



MINUTES
PUBLIC COUNCIL MEETING
November 14, 2011

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on November 14, 2011 at 7:36 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
Brian Winter, Development and Planning Officer
Ann Picco, Executive Clerk

Gallery

There were a total of 3 people in attendance.

Meeting was chaired by Mayor Codner.

467-11 **Adoption of Agenda**

Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

468-11 **Adoption of Minutes**

Motion – Councillor Smith / Councillor Tapper

RESOLVED THAT the Minutes of the November 1, 2011, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS

Presentation by the Torbay Harbour Authority has been deferred to the next Public Council Meeting.

CORRESPONDENCE

- 1) Correspondence from Resident concerning Development of 51 Indian Meal Line and Subdivision of Property at 51-55 Indian Meal Line. *Deferred to Planning and Land Use Development Committee.*
- 2) Correspondence from Resident concerning GoBag Flyers and Delivery Receptacles. *Council discussed that this is an ongoing matter. Some residents have reported that they have moved their receptacles back for snow clearing reasons and they have stopped receiving their flyer packages, as the company does not go into driveways for drop off. Council agreed to wait until the end of the winter season to follow up, to see how many receptacles get knocked down. See motion below.*

469-11 Motion – Councillor Tapper / Councillor Smith

RESOLVED THAT as residents have reported that their GoBag receptacles may get knocked down during the snow clearing season and that their flyer packages are not delivered when they move their receptacles back, the Town of Torbay will further examine and observe this matter over the next few months, during the winter season.

Question called. Motion carried unanimously.

- 3) Correspondence from The Anglican Parish of Pouch Cove/Torbay concerning proposed development of adjacent property. *Deferred to Planning and Land Use Development Committee.*
- 4) Correspondence from Resident concerning no parking signage at entrances to the South Pond Tunnel to access walking trails, land and service road to North Pond. *CAO to respond to resident. Municipal Enforcement Officer to check and advise individuals to move their vehicle; if vehicle is not moved, RNC are to be called. Mayor Codner to forward letter to the Deputy Minister, Department of Transportation and Works concerning engineering/design issues with the tunnel, as there is a concern of collapsing.*
- 5) Correspondence from Resident concerning proposed Tim Hortons, Torbay Road. *Deferred to Planning and Land Use Development Committee. This matter is still in discussions. B/F.*
- 6) Eastern Waste Management – 2012 Budget/Tipping Fees. *For Information Purposes – there is no increase in tipping fees this year.*
- 7) Habitat for Humanity – Poster concerning application process for families for a 2012 build. *To be discussed at the Strategic Planning Session.*

CORRESPONDENCE & ACTION REPORT

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

COMMITTEE REPORTS

Economic Development

No reports or motions. Meeting is scheduled for November 15th at 4:00 p.m.

Finance

The Financial Report, dated October 29 - November 10, 2011, was accepted, as presented. Councillor Tapper read out payroll and accounts payable information as per the report:

Payroll for the period of October 31 - November 4, 2011, for 27 employees totaled \$24,647.48.

For the period of October 31 - November 10, 2011, Accounts Payable invoices in the amount of \$141,146.04 were paid. These expenditures were within budget.

Eight (8) Main Operating Invoices totaling \$84,482.17 were presented for approval.

470-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Babb Lock and Safe Company Limited for Re-keying of Town buildings and Infrastructure, in the amount of \$7,165.33.

Question called. Motion carried unanimously.

471-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to CIBC Mellon, for Pension Contribution for September and October 2011, in the amount of \$23,623.82.

Question called. Motion carried unanimously.

472-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to DBI – Garbage Removal, for September 2011 Curbside Recycling, in the amount of \$7,801.00.

Question called. Motion carried unanimously.

473-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Murray's Landscaping Services, for Beautification of Forest Landing and Anstey's Cove Subdivision Gateways, in the amount of \$6,441.00.

Question called. Motion carried unanimously.

474-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Newfoundland Broadcasting Co. for Hillside Festival Advertising, in the amount of \$6,780.35.

Question called. Motion carried unanimously.

475-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Receiver General of Canada, for Payroll remittance for October 16-31, 2011, in the amount of \$13,472.67.

Question called. Motion carried unanimously.

476-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to RNS Landscaping Ltd., for Sodding of Motion Park Playground, in the amount of \$5,650.00.

Question called. Motion carried unanimously.

477-11 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve payment to Stage Eleven Audio Visual, for Staging for Hillside Festival, in the amount of \$13,548.00.

Question called. Motion carried unanimously.

There were no Capital Invoices to be presented for approval.

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

The next Finance Committee Meeting will be held on November 16th at 7:00 p.m. regarding the 2012 budget.

Human Resources and Administration

Councillor Byrne reported that there was a meeting on November 8, 2011, however, he asked that the minutes be deferred. See motion below.

478-11 Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Town of Torbay defer the Minutes of the Human Resources and Administration Committee Meeting, dated November 8, 2011, until the next Public Council Meeting.

Question called. Motion carried unanimously.

Deputy Mayor Gallant took over as Chair of the Public Council Meeting, at 7:57 p.m.

Planning and Land Use

Councillor Byrne gave an overview of items discussed at the Planning and Land Use Development Committee Meeting on November 8, 2011.

Items discussed in the Report included:

1. Amendments
 - a) Municipal Plan Amendment No. 20, 2011, and Development Regulations Amendment No. 40, 2011 – this will redesignate land located on the north side of Indian Meal Line from Rural to Residential Large Lot. Development and Planning Officer to look for a commissioner and come back with dates, possibly January, 2012.
 - b) Municipal Plan Amendment No. 18, 2011, and Development Regulations Amendment No. 37, 2011 – removal of 610 livestock buffers. Council agreed to defer the motion concerning these amendments.
2. Development Proposals
 - a) Proposal from property owner at 185 Indian Meal Line to construct 6-lot subdivision – Committee suggested that the Town’s engineers do a comprehensive development plan for the area to ensure property is used to its potential.
 - b) Development at Country Drive – Development and Planning Officer to arrange a meeting with Council to discuss the plans, open space requirements and the central park area.
3. Correspondence
 - a) Letter from developer concerning 24 lot subdivision off North Pond Road, Phase I – approval is valid up until July, 2012. Development and Planning Officer will send the plan to the recreation committee for review with the open space requirements.
 - b) Letter from property owner at 164 Great Pond Road – it was noted that 202-08, dated August 25, 2008, read that Council is not prepared to reopen the file to allow any more removal of material from the site. Committee agreed that the motion stay in effect.
 - c) Letter from property owner at 314 Indian Meal line is for information only.
 - d) Email from citizen in relation to the proposed Tim Horton’s franchise, Torbay Road – Development and Planning Officer to write a response.
 - e) Email letter from citizens on Quigley’s Lane in relation to the proposed four-unit at 36 Quigley’s Lane – Committee agreed that the development would be discussed further at

the next Planning and Land Use Development Meeting and possibly a recommendation for the next Public Council Meeting.

4. Backfilling/Dumping Policy – a policy is being drafted and reviewed by the CAO.

479-11 Motion – Councillor Byrne / Mayor Codner

RESOLVED THAT the Town of Torbay defer the next step of the amendment process concerning Municipal Plan Amendment No. 18, 2011 and Development Regulations Amendment No. 37, 2011. *(proposed motion read, as follows: Motion to proceed with the next step of the amendment process, which is to send Municipal Plan Amendment No. 18, 2011, and Development Regulations Amendment No. 37, 2011, to Municipal Affairs for Provincial Review/Release. These amendments pertain to the removal of livestock buffer circles throughout the Town with the exception of the buffers surrounding Connors Dairy Farm and Ryan’s Farm these buffers will be reduced to 200 meters. The amendments also pertain to the rezoning of a 600 meter wide strip of land (300 meters on either side of Bauline Line) from Rocky Brook Bridge West to the Town’s boundary line changing the land use zoning from Rural (RUR) to Residential Large Lot (RLL)).*

Question called. Motion carried unanimously.

Councillor Smith reported that there were seven (7) applications approved/issued, under the Building Application Report, dated November 10, 2011.

480-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve the seven (7) applications approved/issued under the Applications Approved section of the Building Application Report, dated November 10, 2011.

No.	Application No.	Location	Proposal
1	9626-11	89-91 Karon Drive	22’ x 32’ Accessory Building
2	9627-11	74-76 Pine Ridge Crescent	16’ x 20’ Accessory Building
3	9628-11	299-301 Indian Meal Line	General Repairs, 10’ x 2’ Gazebo & New Patio Deck
4	9629-11	104-110 Patrick’s Path	W&S Hook-up
5	9630-11	83 Bauline Line	16’ x 20’ Accessory Building and extension to patio deck
6	9633-11	37 Motion Lane	8’ x10’ Accessory Building
7	9636-11	195 Indian Meal Line	10’ x 12’ Accessory Building

Question called. Motion carried unanimously.

Application: 9631-11
Location: 79-81 Western Island Pond Drive
Proposal: 24' x 24' Accessory Building
Zoning: Residential Large Lot (RLL)

481-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay approve Application 9631-11, under the Applications for Approval section of the Building Application Report, dated November 10, 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9634-11
Location: 3 Riverdale Drive
Proposal: Single Family Dwelling
Zoning: Residential Medium Density (RMD)

482-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9634-11 under the Applications for Approval section of the Building Application Report, dated November 10, 2011, subject to the following conditions:

1. The development shall meet the normal building requirements of the Town.
2. The property shall be serviced with municipal water and sewer services.
3. The development is subject to refundable security deposits for road damage and water and sewer connection in accordance with Council Policy.
4. Applicant to provide a set of building plans and a plot plan showing the proposed location for the new residence for review by the Planning and Development Officer.

Question called. Motion carried unanimously.

Application: 9635-11
Location: 1540-1546 Torbay Road
Proposal: 4 Unit Multi-Family Dwelling (duplex with 2 basement apartment units)
Zoning: Residential Medium Density (RMD)

483-11 Motion – Councillor Smith / Councilor Roche

RESOLVED THAT the Town of Torbay defer Application 9635-11, under the Applications to be Advertised/Deferred section of the Building Application Report, dated November 10, 2011, for further review.

Question called. Motion carried unanimously.

Application: C1024-11
Location: Land to the Rear of 1857-1861 Torbay Road
Proposal: Expand Existing Property
Zoning: Residential Infill (RI)

484-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application C1024-11, under the Crown Land Application Report, dated November 10, 2011.

Question called. Motion carried unanimously.

Mayor Codner resumed as Chair of the Public Council Meeting at 8:13 p.m.

Public Works

No reports or motions. Councillor Whitty reported that there will be Briefing Notes for the next Council Meeting.

Parks, Recreation and Community Services

Deputy Mayor Gallant gave an overview of items discussed at the Parks, Recreation and Community Services Committee Meeting on November 9, 2011.

Items discussed in the Report included:

1. Train Your Body/Train Your Mind – a one day conference scheduled for November 18th at the Kinsmen Community Centre from 8:30 a.m. – 8:00 p.m. This conference will focus on awareness of substance abuse, healthy lifestyles and self awareness.
2. Agri Spirit – The Town did not receive approval for funding. However, funding in the amount of \$9,000.00 was awarded for the Holy Trinity Elementary playground.
3. Beautification Furniture – furniture has been installed at Western Island Playground, Pine Ridge Playground, Kinsmen Centre, and Monument Site. Remaining furniture to be installed in the Spring of 2012.
4. Walking for Wellness – there are 73 participants registered - others to register throughout the week.
Cooking for Wellness will begin on November 14th at the Jack Byrne Arena.
Small Steps Big Results – this is a program as part of Recreation Newfoundland and Labrador to encourage participants of programs to track their steps.
5. Pumpkin Carving and Trunk or Treat – 40 participants registered for the Pumpkin Carving. Between 350-400 participants attended the Trunk or Treat and there were 28 vendors.
6. Sports Hall of Fame Awards took place on November 12th. It was a great a event; over 100 people were in attendance. Thank you to Councillor Tapper for all his efforts.

MINUTES
PUBLIC COUNCIL MEETING
November 14, 2011

Upcoming Events:

Tree Lighting – November 30th
Breakfast with Santa – December 3rd
Special Needs Party – December 3rd
Night Time Christmas Parade – December 3rd
Wreath Making – December 6th
Christmas Market – December 11th
Volunteer Christmas Appreciation Night – December 8th

Councillor Tapper discussed the Trail Development Liabilities – Supervisor of Recreation and Healthy Living to set up meeting with provincial representative, TETC, and CAO.

He also requested that the Town invite NCC to a Parks, Recreation and Community Services Committee Meeting concerning the Coastal Park. Councillor Tapper to arrange meeting.

Deputy Mayor requested that the Open Space Management Strategy be posted to the Town's website.

Councillor Whitty asked if there were plans for a Seniors' Christmas Party. Councillor Tapper advised that it's planned for early January, 2012 – the Saturday after Old Christmas Day.

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 advised that there's a meeting scheduled for this Thursday, November 17th.

Councillor Tapper advised that the Constitution will be discussed on Thursday, as well. He will provide a copy of the Constitution to Mayor Codner.

Northeast Avalon Joint Council

Councillor Whitty reported that there's an upcoming AGM, which will take place in Mount Pearl. He will provide a report on this meeting.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

Councillor Byrne gave a verbal report:

- The Department of Fisheries and Oceans have fixed the bumper that needed to be replaced on the wharf, and it is also painted.
- Members of the Harbour Authority spread 60 tonne of stone in Tappers Cove, on their own time. It took them nine hours to complete, but needed to be repaired before the winter set in.
- There is some signage there in process of being redone.
- Garbage - a lot of garbage is ending up in Tappers Cove; it's important to get the matter of a gate resolved.
- Baskets/cement containers will be put in place there in the spring.

Mayor Codner advised that he had visitor to see him this morning who reported that more debris had been thrown into the harbor. He advised CAO and Municipal Enforcement Officer will take pictures and speak to the RNC.

Torbay Volunteer Fire Department

Councillor Byrne gave an overview of items discussed at the Torbay Volunteer Fire Department Meeting on November 7, 2011.

Items discussed in the Report included:

- Defibrulators – training/insurance aspect – CAO should have written report for next meeting. At the MNL Conference, CAO talked to insurance agent and there are details/matters that have to be put in place.
- Pumper rescue – still waiting on meeting with the Department of Municipal Affairs.
- There have been eight calls since the last meeting.
- Opening / closing of doors – remote – Fire Chief to talk to CAO on that.
- There have been 169 calls to date so far this year.

Urban Municipalities Committee

Councillor Smith advised that she's waiting on reports in order to complete her report on the last UMC meeting.

NEW BUSINESS

Mayor Codner

Mayor Codner advised that he attended the MNL Convention in Corner Brook. At the Convention, the Town was awarded the Torngat Award for Economic Development. He extended a thank you to CAO, Economic Development Officer and all Staff. CAO advised that the Town has received this award two years in a row.

Deputy Mayor Gallant

Deputy Mayor Gallant asked if the question and answer session after Public Council Meetings for the public was formalized, as this is a motion of Council. Council discussed that they already do this after meetings if residents have a question. Members of Council advised that they're available to residents should anyone wish to speak to them.

He extended his thanks to Councillor Tapper and everyone who participated in the Hall of Fame Awards Ceremony. He thanked Mayor for letting him attend in his place.

Councillor Byrne

Councillor Byrne discussed Torbay Road and questioned the new white lines, which were recently painted. The lines on the road are confusing to drivers. The three raised bumps/manholes – he discussed that the plow could accidentally remove the manholes during snow clearing or someone could get hurt.

Councillor Roche

Councillor Roche thanked everyone for their support, prayers and thoughts over this past several weeks. She advised she received a good medical report, but she still requires some further testing. Mayor Codner welcomed her back.

She commended the Recreation Committee for the Trunk or Treat on October 29th. Great effort put into it from the business people to show up and contribute. The children had a great time.

Councillor Roche advised that this year's Remembrance Day Ceremony was the best ever. It goes to show that people are taking pride in their heritage for people who gave their lives for us to be free. There are a lot of new people in the Town, as well as past/regular residents.

Councillor Smith

Councillor Smith, on behalf of Canadian Diabetes, thanked the Town for their support of World Diabetes Day on Sunday night past. She thanked the Recreation and Special Events Coordinator, Steve Martin – he was an excellent representative in planning and executing this event. She

thanked Zumba Fitness for Diabetes. She thanked the Mayor for representing the Town. It's nice that the Town's own businesses were showcased – nice touch from the Recreation and Special Events Coordinator, as well.

She discussed Torbay Road – in relation to the three raised manholes/bumps on Torbay Road and issues pertaining to safety and liability; and, she made a motion in relation to this matter. See below motion.

485-11 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay write the Minister of the Department of Transportation and Works and the developer responsible for the three huge bumps/raised manholes on Torbay Road; and, ask that we receive in writing a response to our concerns and ask for remediation. In particular, to ask the Minister and the Department to clarify liabilities for any damage that occurs in that area of Torbay Road.

Question called. Motion carried unanimously.

Mayor Codner to write letter pertaining to the above.

Councillor Tapper

Councillor Tapper asked that Councillor Byrne bring to the Heritage Committee the development of a policy to protect the heritage area within the community. In particular concern is the bight at the beach area and the shorelines up though lower street – the historical part of the Town. There's a national historic site there that's not recognized in the area. He asked that the Committee take a lead on a policy. He requested that this be discussed at the Strategic Planning Session, as well.

He discussed the Whitty's Ridge area and why the developer walked away. He asked if there was any indication given about the water there – he asked, as he's attending a session at City Hall on Wednesday, November 16th concerning sustainability of groundwater use on unserviced property. Mayor Codner advised there was opposition concerning the development, a limited time line, and there was never any work done from a hydrological perspective.

Councillor Tapper discussed residential storage. There are areas/properties within the community that contain litter/clutter or junk in the way of metals, containers, parts of vehicles/equipment, etc. He discussed areas including Quarry Road and the Bypass Road, which is the Provincial Government's responsibility. Municipal Enforcement officer to take pictures, start process, bring the Department of Transportation and Works in. CAO advised that there was a letter written to the Department of Transportation and Works, however no response received to date.

He asked about the recent Commissioners Report concerning Municipal Plan Amendment No. 14, 2010, Development Regulations Amendment No. 31, 2010 and Municipal Plan Amendment No. 16, 2010 and Development Regulations Amendment No. 33, 2010. Council discussed matters pertaining to this report including why the Town cannot release it to the public and the possibility of reconvening a hearing. CAO is meeting with the Minister of the Department of Municipal

MINUTES
PUBLIC COUNCIL MEETING
November 14, 2011

Affairs for clarification and will have answers at that time. The report cannot be released, as it could possibly compromise the final outcome.

Councillor Whitty

Councillor Whitty discussed staff appreciation and advised that he hears very little negative stories or comments; the Town's staff are dedicated.

ADJOURNMENT

486-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the meeting be adjourned at 8:46 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk