



MINUTES
PUBLIC COUNCIL MEETING
May 2, 2011

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on May 2, 2011 at 7:42 p.m.

Members Present

Mayor Bob Codner
Deputy Mayor Geoff Gallant
Councillor Carol Ann Smith
Councillor Ralph Tapper
Councillor Brian Whitty

Staff Present

Dawn Chaplin, CAO/Town Clerk
Ken Anthony, Director of Programs and Services
Brian Winter, Development and Planning Officer
Ann Picco, Executive Clerk

Regrets

Councillor Mike Byrne
Councillor Peggy Roche

Gallery

There were a total of 13 people in attendance.

Meeting was chaired by Mayor Codner.

164-11 **Adoption of Agenda**

Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

165-11 **Adoption of Minutes**

Motion – Councillor Tapper / Councillor Smith

RESOLVED THAT the Minutes of the April 18, 2011, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

166-11 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT in recognition of the benefits and values that recreation, parks and leisure services provide, that the Town of Torbay do hereby designate the month of June as June is Recreation Month.

Question called. Motion carried unanimously.

CORRESPONDENCE

- 1) The School Lunch Association – “Share-A-Lunch” Campaign. *Deferred to Finance Committee. B/F.*
- 2) Correspondence from Resident concerning damage to fence by snow plough during clearing of snow. *Town to acknowledge receipt – to be referred to the Department of Transportation and Works. COMPLETE.*
- 3) The Newfoundland and Labrador Organization of Women Entrepreneurs (NLOWE) – 2011 Entrepreneur of the Year Awards. *To be forwarded to the Economic Development Officer. COMPLETE.*
- 4) Correspondence from Resident concerning culvert in River in Forest Landing. *Deferred to Public Works Committee. B/F.*
- 5) Correspondence from Resident concerning Request for Lot Approval. *Deferred to Planning and Land Use Development Committee. B/F.*
- 6) Department of Municipal Affairs – 2005/2008 Multi-Year Capital Works, Request for Project Extension. *For Information Purposes. COMPLETE.*
- 7) Department of Municipal Affairs – Increase to the 2011 Municipal Operating Grant. *For Information Purposes. COMPLETE.*
- 8) Correspondence from Resident concerning The Gullies (Gosse’s Pond).
- 9) Correspondence from Resident concerning The Motion Coastline and Development Agreement.
- 10) Correspondence from Resident concerning Motion Estates-Phase 3.
- 11) Correspondence from Resident concerning Motion Estates.
- 12) Correspondence from Resident concerning Motion Estates.
- 13) Correspondence from Resident concerning Motions Estates Development.
- 14) Correspondence from Resident concerning Motion Estates Development.
- 15) Correspondence from Resident concerning Motion Estates.

Council discussed Item Numbers 8 – 15 collectively. Council discussed the Municipal Plan - what the Town did in the past with regards to development regulations/open space and accepting ten percent of land for open space vs. cash value. Staff to research cash amounts accepted by the

Town on previous developments. It was agreed by Council to hold an information session to the public, and anyone can attend. See motion below.

167-11 Motion – Deputy Mayor Gallant / Councillor Whitty

RESOLVED THAT the Town of Torbay hold a public meeting regarding choice before Council of ten (10) percent or cash in lieu of.

Question called. Motion carried unanimously.

BUSINESS OUTSTANDING

- 1) Easter Seals, Newfoundland and Labrador – Request for support of Organization and children with physical disabilities. *Deferred to Finance Committee. B/F.*
- 2) Correspondence from Resident regarding speeding on Patrick's Path and Country Drive. *Mayor Codner advised that resident who submitted correspondence was contacted and forwarded to the RNC. COMPLETE.*
- 3) Correspondence from Resident regarding GoBag flyer packages - as per Motion 140-11, Public Council Meeting Minutes of April 18th, Town to give notice to residents that they are to provide tubes that these GoBag flyer packages can be placed in. *Mayor Codner advised that he contacted Continental Group, and forwarded letter to Mr. Mike Young, Regional Manager, advising that there is to be no delivery to residents unless they install a GoBag tube, as of May 30th. A public notice was posted on the website and information was provided to residents by the Green Communications System. Mayor Codner advised he is discussing with VOCM tomorrow, May 3rd. B/F.*
- 4) At the Public Council Meeting of April 18th, Deputy Mayor discussed Council transparency, and put forward a motion - as per Motion 142-11, Public Council Meeting Minutes of April 18th, the Town to strike a sub-committee concerning Council transparency and come back with recommendations in thirty days. Terms of reference for the sub-committee to be drafted. *Deputy Mayor invited anyone who would like to participate in the Committee. Councillor Tapper and Councillor Whitty volunteered. B/F.*
- 5) Department of Environment and Conservation – Torbay Municipal Habitat Stewardship Program Expansion Proposal. *Deferred so that all Council Members can read in full – timeline for completion is May 16th. B/F.*
- 6) Correspondence from Resident concerning Discount for Senior Citizens. *Deferred to Finance Committee. B/F.*
- 7) Department of Environment and Conservation – public right of way / trail in the Jones Pond area. *A meeting is scheduled for May 17th at Crown Lands. Mayor and CAO are attending. B/F.*
- 8) Eastern School District regarding various issues related to the newly constructed Holy Trinity Elementary School / Motion 474-10 from Public Council Meeting of November 15th – Public Works Committee to investigate Doyles/Quigleys Lane are concerning traffic and possibility of making one way street. *Mayor advised he is awaiting reply regarding other tentative meeting dates. Contact person at Eastern School District is no longer there; and, Eastern*

