



MINUTES
PUBLIC COUNCIL MEETING
March 20, 2012

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on March 20, 2012 at 7:41 p.m.

Members Present

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

Staff Present

Dawn Chaplin, CAO/Town Clerk
Bernard P. Manning, Director of Public Works & Technical Services
Brian Winter, Development and Planning Officer
Ann Picco, Executive Clerk

Gallery

There were a total of 24 people in attendance.

Meeting was chaired by Mayor Codner.

097-12 **Adoption of Agenda**

Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

Adoption of Minutes

098-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Minutes of the March 5, 2012, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

099-12 Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay proclaim the week of March 18-24, 2012 to be Multiculturalism Week. The Town encourages all residents of the community to recognize that diversity is our strength and to support community celebrations aimed at fostering respect, equality, and cross-cultural understanding.

Question called. Motion carried unanimously.

CORRESPONDENCE

1. Municipalities Newfoundland and Labrador – Regional Meeting and Workshop, March 30th and 31st, 2012. ***Anyone who wishes to attend can advise CAO.***
2. Department of Municipal Affairs, Engineering and Land Use Planning Division – St. John’s Urban Region Regional Plan Amendment No. 3, 2011. ***For Information Purposes.***
3. Minister of Canadian Heritage and Official Languages – Approval of Grant. ***For Information Purposes.***
4. Department of Advanced Education and Skills – Multicultural Week entitled “Together, we Rock!” ***Motion 099-12 passed earlier to proclaim the week of March 18 – 24, 2012 to be Multiculturalism Week.***
5. Northeast Avalon Regional Economic Development Board – Invitation to Roundtable Discussion as part of NEA REDB’s Phase 3, Immigration Project, “Newcomer Settlement & Integration Program.” ***Mayor asked if anyone would like to attend.***
6. Deputy Mayor Gallant – Motion concerning Community Assessment Report. ***Mayor advised that report was done by consultant and presented to Council. The report cannot be released as it’s not yet adopted by Council. Council need to further review, then make recommendations to adopt; once adopted, it then becomes a public document. Meeting to review report to be arranged for 7:00 p.m., Monday, March 26th. CAO to send out invite. Motion deferred until next Public Council Meeting.***
7. Municipal Assessment Agency – Assessment News Newsletter. ***For Information Purposes.***

CORRESPONDENCE & ACTION REPORT

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

Councillor Tapper thanked CAO for forwarding correspondence to Municipal Affairs concerning South Pond, as per Item No. 50. The letter was well written; and, hopefully will be actioned by the Department.

Councillor Smith discussed Item No. 13 – Municipal Plan Amendment 19, 2011 and Development Regulations Amendment 38, 2011/water assessment study prior to rezoning. She advised Council that

there is another meeting scheduled for later this week. Mayor Codner advised that a meeting is arranged with officials of the St. John's Airport for March 31st.

COMMITTEE REPORTS

Economic Development

Meeting is scheduled for next Monday evening, March 26th. CAO will be attending meeting, as well.

Finance

The Financial Report, dated March 5-16, 2012, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of March 5-16, 2012, for 29 employees totaled \$56,582.29.

For the period of March 5-16, 2012, Accounts Payable invoices in the amount of \$147,292.29 were paid. These expenditures were within budget.

There are two (2) Main Operating Invoices totaling \$119,532.40 for approval.

100-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Quay Entertainment Services Ltd., for Deposit for Great Big Sea Concert, in the amount of \$113,000.00.

Question called. Motion carried unanimously.

101-12 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Trio Benefits, for Group Insurance Billing for February 2012, in the amount of \$6,532.00.

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.

Human Resources and Administration

Councillor Byrne advised a meeting is scheduled for next Tuesday evening, March 27th.

Planning and Land Use

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

Items discussed in the Report included:

1. Development Proposals
 - a) Potential home based business. A covenant has been signed between the purchaser and the developer. Development and Planning Officer to meet with applicant to discuss.
 - b) Small building lot development in the Reddy Drive area. Development and Planning Officer will be arranging a meeting with the applicant to discuss.
 - c) Six lot subdivision at 185 Indian Meal Line. Committee discussed information from engineering firm. Development and Planning Officer to meet with applicant to discuss possibilities.
 - d) Proposal at Indian Meal Line. Hope to connect Cherrywood Drive to Skippers Landing. Awaiting information/direction from a flood plain analysis.
 - e) Crown Land application came forth. See Motion 102-12 below.
 - f) Business application for proposed automobile lot. Additional information to come from planning consultant.
 - g) Motion Drive Estates, Phase III. There is an error relating to this matter in the report. There was a motion in the Minutes to give 11446 Newfoundland and Labrador Inc. approval in principal so they can proceed with engineering and design work on phase 3 of Motion Drive Estates; however, Councillor Smith asked that this be removed as motion was already completed, under Motion 044-11.

Public information session is scheduled for April 4th. Details to be confirmed.

2. Correspondence
 - a) Correspondence from Doyle's and Quigley's Lane was discussed. Councillor Smith noted that at the Committee meeting she questioned as to whether or not she may be in conflict, and all agreed there was no conflict. Private land was included in public zone in error. This needs to be corrected in the five year plan review. Development and Planning Officer will communicate that to the owner.
 - b) Correspondence received from resident of Reddy Drive concerning past approvals. Development and Planning Officer is to remind the applicant that approvals are valid for two years only; his approval is no longer valid.
3. Other Items
 - b) Engineering Guidelines for Subdivisions was discussed. This is a work in progress and will be brought back to Committee.
 - c) Comprehensive Development Plans – hope to have back to next Planning and Land Use Development Committee meeting and then back to Council.
 - d) Did review motion from Councillor Tapper concerning Open Space from the last Council Meeting. Noted that Committee reviewed the motion, which was deferred.

Item 1 e) under Planning and Land Use Development Committee Minutes, March 15/12

Location: 454A Bauline Line

Proposal: Crown Land Application

102-12 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay give the applicant approval to obtain 5 acres of crown land as per his application dated March 1, 2012. The applicant is proposing to use the land for agricultural uses (pasture land and forage growth). The land in question is currently zoned Agriculture and is in the area behind the quarries on Middle Three Island Pond Road.

Question called. Motion carried unanimously.

Councillor Smith reported that there were four (4) applications approved/issued, under the Building Application Report, dated March 16, 2012.

103-12 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the four (4) applications approved/issued under the Applications Approved section of the Building Application Report, dated March 16, 2012.

No.	Application No.	Location	Proposal
1	9665-12	269 Marine Drive	General Repairs
2	9666-12	97 Reddy Drive	General Repairs and a 12' x 16' Accessory Building
3	9668-12	15 McDuff Place	16' x 20' Accessory Building
4	9669-12	19 Skippers Landing	Single Family Dwelling

Question called. Motion carried unanimously.

Public Works

Councillor Whitty gave an overview of items discussed at the Public Works Committee Meeting, dated March 15, 2012.

Items discussed in the Report included:

- Trench Excavation Policy – See Motion 104-12 below.
- Levels of Service/Snow and Ice Control – deferred to explore new approach.
- Flood plain analysis – deferred to Planning and Land Use Development Committee.
- Waste Water Treatment – putting information together to move forward with a proposal.
- Road Upgrades – waiting on gas tax funding to set priorities.
- Crown land application – depot location.

- OHS – equipment review forwarded to Committee.
- Peter’s Place – seasonal traffic calming procedures.
Council discussed that the City of St. John’s has adopted a speed calming policy. The Town should develop a policy and use to develop procedure for entire year.
- Brown’s Lane – traffic review.

104-12 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay accept the proposed Trench Excavation Checklist developed by the Public Works Department (March 2012), as well make the Trench Excavation Safety Guide developed by the provincial OHS department the procedure manual when staff begin infrastructure repairs and site remediation.

Question called. Motion carried unanimously.

Parks, Recreation and Community Services

Deputy Mayor Gallant gave an overview of items discussed at the Recreation Committee Meeting, dated March 14, 2012.

Items discussed in the Report included:

- Recreation Master Plan – there are concerns regarding the proposed Recreation Centre. Proposed area is privately owned; and, there is some talk of Eastern School District’s interest in putting a new school there, as well. Deputy Mayor Gallant put forward a motion to write the Department of Education and the School Board to make them aware of the Town Centre Plan located behind the Torbay Town Hall. Councillor Tapper seconded the motion. After some discussion by Council, Deputy Mayor withdrew the motion; and, made an amendment as follows:

105-12 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Town of Torbay write the Department of Education and the School Board to make them aware of the Town Centre Plan located behind the Torbay Town Hall. If Eastern School District has selected the site, then the intent will be to work together with them to see if there are synergies that can be worked out between the two facilities, to see if there’s potential for facility sharing.

Question called. Motion carried unanimously.

- Open Space Management Plan – there are some technical issues getting this report uploaded to the website.
- Beautification Plan and Signage Strategy – new street signs have arrived. Will be installed in the coming weeks. Deputy Mayor to ensure all Council are invited for the first sign unveiling of the street signs.
- Motion Estates, Phase III – Options for open space: ten percent of cash value or land.

- Dee Murphy Grant – this concerns the restoration of headstones of the three deceased regatta rowers of 1884, Holy Trinity Cemetery. Councillor Tapper to approach church for permission.

Technical Services

No report.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

Councillor Tapper gave an overview of items discussed at the Torbay250 Special Committee Meeting, dated March 12, 2012.

Items discussed in the Report included:

- Update of events. Main item is the official Torbay250 Launch this Friday, March 23rd at 1:00 at the Kinsmen Community Centre. Media are invited. The big announcement is the Great Big Sea Concert on August 4th. Allan Doyle, from Great Big Sea, will be in attendance at the Launch. Everyone is invited. There will be music, refreshments, prizes and giveaways. Colonel Amherst will be there in uniform – Councillor Tapper thanked the Torbay250 Special Events Coordinator for that. Uniform is coming from Nova Scotia. The Town is in the process of getting this uniform duplicated to have at various events.
- The kick off of Torbay250 Commemorations was the St. Patrick's Day concert on March 10 at the Holy Trinity High School. Mayor Codner brought greetings and information on the Torbay250 Commemorations.
- Sponsorship packages have gone out to businesses in the community. Calls are ongoing.
- Media Sponsorship – see Motion 106-12 below.

106-12 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay give VOXM exclusive radio sponsorship for Torbay250 at a cost of \$15,000.00 plus tax.

Question called. Motion carried unanimously.

Councillor Roche thanked Councillor Tapper and all volunteers. She also extended a thank you to the Heritage, Arts and Culture Coordinator and to the Economic Development Officer.

By Pass Road

Mayor Codner discussed expropriation of land in the area of the Bypass Road. He advised he has received calls from residents concerning this matter. The Department of Transportation and

Works indicated they were dealing with property owners on an individual basis; however, he would like to arrange a meeting with all affected property owners.

LIAISON COMMITTEES

Heritage/Museum

Councillor Byrne advised that there's a meeting scheduled for tomorrow evening, March 21st.

Jack Byrne Arena

Deputy Mayor and Councillor Tapper are in process of scheduling a meeting with the Chair – no date set as of yet. The AGM is coming up soon – the constitution will be discussed.

Northeast Avalon Joint Council

Councillor Whitty advised that there was a meeting on February 15, 2012 – Minutes were provided for Council's information. The next meeting is scheduled for Wednesday, March 21st – Agenda is also provided for information.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

Councillor Byrne advised that there has been no meeting. He verbally advised that an investigation concerning the gate at Tappers Cove is underway. He will provide further reports on the situation.

CAO to confirm date for meeting with Town and Harbour Authority.

Councillor Byrne also advised that security is an issue, as there are vehicles parked in the area after dark.

Torbay Volunteer Fire Department

Councillor Byrne gave an overview of items discussed in the Torbay Volunteer Fire Department Meeting Notes, dated March 12, 2012.

Items discussed in the report included:

- Pumper/Rescue Vehicle – thanked Council for making motion to acquire a new vehicle. His concern is that the Provincial Government has not yet replied and tender is by March

31st. He asked CAO to forward a reminder. CAO advised that she has received confirmation and they're aware of timelines. She will follow up tomorrow, March 21st.

- There were 7 emergency calls since the last meeting, bringing total to 49 for this year to date.
- The Fireman's Ball is on April 21st.

Mayor Codner discussed the two trails that are blocked off - Cannon Marsh Road and Jones Pond Road areas. These matters are with the Provincial Crown Lands - officials did site visit months ago, and the trails are still barred off. He will call the Department for further information on this matter.

Urban Municipalities Committee

Councillor Smith advised that she will have a written report for the next Council Meeting.

NEW BUSINESS

Mayor Codner

Mayor Codner discussed the Green Communications System. He advised that he was approached by residents who advised they received a number of calls on the same day. Most people accept the system and advise that it's useful, but people are complaining about the number of calls that they receive. Council discussed if this matter should be an operational matter, and left to the decision of the CAO or if the Town should develop a policy around the Green communications System. See Motion 107-12 below.

107-12 Motion - Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Town of Torbay develop a policy guide regarding the Town's Green Communications System; actioned immediately is the number of calls sent out per week.

Question called. Motion failed.

For Motion: Deputy Mayor Gallant, Councillor Whitty

Against Motion: Mayor Codner, Councillor Byrne, Councillor Roche, Councillor Smith, Councillor Tapper

CAO to review complaints and bring back to Council.

Mayor discussed the Community Challenge. The challenge is into its third week and Torbay is in 2nd place. The big finale is next Sunday night at the Jack Byrne Arena. Need residents to get out there for support - there's no limit on the number of people who can attend. The event is a free skate or walk and starts at 6:00 p.m.

He advised that it's good to see Councillor Roche back again, and it's good to see her interest in Council. Mayor thanked her on behalf of Council.

Deputy Mayor Gallant

Deputy Mayor Gallant reminded everyone of the Question and Answer session after the Council meeting. Each person can come to the podium and identify themselves; session is a maximum of 15 minutes.

He discussed Open Space. In light of the public information session proceeding, he respectfully reminded all Councillors that we do have goals in the Open Space Management Strategy that we're trying to achieve; and, Council needs to do what's best for the long term benefits of residents.

Deputy Mayor thanked CAO Chaplin for their meeting last Friday. He advised she was very helpful and professional; it was a great meeting.

Councillor Byrne

Councillor Byrne discussed the Town's information sign on Torbay Road, and he asked if it would be going back in place. CAO advised that the Supervisor of Recreation and Healthy Living is working with the Development and Planning Officer on site assessment; it is a budgeted item for this year.

Councillor Roche

Councillor Roche discussed Coyotes. It is in the news a lot recently; and, she asked if the Town could hold a public information session about Coyotes - how to protect yourself and your pets. She asked if someone from Wildlife could do the presentation to anyone who wishes to attend. A lot of people are walking through the woods and trails with their pets or children; and, coyotes have been seen in the community and in other communities, as well.

Councillor Tapper advised that TETC did hold a session and brought in a specialist. The session was well attended. He questioned if the Town could possibly bring to TETC again.

Councillor Smith

Councillor Smith thanked members and colleagues on the Planning and Land Use Development Committee. She's been away for the last two Council Meetings and was unable to attend the Committee meetings. She also extended a thank you to Councillor Byrne, as both she and Councillor Roche were not in attendance at meetings.

Councillor Tapper

Councillor Tapper discussed the Northeast Avalon Times newspaper. All Council members received an email from the Editor of the newspaper with concerns about the Town's volume of advertising in the latest issues. He requested that her correspondence be included on the next Council Agenda. He advised the Editor, who was in attendance in the gallery, that Committee did meet this afternoon on her concerns; and, that the Town will not stray away from advertising in her newspaper. The Town has a mix of Green Communications and other technologies to get information out to all residents; however, the Town will continue to advertise in her paper.

Councillor Whitty

Councillor Whitty advised he attended a recent School Council Meeting on behalf of the Deputy Mayor. Topics discussed included:

- The donation that the Town made towards the playground. He asked if the funds could be transferred to the School as they're looking at starting the playground.
- The school is holding a walk-a-thon in May; and they're wondering if they can tie this event into our Torbay250 Commemorations.
- The School Council questioned bus shelters; and, asked if the Town could look into this matter to see what other communities are doing.

ADJOURNMENT

108-12 Motion – Councillor Byrne / Deputy Mayor Gallant

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