayor Thorne-Gosse

**RESOLVED THAT** the CAO withdraw \$35,194.93 from the Town's GIC's to pay the legal bill associated with the file number GL04-0917-4082.

Question called. Motion carried unanimously.

061-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Roche

**RESOLVED THAT** the Town proceed with an update to its subdivision guidelines as per the proposal submitted by Newfoundland Design. Costs to complete this work is \$12,800.00 plus HST.

Question called. Motion carried unanimously.

**Personnel & Training Committee** - Nothing to report.

**Recreation Committee**

062-09 Motion – Councillor Tapper/Deputy Mayor Thorne-Gosse

**RESOLVED THAT** The Town of Torbay support and submit the Canada Day grant application as presented by the Supervisor of Recreation and Healthy Living.

Question called. Motion carried unanimously.

**Strategic Planning Committee**

CAO stated that to date we have received approximately six inquiries regarding the recent call for proposals regarding the revision to the Town's Strategic Plan and creation of its Community Integrated Sustainability Plan. Deadline for proposals is March 5, 2009. All proposals will be evaluated and the Committee will bring back a recommendation to Council in the coming weeks.

**Development Committee**

063-09 Motion – Councillor Roche/Councillor Byrne

**RESOLVED THAT** The Town of Torbay approve Plan Amendment No 11, 2008 and Development Regulations Amendment No. 27, 2008, which will allow the amendments to

be sent to Municipal Affairs for final review and registration. These amendments pertain to a parcel of land north of Indian Meal Line between Peter's Place and Nathaniel Drive.

Question called. Motion carried unanimously.

064-09 Motion – Councillor Roche/Councillor Tapper

**RESOLVED THAT** The Town of Torbay proceed with the next step of the amendment process, which is to send Plan Amendment No. 13 and Development Regulations Amendment No. 29 to Municipal Affairs for Provincial Review/Release.

Question called. Motion carried unanimously.

Councillor Tapper references correspondence from Corey Davis (Document Number D48033) regarding the Proposed Development Regulations Amendments No.'s 10 and 25 for Moores Valley Road. He feels a letter should be written to Municipal Affairs to seek clarification and request a response within a timeframe.

### **SPECIAL COMMITTEES OF COUNCIL**

#### **By-Pass Road**

Mayor Codner, Councillor Tapper, CAO and Development and Planning Officer to meet with the Department of Transportation and Works on March 26, 2009.

#### **Communications**

Councillor Byrne wanted to clarify recent comments made regarding the Town's website being "out of commission". This was due to the fact that the new website was under construction and due to issues with the first service provider. As a result, the website was "down" for an unexpected and additional period of time.

#### **Northeast Avalon Regional Plan**

The Development and Planning Officer stated that the consultant will be undertaking regional public consultations. In addition there may be an opportunity for the Town Council to meet with the consultant. Councillor Tapper references the Provincial Government's press release regarding this project – noting it does not make any reference to a regional water supply. Mayor Codner references a 1997 analysis to identify potential water supply sources within Torbay and meetings with the City of St. John's to request access to the City's water supply. The Town was declined.

**Regional Waste Management** – Refer to correspondence.

### **LIAISON COMMITTEES**

#### **Arena**

Minutes were included in the Mayor and Councillors' packages.

### **Capital Coast Development Alliance**

Refer to correspondence.

Councillor Roche references a draft document she has received which is a MOU between the regional tourism association (Northern Avalon) and the two regional economic development boards (CCDA and MRON). She states she will investigate further and bring a report back to Council.

### **Environment**

Councillor Tapper reported that TETC has produced and distributed its latest newsletter. All members of Council and staff have received a copy. He also references a resident's concerns regarding frogs in Robin's Pond and impact of the By Pass Road construction. He noted that CAO has forwarded a reply from the Department of Transportation and Works to all members of Council. Councillor Tapper also requested clarification from Mayor Codner regarding a quote in a recent edition of the Northeast Times.

### **Heritage/Tourism**

Councillor Byrne stated that the scheduled Committee meeting for February 18, 2009 was cancelled due to weather. He also referenced upcoming heritage events for residents.

### **Hillside Festival**

Councillor Smith stated that planning for the 2009 event is well underway. Town Days will be held in conjunction with the Hillside Festival. Highlights to date include a Saturday night concert at the Arena.

### **North East Avalon Joint Council**

Councillor Roche referenced minutes that were provided to all members of Council. She also stated that if members of Council have any issues they would like discussed at Joint Council meetings, to please forward them along to her attention.

### **School**

Councillor Tapper stated that the Elementary School Council is meeting on February 25, 2009 and the High School Council meeting is next week. Councillor Tapper also stated he will follow up with the School Principals to seek statistics on school enrollment for the last 5 years. From there a meeting will be held with MHA Kevin Parsons to discuss the potential of a 2<sup>nd</sup> new school for Torbay. Mayor Codner suggested discussing busing and the zoning of the southern end of Torbay.

**Torbay Volunteer Fire Department** - Nothing to report.

### **Urban Municipalities Committee**

Deputy Mayor Thorne-Gosse reported that the next UMC meeting will be held February 27-28 in St. John's, NL.

**NEW BUSINESS**

***Mayor Codner - Pass***

***Deputy Mayor Thorne-Gosse***

Deputy Mayor Thorne-Gosse wanted to acknowledge and recognize the Town's 5 star rating at the most recent Winterlights National Symposium. A special thank you to the CAO, Supervisor of Recreation and Healthy Living and all who assisted in any way.

***Councillor Byrne***

Councillor Byrne wanted to extend congratulations to the Winterlights Committee and its national recognition for the Light It Bright Make It Right initiative.

***Councillor Cantwell***

Councillor Cantwell stated that the support requested and subsequent motion for the Harbour Authority was addressed under business outstanding.

***Councillor Roche***

Councillor Roche wanted to recognize the great work on the new town map. She did point out an error regarding Whiteway's Pond Road in the street directory.

***Councillor Smith - Absent***

***Councillor Tapper***

Councillor Tapper stated that his concern regarding high water pressure on Country Drive was dealt with under the Public Works Committee discussion.

**ADJOURNMENT**

As there was no further business the meeting adjourned at 8:50 p.m. on a motion by Councillor Cantwell and seconded by Councillor Byrne.

  
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**Mayor**

  
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**CAO/Town Clerk**