- School District is in process of filling the position, which will take approximately three weeks. B/F.*
- 9) Newfoundland Design Associates Limited - Final Report – Surface Water Sampling, Big Beach, Torbay Bight, Torbay, NL. *This will be completed around May 30th. B/F.*
 - 10) Correspondence from Party Bus Inc. – Use of Municipal Property for Drop Off/Pick Up in Torbay. *Deputy Mayor advised that this was discussed at the last Arena meeting, and the Board does not have any issues with the company using the Arena facility. He advised that no official correspondence was received from the bus company. Deputy Mayor to discuss with CAO. COMPLETE.*
 - 11) Eastern School District – Extending school bus service onto Pulpit Rock Road/Kelly’s Lane - This is concerning acquisition of land from a resident on the corner in order to increase the turn radius so that the bus can get into the Kelly’s Lane area. *This relates to Item No. 8, above, as well – a meeting is to be arranged with Eastern School District. Councillor Smith requested a copy of the original correspondence requesting the extension of the school bus service. B/F.*
 - 12) 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. *CAO advised still waiting for response from the Department of Municipal Affairs. The Department of Environment is doing additional work; and, MHA is following up. In process of finalizing for the treatability study. B/F.*
 - 13) Status of Camp Carey Building. *Deputy Mayor advised still in process of putting numbers together – will provide for the next meeting. B/F.*
 - 14) Constitution of the Torbay Heritage Committee-Draft #2-Nov. 8, 2010 – *CAO to schedule meeting. B/F.*
 - 15) Demolition of property at 1327 Torbay Road and cost of demolition to be charged back to home owner – deferred until clarification of land ownership. *Written agreement has been drafted – copy of order in Council’s mail slots. Deadline is May 31st with regards to the demolition of property. COMPLETE.*
 - 16) Construction signs on Torbay Road – there are still signs, even though construction has been stopped. *Mayor advised that construction has started again. Council discussed that it’s difficult for residents to get out of Torbay; and, they discussed a possible detour at Quarry Road, Karon Drive area. Director of Programs and Services advised that he has received calls from residents concerning trucks using the area. Council discussed possibly changing work time – 8:00 in the morning, as everyone is heading to work. Director of Programs and Services to check with the Department of Transportation and Works. COMPLETE.*
 - 17) As per Motion 158-11, Public Council Meeting of April 18th – Town to obtain legal clarification regarding buffer and conservation zones – *This has been referred to Mr. Pittman. Deputy Mayor discussed 30 Meter Coastal Reservation and land use – to forward email to Development and Planning Officer so he can forward to Mr. Pittman. Council discussed buffer vs. conservation zones and whether or not development can occur in these zones or if these zones can be included in private lots. Town to obtain legal opinion. B/F.*
 - 18) Meeting concerning development in the Town – *Councillor Tapper discussed a motion back on August 23, 2010 that the Town plan a Council/Staff session to discuss development in the Town. Items to be discussed include development in general and where the Town is going*

with the water treatment plant, sewage plant, water supply, capital projects, community centre, strategic plan, etc. This meeting would clarify what the Town is doing; discuss ongoing development projects and impact of development. CAO to arrange meeting. B/F.

COMMITTEE REPORTS

Economic Development

Minutes of the Hillside Festival Committee Meeting, dated April 19, 2011, are deferred to the next Public Council meeting, as Chair is not in attendance. **B/F**.

Finance

168-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the Financial Report, dated April 18 – 29, 2011, as presented.

Question called. Motion carried unanimously.

Human Resources and Administration

No reports or motions.

Planning and Land Use

Minutes of the Planning and Land Use Development Committee Meeting, dated April 28, 2011, are deferred to the next Public Council Meeting, as Chair was not present at this meeting and other members were not in attendance. **B/F**.

169-11 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the Town of Torbay approve Municipal Plan Amendment No. 17 and Development Regulations Amendment No. 35, 2011. 26 Lower Street – St. Nicholas Hall rezoning of the property from Public Buildings (PB) to Residential Medium Density (RMD) to accommodate a 3 unit apartment building. 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.

170-11 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Building Application Report, dated April 29, 2011, with the following change:

Page 3, Application 9478-11, Recommendation to read, *“It is recommended that the application be approved subject to...”*

Question called. Motion carried unanimously.

171-11 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Business Application Report, dated May 2, 2011, with the following change:

Page 2, Application B1050-11, under Issues, last sentence to read, *“...it was agreed that a part of the approval will be that the Town will monitor the area and if parking became a problem the approval to operate will be withdrawn.”*

Question called. Motion carried unanimously.

Deputy Mayor Gallant Chaired the Public Council Meeting at 8:30 pm.

Public Works

172-11 Motion – Councillor Smith / Mayor Codner

RESOLVED THAT the Town of Torbay approve the Minutes of the Public Works Committee Meeting, dated April 27, 2011, as presented.

Question called. Motion carried unanimously.

173-11 Motion – Councillor Smith / Mayor Codner

RESOLVED THAT as this isn't a budgeted item for 2011, the Town of Torbay approve that the Finance Committee consider an expenditure of \$4,500.00 + HST payable to Newfoundland Design Associates Limited for a “Unidirectional Flushing Method” Program. The annual flushing program will commence effective Monday, May 2, 2011.

Question called. Motion carried unanimously.

Mayor Codner took over as Chair of the Public Council Meeting at 8:32 pm.

Parks, Recreation and Community Services

174-11 Motion – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the Minutes of the Parks, Recreation and Community Services Committee Meeting, dated April 27, 2011, as presented.

Question called. Motion carried unanimously.

Technical Services

No Report.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

No Report.

By Pass Road

No Report.

LIAISON COMMITTEES

Heritage/Museum

No Report.

Jack Byrne Arena

Deputy Mayor Gallant advised that they did have a meeting last week; and, will be having the AGM in two weeks time. There's going to be a good news announcement regarding next year's schedule.

CAO asked if the financial report was finalized. Deputy Mayor advised that it was adopted. CAO to contact Arena Manager for financial report and copy chair and members.

Northeast Avalon Joint Council

Councillor Whitty advised that he attended the last meeting in Holyrood. Occupational Health and Safety did a presentation – he will forward minutes once he receives them.

Northeast Avalon Regional Plan

No Report.

Torbay Harbour Authority

A meeting is to be arranged with the Department of Fisheries and Oceans.

Torbay Volunteer Fire Department

The Torbay Volunteer Fire Department Report, dated April 11, 2011, is deferred to the next Public Council Meeting, as Council Liaison is not in attendance. **B/F**.

Urban Municipalities Committee

Councillor Smith advised that the next meeting is on the 17th and 18th in Placentia. She asked that if anyone had an issues or concerns to be added to the agenda to forward to her or CAO.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant advised that there have been some feedback/questions from the public on open space; and, he requested clarification from the Mayor on comments he made in the past weeks relating to this. Mayor Codner discussed that in the past the Town has accepted 10% of land as well as a sum of money in lieu of land value in relation to new subdivisions/developments; and, that out of courtesy, the Town should let the developer know its plans or intentions.

Deputy Mayor expressed thanks to all the candidates in the federal election today. There are some local people running. It's a good campaign; and, thanks to everyone who ran.

Councillor Byrne – Absent

Councillor Roche - Absent

Councillor Smith - Pass

Councillor Tapper – Pass

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Councillor Whitty

Councillor Whitty discussed curbside recycling and that he is pleased the Town is moving ahead with this. He discussed costs and the fact that the Town's tippage fees will be reduced. Director of Programs and Services advised that he has received some prices – tender closes Friday. He advised that this is also gone to the Finance Committee.

ADJOURNMENT

175-11 Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the meeting be adjourned at 8:42 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk