



MINUTES
PUBLIC COUNCIL MEETING
July 10, 2012

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on July 10, 2012 at 8:37 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, Development and Planning Officer
Bernie Manning, Director of Public Works & Technical Services
Ann Picco, Executive Clerk

Regrets

Councillor Mike Byrne

Gallery

There were a total of 4 people in attendance.

280-12 **Adoption of Agenda**

Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT that the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

281-12 Motion – Councillor Roche / Councillor Smith

RESOLVED THAT the Minutes of the June 26, 2012, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS - None

CORRESPONDENCE

1. Department of Tourism, Culture and Recreation – Award of Grant. *For information purposes.*
2. Heritage Foundation of Newfoundland and Labrador – Municipal Heritage Designations. *Deferred to Planning and Land Use Development Committee for discussion on heritage policies for upcoming municipal plan review.*
3. Email correspondence from resident concerning status update concerning flooding. *Deferred to Public Works Committee.*
4. Email correspondence from resident concerning unsafe school bus stop. *Council discussed history relating to this issue and past discussions and meetings with Eastern School District and bus company. Mayor to arrange meeting with resident and advise Council.*
5. Notice of Motion from Councillor Tapper.
Councillor Tapper put forth a motion, seconded by Councillor Whitty, that motion 233-12 deferring Application 9736-12, 41-43 Cordelia Crescent, be rescinded and that this application be approved for development; and, that the Kennedy's Brook Estate 20 lots be permitted to proceed to the next step for development as this subdivision was already approved in principle by Council and is further supported by the Federal Government's Groundwater Assessment Study and other correspondence recently received by the Town.

Councillor Smith called Point of Order, indicating that these items will be dealt with in the Planning and Land Use Development Report. The 20 lot development has an approval in principal and does not require a motion.

Mayor Codner called Point of Order advising that if there was a deferral of an application for 41-43 Cordelia Crescent, then it needs to be rescinded and move forward with a motion of Council.

Councillor Smith requested that this be discussed under the Planning and Land Use Development Committee section of the Agenda.

Mayor Codner asked Councillor Tapper to retract his motion and bring it up under the Planning and Land Use Development Committee section of the Agenda. Councillor Tapper agreed and withdrew the motion until Council reviews the Planning and Development reports.

6. Email correspondence from MHA Kevin Parsons concerning Letter to Support Karon Drive Development. *For information purposes.*

CORRESPONDENCE & ACTION REPORT

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

COMMITTEE REPORTS

Economic Development

Councillor Roche advised that a meeting is scheduled for Monday, July 16th at 11:00 a.m.

Finance

The Financial Report, dated June 25 – July 6, 2012, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of June 25 – July 6, 2012, for 58 employees and 7 Members of Council totaled \$88,521.20. This includes 2nd quarter remuneration for Council and summer staff (theatre and day camp).

For the period of June 25 – July 6, 2012, Accounts Payable invoices in the amount of \$80,924.78 were paid. These expenditures were within budget.

There are five (5) Main Operating Invoices totaling \$45,163.95 for approval.

282-12 Motion – Councillor Tapper / Councillor Roche

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

Question called. Motion carried unanimously.

283-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Newfoundland Power Co. Ltd., for Group Billing for June 2012, in the amount of \$5,451.07.

Question called. Motion carried unanimously.

284-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Receiver General for Canada, for Payroll remittance for June 16-30, 2012, in the amount of \$17,461.88.

Question called. Motion carried unanimously.

285-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Triware, for IT Support – block of time, in the amount of \$5,650.00.

Question called. Motion carried unanimously.

286-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay approve payment to Wonderbolt Productions, for Final Payment for Cirkzilla Event (Torbay250 Celebrations), in the amount of \$8,800.00.

Question called. Motion carried unanimously.

There are no capital invoices presented for approval.

A copy of the current income and expense reports were included for Council's information.

Councillor Tapper advised that he and CAO discussed the upcoming budget process. Dates are being set for staff presentations in September.

Human Resources and Administration

CAO advised there's a meeting scheduled for Tuesday, July 17th.

Planning and Land Use

Councillor Smith gave an overview of items discussed at the Planning and Land Use Development Committee Meeting, dated July 10, 2012.

Items discussed in the report included:

1. Transport Canada Report and Development in Pine Ridge Area.
Committee received a legal opinion from Steward McKelvey Law Office, of which Committee reviewed and discussed.

All information/correspondence compiled was reviewed, including information from Town's engineers. Current capacity of North Pond to supply Karon Drive as it presently exists, including the infill lots and the proposed 20 lot development, was reviewed. The need to ensure continuation of sampling of water twice per year at eight sites and monitoring of wells in the area were discussed, including associated costs.

The Town wrote the City of St. John's on July 4th seeking meeting with Mayor O'Keefe regarding potential for access of city water for the south side of the Town.

After reviewing all new information and discussing all information received over the last two months, Committee accept results of the AMEC and Trans Canada Reports; and, looked at contingency plans if any issues should arise many years from now. Committee want to ensure that residents are advised of matters and what the Town has done to date in the area and share information. Discussed sharing of information with the Town of Logy Bay-Middle Cove-

Outer Cove, as well, as they are down gradient of the area. CAO is seeking legal clarification of one item for the records. All information to date plus information received today have been apart of Committee's decision making process.

Councillor Smith asked for Council Member's approval to proceed and advise the Development and Planning Officer to connect with the proposed 20 lot developer and set up a meeting to develop and have signed a development agreement. They have an approval in principal already in place. The next step is the signing of a development agreement.

In addition, Committee agreed that there's no reason why the infill lots at Karon Drive should be hindered from development and would like to proceed with the application that has already been deferred and advise infill owners that there are no issues.

287-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay rescind Motion 233-12, to defer development application at 41-43 Cordelia Crescent.

Question called. Motion carried unanimously.

Council discussed the above motion; and, Councillor Tapper called Point of Order, questioning process and why this motion did not come as part of the Planning and Land Use Development Report. Councillor Smith advised that it was left out of the report in error, as Committee only met today prior to this evening's Public Council Meeting.

288-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9736-12, for a single family dwelling at 41-43 Cordelia Crescent as per all normal building requirements pertaining to Town regulations.

Question called. Motion carried unanimously.

For information purposes, Councillor Smith advised that as per the Applications Approved section of the Building Application Report, dated July 5, 2012, the following application has been approved and permits have been issued since the last public Council Meeting:

| <i>Application Number</i> | <i>Location</i> | <i>Proposal</i> |
|---------------------------|--------------------|---|
| 9764-12 | 37-39 Gosse's Lane | General Repairs / Replacing Porch with Deck |

Applications for Approval

Application: 9766-12
Location: 45 Easterbrook Drive
Proposal: 24' X 24' Accessory Building
Zoning: Residential Medium Density (RMD)

289-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9766-12 under the Applications for Approval section of the Building Application Report, dated July 5, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9768-12
Location: 43 Pine Ridge Crescent
Proposal: 18' X 24' Accessory Building
Zoning: Residential Large Lot (RLL)

290-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9768-12 under the Applications for Approval section of the Building Application Report, dated July 5, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9769-12
Location: 415 Indian Meal Line
Proposal: 20' X 24' Accessory Building
Zoning: Residential Infill (RI)

291-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9769-12 under the Applications for Approval section of the Building Application Report, dated July 5, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

MINUTES
PUBLIC COUNCIL MEETING
July 10, 2012

Application: 9770-12
Location: 29-33 Patrick's Path
Proposal: 24' X 24' Accessory Building/Demolition of Existing 20' x 24' Accessory Building
Zoning: Residential Medium Density (RMD)

292-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9770-12 under the Applications for Approval section of the Building Application Report, dated July 5, 2012, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Applications to be Deferred

Application: 9765-12
Location: 10 Kennedys Brook Drive
Proposal: 14 Unit 50+ Apartment Building
Zoning: Residential Large Lot (RLL) & Conservation (CON)

293-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer Application 9765-12 under the Applications to be Deferred section of the Building Application Report, dated July 5, 2012, for Planning & Development Officer's further review.

Question called. Motion carried unanimously.

Application: 9167-12
Location: 130G North Pond Road
Proposal: Single Family Dwelling
Zoning: Residential Medium Density (RMD)

294-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer Application 9167-12 under the Applications to be Deferred section of the Building Application Report, dated July 5, 2012, for Planning & Development Officer's further review.

Question called. Motion carried unanimously.

Public Works

Councillor Whitty advised that there was no Public Works Committee Meeting held, however, the Director of Public Works and Technical Services did provide a report outlining some issues.

- Appointment of new Supervisor of Outside Operation.
The Town of Torbay would like to welcome Shawn Kelly to the position of Supervisor of Outside Operations. Shawn is a Newfoundlander who has been working away for 20 years and decided to move home to become member of the Public Works team. Shawn has an extensive municipal background and should prove to be a valuable asset to the Town.
- Channel Monster
The Public Works Staff have completed repairs to the sewage grinder. The unit has been installed and operating as specified.
- Lower Street
Work has been completed on the river bank stabilization.
- Fire Hydrants
Staff has repaired and replaced all units out of commission. All hydrants are operational.
- Hydrant Flushing
Staff will begin 2012 hydrant flushing program starting July 12th and until further notice. Residents will be notified a week prior to starting. Notice will be provided to residents by green communications system as well.

Recreation, Parks and Community Services

Deputy Mayor Gallant gave an overview of items discussed at the Recreation Committee Meeting, dated July 4, 2012.

Items discussed in the report included:

- Adventure Park
Part of Recreation Plan. Need to acquire land before proceeding with the park in that area.
- Grand Concourse and Trails
Discussed next steps for trail work in the Town. Will also look at Western Island Pond trail, which is now open. To be discussed at next Recreation Committee Meeting.
- Wellness Centre
Discussed next steps and future plans. Will be discussed at the next Recreation Committee Meeting to further discuss options/costs.
- Development Applications
Committee agreed on taking 10% of land for open space for the Bourne's Holdings development proposal. Working with Planning and Development Staff to work out details.
- Skateboard Equipment
Motion to follow.
- Forest River Playground Petition
No plans for a tot playground, but looking at other options.

- Western Island Pond Protected Area
There were reports of environmental disturbances. Wildlife reviewed area and loons/nests were not harmed or driven off.
- Other
Tidy Towns, Canada Day Events, Presentation of Minutes were other items discussed.

295-12 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Town of Torbay defer any crown land applications that will affect the future plans for Adventure Park in the vicinity of Upper Three Corner Pond Park as per the Recreation Master Plan, and the Outer Loop as defined in the Open Space Management Strategy (diagrams 9, 13, and 14).

Question called. Motion carried unanimously.

Council discussed that the area mentioned in the above motion is detailed/defined in the Recreation Master Plan.

296-12 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Town of Torbay award the Skate Park Equipment tender, 2012002 to Canadian Ramp Company for \$35,249.06 + HST.

Question called. Motion carried unanimously.

It was noted that the equipment is the same template as the skateboard park at Quidi Vidi, St. John's.

Councillor Tapper noted that Mr. Doug Ballam has left his position with the Nature Conservancy of Canada (NCC).

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Tapper advised that Committee met yesterday, Monday, July 9th.

There are some changes in events schedules:

- Seniors social event is on September 8th. Had to move to a smaller venue.
- Remember When is now a dinner theatre and scheduled for September 15th.

- Wonder Bolt Circus is taking place this Saturday, July 14th.
- Great Big Sea Concert – plans are in place and everything is covered. CAO, Councillor Tapper, and MHA Kevin Parsons met to review items such as traffic control with the RNC and MHA is looking into Bauline Line traffic with the Department of Transportation and Works. Everything is on schedule. Gates will open at 4:00 p.m. and entertainment starts at 6:00 p.m.
- Bus shuttle service is still in discussions. In process of finalizing logistics of parking and pick up and drop off locations. Received confirmation from Confederation Building that there are spaces available. In talks with the Airport Authority and looking at using space around the Town, including the Jack Byrne Arena.

By Pass Road

No report. This section is to be removed from Council's Agenda.

LIAISON COMMITTEES

Heritage/Museum

Torbay Heritage Committee Meeting Minutes, dated April 3, 2012.

- In the absence of Councillor Byrne, this has been deferred to the next Public Council Meeting.

Jack Byrne Arena

Deputy Mayor Gallant advised that a meeting will be scheduled soon.

The Arena received funding for flooring, pipes and drapes and to turn the arena into a year round multipurpose recreation event hosting facility.

Councillor Whitty credited the Arena Management and Staff for all their efforts.

Northeast Avalon Joint Council

Councillor Whitty advised that a meeting will be scheduled in September.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

No report.

Torbay Volunteer Fire Department

- Fire Protection Mutual Aid Agreement – Town of Portugal Cove – St. Philip’s and Town of Torbay.
- Fire Protection Mutual Aid Agreement – Town of Pouch Cove and Town of Torbay.
- Fire Protection Mutual Aid Agreement – Town of Logy Bay – Middle Cove – Outer Cove and Town of Torbay.

CAO advised that motions of Council are required for the above as per Fire and Emergency Services assessment. The Town of Pouch Cove has already executed on their end.

In the absence of Councillor Byrne, this has been deferred until the next Public Council Meeting.

Urban Municipalities Committee

Councillor Smith gave an overview of items discussed at the UMC Meeting, dated June 15th and 16th, 2012.

Items discussed in the report included:

- Capital Works
There will be more announcements in the new year for Capital Works. The Town needs to prepare application and have everything in order.
- Business Arising
Municipal Ticketing was discussed. Enforcement and issuing of tickets are issues. MNL are researching a hand held device for issuing tickets, as Municipal Enforcement Officer has to go back to town office to write up ticket.
- Section 3.4 – Ground Water Assessments. Note that Mayor Fagan of Portugal Cove – St. Philip’s advised that their Council have concerns with liability, similar to Torbay.
- FCM’s President, Mr. Churence Rogers was in attendance and provided an FCM update on recent convention held in Saskatoon:
 - President Rogers is now the Atlantic Caucus Chair of the FCM and now a member of the Executive Committee of the FCM Board.
 - Mayor Allan Hawkins is the Large Towns member on the FCM Board.
 - Deputy Mayor Shannie Duff is the Cities Rep. on the Board.
 - Mayor Woodrow French is the Chair of the Atlantic Mayors Congress. The next meeting is being held in Conception Bay South mid October; and, they would like to see Mayor Codner participate.
- Discussions around wastewater. The Town of Bay Roberts is diverting to keep from the ocean. The Town of Gander is diverting their waste water. The Town of Marystown has made it mandatory for all new septic systems to be installed.
- Completed tour of the water treatment plant in Marystown, which is a great facility. They hired an IT specialist with instrumentation background. His expertise is in electronics. Councillor Smith suggested that the Supervisor of Outside Operations do a site visit of their facility, as it’s an interesting low cost maintenance system and a site worth seeing.

- MNL has new plans for their urban summit.. They're having a pre-conference paper completed and doing a pre-conference session at the MNL Conference in October. Report to be wrapped up by March 31st.
- There was a presentation from Sharon Walsh on the Municipal Safety Council. Discussed were matters pertaining to training, rates of accidents, which are trending downward, education, compliance and understanding the need for education.
- There was a presentation from Mr. Cory Grandy on Prime Consultants Agreement. It was suggested to have him come in and discuss with Council and go through the session.
- 911-Preliminary Survey Results were included in UMC Members' packages.

Councillor Smith advised that she did ask to have UMC members complete a survey on ground water assessment, however none received. CAO to confirm with Ms. Cave, MNL.

Councillor Smith provided Guidelines for Hosting UMC to CAO for information.

There was an information session – presentation from Joe Pittman, General Manager, Burin Peninsula Waste Management Corporation. They have one of the best waste management facilities management in the province right now.

NEW BUSINESS

Mayor Codner

Mayor Codner discussed water levels at North Pond. He has been keeping track this past number of years; and, the levels are down a foot below the normal this year. He discussed putting out a reminder to residents via green communications to conserve water.

He discussed the upcoming hydrant flushing program. He asked if it could be deferred to late Fall as it uses up a lot of water.

Deputy Mayor Gallant

Deputy Mayor Gallant thanked the Provincial Government for funding for the Jack Byrne Arena; and, he thanked Staff at the Jack Byrne Arena for the great work in obtaining funding.

Councillor Byrne – Absent

Councillor Roche - Pass

Councillor Smith - Pass

Councillor Tapper - Pass

Councillor Whitty

Councillor Whitty discussed his appreciation to the Public Works Staff for fixing the channel monster, as it has been an issue over the past couple of years.

He discussed communications. Residents have questioned the Town's capital works priorities and moving the Town's depot. He asked that we advise people of the removal of depot and the proposed Town Centre placement. Mayor Codner discussed that the depot was built in 1972/73 as a smaller operation. Today there are homes around the area and there are concerns with machinery noise and salt and sand impacting homes. Deputy Mayor discussed citizen engagement forum. It was cancelled this past Spring; he's hoping it will proceed in the Fall so that residents can ask these types of questions.

Councillor Whitty discussed public transit. He noticed on a program on the NTV News Issues and Answers that they had the Chair of Metrobus in and they discussed regionalization of service. He discussed that as the Town is unable to do it on our own, we could possibly do regionally. Deputy Mayor discussed contacting Mr. Fred Winsor, member of Regional Transit Board, and schedule him to meet with Council on an off Monday evening. Councillor Whitty advised that public transit is also an environmental matter.

ADJOURNMENT

297-12 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the meeting be adjourned at 9:58 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk