



MINUTES
PUBLIC COUNCIL MEETING
October 3, 2011

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on October 3, 2011 at 7:37 p.m.

Members Present

Mayor Bob Codner
Councillor Mike Byrne
Councillor Carol Ann Smith
Councillor Brian Whitty

Staff Present

Dawn Chaplin, CAO/Town Clerk
Ann Picco, Executive Clerk
Brian Winter, Development and Planning Officer

Regrets

Deputy Mayor Geoff Gallant
Councillor Peggy Roche
Councillor Ralph Tapper

Gallery

There were a total of 4 people in attendance.

Meeting was chaired by Mayor Codner.

408-11 **Adoption of Agenda**

Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

409-11 **Adoption of Minutes**

Motion – Councillor Byrne / Councillor Smith

RESOLVED THAT the Minutes of the September 19, 2011, Public Council Meeting be adopted, as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS / PRESENTATIONS - None

CORRESPONDENCE

- 1) Canadian Diabetes Association – thank you card. ***For Information Purposes. COMPLETE.***
- 2) Minister of Fisheries and Oceans concerning the Marine Rescue Sub-Centre in St. John's, NL. ***For Information Purposes. COMPLETE.***
- 3) The Lung Association – Smokers' HelpLine. ***For Information Purposes. Councillor Smith suggested that the Town post these materials. COMPLETE.***
- 4) Municipalities Newfoundland and Labrador – Avalon Regional Meeting Notice. ***CAO, Mayor, Councillor Roche and Councillor Whitty are attending on October 14th and 15th. COMPLETE.***
- 5) Email correspondence from doctor and resident in Torbay – correspondence from Department of Transportation and Works concerning Sidewalks. ***For Information Purposes – response from Department of Transportation and Works. This will be discussed at the Strategic Planning Session. COMPLETE.***
- 6) The Anglican Parish of Pouch Cove/Torbay – concern with respect to adjacent property. ***Municipal Enforcement Officer to contact property owner(s) to see what their intention and plans are with the property and report back to Council. B/F.***
- 7) Municipalities Newfoundland and Labrador – campaign message from Woodrow French, Mayor, Town of Conception Bay South concerning Vice President position on the MNL Board of Directors. ***For Information Purposes. Council will review all nominations and then make a decision. B/F.***
- 8) Correspondence from construction and excavating company concerning operation of business. ***Deferred to Planning and Land Use Development Committee. B/F.***

CORRESPONDENCE & ACTION REPORT

The Correspondence and Action Report was accepted as presented.

Mayor Codner gave update on issue concerning trails/footpaths:

Officials from the Department of Environment and Conservation completed inspection and their staff person met with residents. No reply has been received to date from the Department - Mayor Codner to contact the Department of Environment and Conservation.

COMMITTEE REPORTS

Economic Development

No report or motions.

Finance

The Financial Report, dated September 19-28, 2011, was deferred to the next Public Council Meeting, as Committee Members were not present.

410-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Financial Report, dated September 19-28, 2011 be deferred.

Question called. Motion carried unanimously.

Human Resources and Administration

Councillor Byrne gave an overview of items discussed at the Human Resources and Administration Committee Meeting on September 29, 2011.

Items discussed in the Minutes included:

Committee is in the process of reviewing the outside operations report. Committee will bring forth its recommendation to Council by the end of October.

Snow clearing – the Town will have two (2) shifts. The Town has advertised for seasonal operators; and, recommendations on potential hires to come forth after competition closes.

The next meeting will take place tomorrow, October 4th and 5:30 p.m.

Planning and Land Use

Councillor Smith gave an overview of items discussed at the Planning and Land Use Development Committee Meeting on September 29, 2011.

Items discussed in the Minutes included:

1. Amendments
 - a) Removal of livestock buffers.
 - b) Re-designation of land on Indian Meal Line from Rural to Residential Large Lot.
2. Development Proposals
 - a) Proposal from 1333-1337 Torbay Road, to construct a commercial building for a Tim Horton franchise.
 - b) Crown Land Applications.

3. Other Items

- a) Committee is preparing for Budget Presentation.

411-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay 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 buffer surrounding Connors Dairy Farm (this buffer will be reduced to 200 meters) and the buffer circle around Ryan’s Farm (to remain as is). 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 Towns boundary line changing the land use zoning from Rural (RUR) to Residential Large Lot (RLL).

Question called. Motion carried unanimously.

412-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay proceed with the next step of the amendment process, which is to send Municipal Plan Amendment No 20, 2011, and Development Regulations Amendment No 40, 2011 to Municipal Affairs for Provincial Review/Release. These amendments pertain to a parcel of property (314 Indian Meal Line) land as described on the proposal drawing from Hawco King Renouf Ltd dated July 2010, Job No. 10-474. This land is partially zoned Residential Infill (RI) and partially Rural (RUR), the Rural area of the property is to be rezoned from Rural (RUR) to Residential Large Lot (RLL).

Question called. Motion carried unanimously.

Councillor Smith reported that there were three (3) applications approved/issued, under the Building Application Report, dated September 30, 2011.

413-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the three (3) applications approved/issued under the Applications Approved section of the Building Application Report, dated September 30, 2011.

No.	Application No.	Location	Proposal
1	9608-11	214 Indian Meal Line	General Repairs
	9609-11	97 Reddy Drive	General Repairs and a 14’ x 20’ Accessory Building
	9612-11	108 Country Drive	General Repairs

Question called. Motion carried unanimously.

Application: 9596-11
Location: 37 Birchy Nap Hill Road
Proposal: 26' x 26' Attached Garage
Zoning: Residential Infill (RI)

414-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9596-11, under the Applications for Approval section of the Building Application Report, dated September 30, 2011, subject to the following condition:

1. The development shall meet the normal building requirements of the Town.

Question called. Motion carried unanimously.

Application: 9607-11
Location: 4 Streamside Lane
Proposal: 24' x 30' Accessory Building
Zoning: Residential Large Lot (RLL)

415-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9607-11, under the Applications for Approval section of the Building Application Report, dated September 30, 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9610-11
Location: 13 Evenings Path
Proposal: 24' x 30' Accessory Building
Zoning: Residential Infill (RI)

416-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9610-11, under the Applications for Approval section of the Building Application Report, dated September 30, 2011, subject to the condition that the use of the accessory building is restricted to residential accessory uses.

Question called. Motion carried unanimously.

Application: 9611-11
Location: 147 Country Drive
Proposal: Subsidiary Apartment
Zoning: Residential Medium Density (RMD)

417-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application 9611-11, under the Applications for Approval section of the Building Application Report, dated September 30, 2011, subject to the following condition:

1. All normal conditions and requirements for building within the Town of Torbay.

Question called. Motion carried unanimously.

Councillor Smith reported that there were four (4) applications that were advertised as per discretionary use regulations, under the Business Application Report, dated September 30, 2011.

418-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the four (4) applications under the Business Application Report, dated September 30, 2011, subject to the following conditions:

1. The business will be subject to business tax in accordance with the published schedule of taxes and fees for the Town of Torbay.
2. There shall be no parking of commercial vehicles on the property.
3. The development shall comply with the Town of Torbay Parking Requirements.

No.	Application No.	Location	Proposal
1	B1064-11	42-44 Pine Ridge Crescent	Home Office for Administration for Medical Services
2	B1067-11	32 Whitten's Lane	Home office for a contracting business
3	B1068-11	26 Forest River Road	Home office for a contracting business
4	B1069-11	60 Pineridge Crescent	Home office for an oil consulting business

Question called. Motion carried unanimously.

Councillor Smith reported that there were two (2) applications to be approved by Council, under the Crown Land Application Report, dated September 30, 2011.

Application: C1020-11
Location: Portion of 398-410 Bauline Line
Proposal: Residential Building Lot
Zoning: Residential Infill (RI)

419-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application C1020-11, under the Crown Land Application Report, dated September 30, 2011.

Question called. Motion carried unanimously.

Application: C1021-11
Location: Portion of 398-410 Bauline Line
Proposal: Residential Building Lot
Zoning: Residential Infill (RI)

420-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve Application C1021-11, under the Crown Land Application Report, dated September 30, 2011.

Question called. Motion carried unanimously.

Public Works

Councillor Whitty gave an overview of items discussed at the Public Works Committee Meeting on September 29, 2011.

Items discussed in the Minutes included:

Curb and Gutter - There were a number of areas identified for this work along with the new Depot that had been sent via application for funding.

Work on Mathew Drive – Councillor Whitty asked Mayor Codner if he visited site. Mayor advised that Council needs to re-examine and discuss. Council discussed temporary repair vs. fixing problem as a whole.

Curb Side Recycling – This is working well. Supervisor of Outside Operations has received a few calls, but most people are happy with it. CAO advised that a message has gone out on Green Communications to remind residents of recycling and to have their items out by 8:00 a.m.

421-11 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay award Tender for the Upgrading of Doyle’s and Quigley’s Lane to Weirs Construction Ltd, at a cost of \$309,303.60. Cost to be captured through Capital Gas tax funding,

Question called. Motion carried unanimously.

Council agreed to defer the motion to purchase one catch basin to complete the work on Matthew Drive, at a cost of \$6,000.00. Council to meet and further discuss.

Councillor Smith requested that an update concerning speed calming be forwarded to all Council by email.

Parks, Recreation and Community Services

Councillor Byrne reported that Committee did meet last week to discuss 2012 budget. Will be finalizing when Committee meets again.

Technical Services

Mayor Codner reported that he has been plotting water levels for the last ten years. North Pond is at the highest it has ever been. In good shape regarding water volume.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

No report.

By Pass Road

Councillor Smith reported that there is garbage and tires being dumped on and over the Bypass road. Mayor Codner to write the Department of Transportation of Works concerning this matter requesting that they complete clean up before the bypass road opens.

LIAISON COMMITTEES

Heritage/Museum

Councillor Byrne reported that there was a meeting on September 27th; and, he will provide minutes for the next Council Meeting.

Councillor Byrne gave a verbal report of items discussed at the meeting:

- Committee is looking for volunteers – will be advertising this on Green Communication system.
- Constitution – in discussions. Committee asked if Council likes the way they're operating and if they can suggest changes that could be incorporated into the Constitution. Waiting on legal response, which should be received by end of month concerning proper way to move forward, set up, and context of how Constitution should read.
- Heritage Committee agreed to set up a sub-committee regarding trust fund matters. This should be set up by next month.
- Interpretation Plan – Councillor Byrne thanked CAO for attending meeting and providing updates. Draft received – will bring back to Committee within the next month.
- Heritage, Culture and Arts Coordinator, Contessa Small, reported that approximately 350 people attended the Musical *Treasure Cove* and approximately 270 people attended the play *1762* over the summer months. Approximately 1,000 people visited the Museum. Contessa is in the process of preparing a genealogy data base and doing a program and videos with the schools. With regards to the 2012 Memory Pods and Interpretation Plan, Committee is looking at using cell phones. During celebrations next year, they're looking at extending the plays and working on a mural with students.

A written report will come forward at the next Council Meeting.

Jack Byrne Arena

No report.

Northeast Avalon Joint Council

Councillor Whitty reported that there was a meeting in Colliers a couple of weeks ago. Will provide Minutes to all Council Members.

Northeast Avalon Regional Plan

No report.

Torbay Harbour Authority

Councillor Byrne gave a verbal report:

The food fishery ran smoothly; there were no complaints. There were a lot of fish caught. With regards to safety, there were no incidents at the wharf. There was one incident on the water in Flatrock last week, in which the Torbay Volunteer Fire Department had to respond.

Mayor Codner advised that there was a meeting with the Harbour Authority Executive and DFO to bring everyone up to date on matters surrounding Tappers Cove Road. He advised that the Town's Solicitor, Mr. Pittman, is drafting a letter to the lawyer for the Department of

Transportation and Works requesting funding to bring Tappers Cove Road up to current standards before possible takeover of ownership.

Torbay Volunteer Fire Department

Councillor Byrne gave an overview of items discussed at the Volunteer Fire Department Meeting on September 26, 2011:

- Present MHA, Mr. Kevin Parsons, and Geoff Gallant, candidates running in the provincial election for MHA, Cape St. Frances District visited the Torbay Volunteer Fire Department to speak.
- Fire Prevention Week is October 9-15th. Open house is on Thursday, October 13th at the Fire Hall from 7:00 – 8:30 p.m.
- The Pumper/rescue vehicle is a priority.
- Emergency Calls – there have been 8 calls since the last meeting.
- Bonfire night is on November 5th.
- The Department is attending the Fire Prevention Parade in St. John's on October 8th.
- Elections were held on September 26th; results are as follows:
 - Fire Chief: Mike McGrath
 - Deputy Chief: Phonse McGrath
 - Training Officer: Mike Matthews
 - Public Relations Officer: Greg Power
 - Captain, Flatrock: Jim Auchinleck
 - Captains, Torbay: Pat Butler, Gary Thorne, and John Gosse
 - Lieutenant, Flatrock: John Coady
 - Lieutenants, Torbay: Rudy Bragg, Tanya Thorne and Rob Downton
 - Incident Safety Officer: Jerry Dunphy

Urban Municipalities Committee

Councillor Smith advised that she attending the last UMC Meeting in Gander. She verbally discussed highlights of the meeting, including:

- Presentation/information on waste management
- Municipal ticketing
- Infrastructure and funding
- MAA presentation
- Presentation from Municipal Safety Sector Council concerning Workers Compensation rates.
- Presentation on alternative waste management systems

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

Urban Economic Development Summit – all UMC members will be invited. Mayors are encouraged to attend, possibly in St. John's.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant - Absent

Councillor Byrne

Councillor Byrne advised that a great Newfoundlander, Ms. Nancy Riche passed away. She was a great advocate for the NDP and for women's rights. He expressed his condolences to the family and the Province.

With regards to mailboxes on Karon Drive, Councillor Byrne advised that he spoke to representative of Canada Post who advised that he would be willing to find an alternative location for the mailboxes. Town to arrange meeting to look at sites and make a decision.

Councillor Roche – Absent

Councillor Smith - Pass

Councillor Tapper - Absent

Councillor Whitty - Pass

ADJOURNMENT

422-11 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the meeting be adjourned at 8:26 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk