



MINUTES
PUBLIC COUNCIL MEETING
July 13, 2010

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on July 13, 2010 at 7:35 p.m.

Members Present

Mayor Bob Codner
Deputy Mayor Geoff Gallant
Councillor Peggy Roche (*arrived at 8:09 pm*)
Councilor Carol Ann Smith
Councillor Ralph Tapper
Councillor Whitty

Staff Present

Ken Anthony, Director of Programs and Services
Ann Picco, Executive Clerk

Regrets

Councillor Byrne
Dawn Chaplin, CAO/Town Clerk
Brian Winter, Development & Planning Officer

Gallery

Total of 12 in attendance.

Meeting was chaired by Mayor Codner

289-10 Motion – Councillor Smith / Deputy Mayor Gallant

RESOLVED THAT in the absence of the Chief Administrative Officer/Town Clerk, for the period of July 12 – 16, 2010, that the Town of Torbay appoint Executive Clerk, Ann Picco, as the Acting Town Clerk. Any operational matters are to be directed to the Director of Programs and Services, Ken Anthony.

Question called. Motion carried unanimously.

290-10 **Adoption of Agenda**

Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

291-10 **Adoption of Minutes**

Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Minutes of the June 28, 2010, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS - None

CORRESPONDENCE

- 1) Municipal Assessment Agency Inc. – Clar Simmons Scholarship Award. *For Information Purposes. COMPLETE.*
- 2) Home Owners of Thomas Gardens – request for contribution towards project of erecting sign and fence. *The Town has a signage policy in place and is currently completing a beautification plan that will address subdivision gateways. Defer – to follow up with the Thomas Gardens residents’ proposal – to ensure that it ties into the policy and beautification plan. B/F.*
- 3) Correspondence from resident regarding proposed child daycare centre at 2 Doyles/Quigleys Lane. *Dealt with in Planning and Land Use Development Committee. COMPLETE.*
- 4) Municipalities Newfoundland & Labrador – request for contribution towards MNL Convention/60th anniversary celebrations. *Dealt with in Minutes of Finance Committee Meeting, dated July 6, 2010. COMPLETE.*
- 5) Canadian Diabetes Association – request for in-kind donation of Upper Three Corner Pond Park for the weekend of August 27 – 29, 2010 for mixed softball tournament.

Councillor Smith leaves the Council Chambers at 7:41p.m. as it was determined that she was in a conflict of interest.

Deferred to Parks, Recreation and Community Services Committee for further review and discussion regarding rentals and use/consumption of alcohol. B/F.

Councillor Smith returns to the Council Chambers at 7:43 p.m.

BUSINESS OUTSTANDING

- 1) Municipalities Newfoundland and Labrador – 2010 MNL Convention Registration / Bursary Program. ***Dealt with under Finance Committee. COMPLETE.***
- 2) Notice of Motion from Deputy Mayor Gallant - Citizen Engagement and improvement of acoustic quality at the Kinsmen Centre. ***See motion below. COMPLETE.***

292-10 Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT the Town of Torbay buy a new Public Address for Citizen Engagement purposes, and investigate options to improve the overall acoustic quality at the Kinsmen Centre.

Question called. Motion carried.
Against Motion: Mayor Codner

- 3) Correspondence from developer concerning Public Council Meeting June 14 2010 and Discussion of Road & Recreation Levies Phase 6 Forest Landing. ***Deferred to next Public Council Meeting. B/F.***
- 4) Department of Environment and Conservation, Water Resources Management Division – Feasibility Study and Conceptual Cost for a Water Treatment Facility for Torbay / Correspondence from resident concerning South Pond. ***Second draft received for review by Council – Consultant to meet with all Council Members and present/summarize report – CAO to arrange meeting with consultants. B/F.***
- 5) Dumping of topsoil on Beach / Correspondence from the Department of Environment and Conservation, Water Resources Management Division – Infilling and Stabilization of Property Adjacent to Torbay Bight, Torbay, NL – ***Director of Programs and Services advised that clean up is complete from the Department of Environment’s perspective. It was discussed by Council that the clean up may be complete, but the Town still has some concerns. It was agreed that site visit to be done to see what work/cleanup was completed. B/F.***
- 6) Department of Municipal Affairs, Office of the Minister – Town’s Request of Additional Funding to Undertake a Cleanout and Inspection of the Sewer Outfall. ***Director of Programs and Services advised that the cleaning/flushing of pipe has been commenced and is ongoing. Should know details by tomorrow, July 14th; and, work should be completed in approximately a week to ten days. He advised that the Town requires funding for a permanent fix. B/F.***
- 7) Request for Update on Torbay Road Signage from Deputy Mayor Gallant. ***The Development and Planning Officer and the Municipal Enforcement Officer are working on a signage policy. B/F. Development and Planning Officer spoke to the Department of Transportation and Works service foreman and he advised that they’re checking on legal information/options of signs on private residential property/location or distance of signs from road. B/F.***
- 8) Skateboard Park - Motion No. 128-10, from Minutes of Public Council Meeting of April 5, 2010, and Council’s discussion on Motion 250 – 09, from Minutes of Public Council Meeting of September 8, 2009 – ***Deputy Mayor Gallant advised that with regards to advising and***

arranging a meeting with surrounding area and Shea's Lane area residents, he's waiting on one last confirmation for plan of action for the skateboard park. He advised that the kids are enjoying the park and the new skateboarding equipment. B/F.

- 9) Thorne's Lane Pump House – upgrading. *Director of Programs and Services advised that he is working with consultants and staff; and, hopefully this will be addressed and work tendered out before year end. COMPLETE.*
- 10) Torbay Volunteer Fire Department – Public Works snow clearing policy – *a meeting is to be arranged with the Mayor, CAO, Director of Programs and Services, and Supervisor of Outside Operations – no tentative date set yet. B/F.*

COMMITTEE REPORTS

Economic Development

293-10 Motion – Councillor Roche / Councillor Tapper

RESOLVED THAT the Town of Torbay award Waterwerks Communications the contract to produce the Business Attraction Video at a cost of \$12,000. The completion date is December 31, 2010. The project is being partially funded through Department of Foreign Affairs and International Trade and the quote is within budget. Evaluation notes are available upon request.

Question called. Motion carried unanimously.

294-10 Motion – Councillor Roche / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Minutes of the 2010 Hillside Festival Committee, dated May 11, 2010.

Question called. Motion carried unanimously.

Finance

295-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the Minutes of the Finance Committee Meeting, dated July 6, 2010, as presented.

Question called. Motion carried unanimously.

296-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay proceed with the Waste Water treatment – Best Technology Study as per Newfoundland Design’s proposal in the amount of \$80,710.00 plus HST. As per the Department of Municipal Affairs, this study must be completed prior to the submission of a multi year capital works application. Both the Department of Municipal Affairs and Environment and Conservation will offer technical expertise throughout the process.

Question called. Motion carried unanimously.

297-10 Motion – Councillor Tapper / Councillor Smith

RESOLVED THAT the Town of Torbay submit a Municipal Building and Fire Fighting Application to the Department of Municipal Affairs for a new pumper/rescue in the amount of \$350,000.00. Supporting documentation will include a condition report for pumper #1 and the existing rescue in addition fire department statistics for 2006 to present.

Question called. Motion carried unanimously.

298-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay provide a donation in the amount of \$2,500.00 to Municipalities Newfoundland and Labrador to assist with convention costs and in recognition of MNL’s 60th anniversary celebrations. The expense will be covered by the tourism and public relations budgets.

Question called. Motion carried unanimously.

299-10 Motion – Councillor Tapper / Councillor Smith

RESOLVED THAT as per Section 111 of the Municipalities Act, that the Town of Torbay waive interest in the amount of \$68.59, for parcel id number 5125-0676-0-0660.

Question called. Motion carried unanimously.

300-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the Financial Report, dated June 28 – July 9, 2010, as presented.

Question called. Motion carried unanimously.

Human Resources and Administration – no report or motions

Planning and Land Use

301-10 Motion – Councillor Roche / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay defer motion from Councillor Roche on road improvement and recreation levies to the next Public Council Meeting so that all Councillors are in attendance.

Question called. Motion carried unanimously.

302-10 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Minutes of the Planning and Land Use Development Committee Meeting, dated July 8, 2010, with the following change:

Under Section No. 5 - that the correspondence from residents of Thomas Gardens requesting permission to construct and erect a sign in their neighborhood be deferred to Planning and Land Use Development Committee. The Town has a signage policy in place and is currently completing a beautification plan that will address subdivision gateways; and the Town needs to ensure that residents of Thomas Gardens request ties into the Town's policy and beautification plan.

Question called. Motion carried unanimously.

303-10 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Plan Amendment No. 15, 2010 and Development Regulations Amendment No. 32, 2010, these amendments pertain to a parcel of property; on the corner of Doyles & Quigleys Lane and Marine Drive which is being rezoned to accommodate a Child Care Centre. This is the final step in the amendment process, the amendments will now be sent to Municipal Affairs for final review and registration.

Question called. Motion carried unanimously.

Councillor Smith request that the Director of Programs and Services forward amendments to Municipal Affairs tomorrow, Wednesday, July 14, 2010.

304-10 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Building Application Report, dated July 9, 2010 (Revised July 13, 2010), as presented.

Question called. Motion carried unanimously.

Application: 9297-10 (Amendment to Building Application Report dated July 13, 2010)
2 Doyles & Quigleys Lane
Sign Advertising Day Care
Zoning: Residential Medium Density (RMD)

305-10 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve the application for permit to erect a sign at 2 Doyles & Quigleys Lane subject to the following conditions:

1. All normal conditions and requirements for building within the Town of Torbay.
2. Approval from Government Services and/or other Provincial Government Departments.

Question called. Motion carried unanimously.

Application: 9301-10 (Amendment to Building Application Report dated July 13, 2010)
10 Barron's Lane
Single Family Dwelling
Zoning: Residential Medium Density (RMD)

306-10 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay defer the application for permit to construct a single family dwelling at 10 Barron's Lane in light of recent information received regarding servicing. It is recommended that this application be reviewed by NL Design.

Question called. Motion carried unanimously.

307-10 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve the Business Application Report, dated July 9, 2010, as presented.

Question called. Motion carried unanimously.

Public Works - no report or motions

Parks, Recreation and Community Services

308-10 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Minutes of the Parks, Recreation, and Community Services Committee, dated July 7, 2010, as presented.

Question called. Motion carried unanimously.

Technical Services – no report or motions

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations – no report

By Pass Road – no report

Mayor Codner advised that meeting was held with the Provincial Government on possible take-over of Torbay Road and outstanding items on newly constructed By-Pass Road – waiting to receive reply from them.

LIAISON COMMITTEES

Heritage/Museum – no report

Jack Byrne Arena – no report

Northeast Avalon Joint Council

Councillor Roche advised that there is no meeting until September, 2010.

Northeast Avalon Regional Plan

Mayor Codner advised that there is nothing new to report – he has heard rumors that the Provincial Government may initiate the plan/agreement that is 25 years old. The Town is looking into it and hopefully will have definitive to where it's going, as new agreement will be out in 1 – 2 years.

Torbay Volunteer Fire Department – no report

Urban Municipalities Committee

Councillor Smith advised that she was unable to attend in Stephenville. The next meeting is in the Fall of this year.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant discussed the By-Pass Road/Torbay Road and the negative impact that it has on residents.

309-10 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Town of Torbay write MHA Mr. Kevin Parsons and request a list of complaints from residents with regards to the By-Pass Road/Torbay Road; and, request a report on how the provincial government is dealing with these complaints. This letter is to be copied to Deputy Mayor Gallant.

Question called. Motion carried unanimously.

Deputy Mayor advised that the Newfoundland and Labrador Lung Association will be going through the Town on Saturday, August 14th for their “Bicycle Trek for Better Breathing 2010;” and, will be utilizing the high school in Torbay as a pit stop. He advised that it’s a great cause; and, if anyone would like to review the pamphlet of information, he can provide a copy.

Deputy Mayor extended thanks to all Council Members for the streamlining of Council Meetings compared to other municipalities. Their meetings are taking approximately one hour. He advised good job to everyone for being efficient.

Councillor Byrne - absent

Councillor Roche

Councillor Roche discussed Whiteway Pond - if the Town could place a garbage container there; as we are into the Summer months and people are using the area for summer activities. She also requested that the lawn be mowed from the fence to the hill.

Mayor Codner advised that that the Town is looking into concrete garbage bins/containers to be distributed around the Town; and the Town could place one in the Whiteway Pond area.

Councillor Smith

Councillor Smith discussed portable speed bumps and that it’s great that the Town has moved on this. She requested that these speed bumps be placed on North Pond Road and between the Elementary and High Schools in September, as there have been many complaints/discussions of speeding/traffic in these areas.

She requested that the Director of Programs and Services bring back to the Public Works Committee and Council and advise the Town’s plans on placement and moving of the speed bumps around the Community. Director of Programs and Services advised that he has received verbal communication from residents on concerns of speeding in the Town; and, he has asked them to submit their concerns in writing to Council and provide list of road names. Municipal Enforcement Officer to check as well.

Councillor Smith suggested that with regards to policing, that the schools should write letters to the RNC in September, to ensure that they show up and patrol the area.

She congratulated the Torbay Volunteer Fire Department. She advised that she's been listening to the media since the swimming incident on Saturday past; and the members should be recognized for how well they present themselves and for their excellent work and messages of safe swimming.

Councillor Tapper

Councillor Tapper discussed new subdivisions and dry infrastructure. He advised that the Town has two major projects being studied – the waste treatment plan and the water treatment plan, which will take some time to put in place; yet, the Town is approving new subdivisions and large lot developments that are not getting dry infrastructure ready/water and sewer lines in place for future use, as everyone should have the luxury of serviced properties.

Councillor Tapper recommended that the Planning and Land Use Development Committee spend some time looking into this and have some discussion on this issue. The Town should be looking ahead and bringing in guidelines that will avoid any issues/situations. The Town is moving ahead with development at a fast rate, and Town really should consider this as it's only fair to the developers as well – should developers or the Town accept future costs of infrastructure? He recommends that Planning and Land Use Development Committee also review large lot unserviced subdivisions and if maybe the Town should look at utilizing a two-tier mill rate.

Councillor Tapper advised that he received an email from residents concerning an invoice that they received from the Town. CAO to forward recommendation to Council.

Councillor Whitty – Pass

ADJOURNMENT

310-10 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the meeting be adjourned at 8:38 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk