



MINUTES
PUBLIC COUNCIL MEETING
September 7, 2010

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on September 7, 2010 at 7:33 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
Ken Anthony, Director of Programs and Services
Ann Picco, Executive Clerk

Regrets

Brian Winter, Development and Planning Officer

Gallery

There were a total of 8 people in attendance.

Meeting was chaired by Mayor Codner

365-10 **Adoption of Agenda**

Motion – Councillor Byrne / Deputy Mayor Gallant

RESOLVED THAT the Agenda be adopted, as presented.

Question called. Motion carried unanimously.

366-10 **Adoption of Minutes**

Motion – Deputy Mayor Gallant / Councillor Smith

RESOLVED THAT the Minutes of the August 23, 2010, Public Council Meeting be adopted, with the following changes:

Page 9 – under **LIAISON COMMITTEES, Torbay Volunteer Fire Department**, last sentence before Motion 362-10 ***SHOULD READ, “The Mayor, CAO and Fire Chief McGrath signed the Fire Department Constitution and the Open Air Burning Regulations.”***

Question called. Motion carried unanimously.

367-10 **Motion** – Deputy Mayor Gallant / Councillor Tapper

RESOLVED THAT the Minutes of a Special Meeting of Council held on August 26, 2010 be adopted, as presented.

Question called. Motion carried unanimously.

368-10 **Motion** – Councillor Whitty / Councillor Roche

RESOLVED THAT the Town of Torbay assume responsibility for the locked gate at Tapper’s Cove. This action is necessary in order to protect our conservation area, the East Coast Trail as a tourism asset, to minimize garbage dumping, and during the off season, and in the name of life safety of residents, tourists and boaters/fishers. The logistics will be worked out with the Harbor Authority.

Question called. Motion carried unanimously.

Mayor Codner clarified that the Town will have a key to the gate at Tapper’s Cove – this is for security of the area and to protect this conservation area, ex. no cutting, dumping of garbage, etc. The Harbor Authority will be responsible for issuing permits.

PROCLAMATIONS / PRESENTATIONS

Two representatives from the NL Sexual Assault Crisis and Prevention Centre, Ms. Jessica Barbour and Ms. Stacey Tucker presented Mayor Codner and Council with a proclamation for signature. Mayor Codner signed the proclamation on behalf of Council.

369-10 **Motion** – Councillor Smith / Deputy Mayor Gallant

RESOLVED THAT The Town of Torbay hereby proclaim September 13th – 17th, 2010, as Sexual Violence Awareness Week and encourage all citizens to become involved in activities organized throughout this week.

Question called. Motion carried unanimously.

CORRESPONDENCE

- 1) Department of Environment and Conservation – Infilling of Property next to Little Beach. *It was discussed by Council that the beach is not restored to its original condition. The property is located in a conservation zone and should be maintained as conservation. Council discussed issues of development of properties in the conservation zone and how the Town should handle this matter, as this land or properties need to be preserved. Councillor Tapper advised that he will be meeting with Mr. Doug Ballam of NCC in the near future and will discuss the town’s concerns at that time and bring back recommendations. It was also discussed that the Town should educate residents on the conservations zones in the community and what they can and can’t do in these zones, as well as provide a plan or map of these zones. Signage was also discussed. COMPLETE.*
- 2) Municipalities Newfoundland and Labrador – Message from Avalon Director Candidate Lucy Stoyles. *For Information Purposes. See Motion under Item No. 3 below. COMPLETE.*
- 3) Municipalities Newfoundland and Labrador – Message from Avalon Director Candidate Joe Duggan. *For Information Purposes. See Motion below. COMPLETE.*

370-10 Motion – Councillor Roche / Councillor Byrne

RESOLVED THAT the Town of Torbay support Ms. Lucy Stoyles, Councillor, City of Mount Pearl, in the position of Avalon Director on the Board of Directors, Municipalities Newfoundland and Labrador; and, that the two voting delegates from the Town, Mayor Codner and Deputy Mayor Gallant, vote for Ms. Stoyles at the MNL Convention in October.

Question called. Motion carried unanimously.

BUSINESS OUTSTANDING

- 1) 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 that she had a conference call with Newfoundland Design and CMH2HILL on Friday. Still waiting clarification from the Department of Municipal Affairs - recommendations for North Pond regarding installing a meter / copy of report back and will know within a week. B/F.*
- 2) 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 – *Discussed under Item No. 1 under Correspondence. COMPLETE.*
- 3) Request for Update on Torbay Road Signage from Deputy Mayor Gallant. *Director of Programs and Services advised that he has received some information on signage from the Town’s Municipal Enforcement Officer and discussed securing services of the Town’s solicitor to look at and review this whole issue, as it’s a grey area. Deferred to next Planning and Land Use Development Committee Meeting. B/F.*

- 4) 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 – *CAO advised that the Town is waiting on Superintendent June Layden and/or the appropriate constable to do an assessment at the Kinsmen Centre building. Waiting for a date to do a walk through. No date set at this time. B/F.*
- 5) Torbay Volunteer Fire Department – Public Works snow clearing policy – *Councillor Byrne advised that as per conversation with Director of Programs and Services, he's arranging a meeting. In the Public Works report on this matter, there are some questions there that need to be answered - Director of Programs and Services and the Supervisor of Outside Operations will set up meeting with the Fire Chief and then go from there. Mayor Codner suggested taking this year and evaluating this matter over the winter, and then making an informed decision. Councillor Byrne advised that the Fire Chief wrote letter and gave explanation/info sheet with the number of people affected – this meeting needs to be arranged to go through what they do and don't know. Deferred to Public Works Committee. B/F.*
- 6) Water Shut-off in area of Patrick's Path – damage to fire hydrant/bus backing over hydrant – *Director of Programs and Services advised that repairs to hydrant are complete and posts have been placed around the hydrant. COMPLETE.*
- 7) Municipalities Newfoundland and Labrador – 2010 resolutions and convention updates - *Deputy Mayor Gallant advised that the 2009 footpath resolution and subsequent correspondence will be discussed at the next Recreation, Parks and Community Services Committee Meeting. Council discussed the issue of control over the footpaths vs. ownership. Deferred to Recreation, Parks and Community Services Committee. B/F.*
- 8) Correspondence from resident regarding the installation of a hearing impaired sign - *Director of Programs and Services advised still with Public Works Committee - Municipal Enforcement Officer is researching the policies of other municipalities. B/F.*
- 9) Status of Camp Carey Building – *Deputy Mayor Gallant advised that this is on the agenda for the next Parks, Recreation and Community Services Committee meeting. Deferred to Recreation, Parks and Community Services Committee. B/F.*
- 10) Speed Humps – *Director of Programs and Services advised still with Public Works Committee - to develop a schedule, policy and procedure regarding use of speed humps throughout the town. Deferred to Public Works Committee. B/F.*

COMMITTEE REPORTS

Economic Development - no report or motions.

Finance

371-10 Motion – Councillor Tapper / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay approve the Financial Report, dated August 23-September 3, 2010, as presented.

Question called. Motion carried unanimously.

372-10 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay partner with the Department of Education to extend the storm sewer on Doyle's/Quigley's Lane. The proposed project cost is \$150,000.00 and will be completed on a 50/50 cost sharing arrangement. This work will also enable the Town to proceed with future work on Doyle's-Quigley's Lane as per priorities outlined in the approved 2010-2014 gas tax agreement and the Town's municipal roads report.

Question called. Motion carried unanimously.

373-10 Motion – Councillor Tapper / Councillor Roche

RESOLVED THAT the Town of Torbay transfer \$416,566.67 from the main operating bank account to the development deposit bank account. These deposits are held in trust and upon completion of home construction or subdivision development terms and conditions will be returned to the applicant.

Question called. Motion carried unanimously.

Human Resources and Administration - no report or motions.

Planning and Land Use

Councillor Roche leaves the Council Chambers at 8:02 p.m. as it was determined that she was in a conflict of interest.

374-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Planning and Land Use Development Committee Meeting Minutes, dated September 2, 2010, as presented.

Question called. Motion carried unanimously.

375-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay refuse the proposed three serviced building lot development at the end of St. Nicholas Lane, for the following reason, a review by the Town's Engineers shows that the current layout does not meet the Town's development standards.

Questions called. Motion carried unanimously.

376-10 Motion – Councillor Smith / Deputy Mayor Gallant

RESOLVED THAT the Town of Torbay give KMB Holdings approval in principal so they can proceed with engineering and design work on the proposed 32 unserviced building lots as described in the plans submitted by Tri-Bon Consulting dated February 2010 Rev. 7. No permits will be issued until all normal conditions for developing within the Town of Torbay are met and a Development Agreement is signed. The proposal will be submitted to the Recreation Department for determination of open space requirements.

Questions called. Motion carried unanimously.

377-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay give Mr. Gary Bethune approval in principal to operate a mobile kitchen in the Town of Torbay, final approval will not be granted until all approvals are received from the required government departments.

Questions called. Motion carried unanimously.

Councillor Roche returns to the Council Chambers at 8:11 p.m.

378-10 Motion – Councillor Smith / Councillor Roche

RESOLVED THAT the Town of Torbay refuse Ms. McGraths application for Crown Land for the following reason, the property is currently zoned Rural (RUR); single family dwellings are only permitted in rural zones as an accessory to an agriculture or forestry use.

Questions called. Motion carried unanimously.

379-10 Motion – Councillor Smith / Councillor Byrne

RESOLVED THAT the Town of Torbay approve the Building Application Report, dated September 2, 2010 as presented.

Question called. Motion carried unanimously.

Public Works

380-10 Motion – Councillor Whitty / Councillor Smith

RESOLVED THAT the Town of Torbay approve the minutes of the Public Works Committee Meeting dated September 2, 2010 as presented.

Question called. Motion carried unanimously.

Under Outstanding Business, Item no. 1, Deputy Mayor Gallant clarified that he was not looking for a simple answer – he was looking for a longer, detailed explanation. Councillor Smith suggested that on the off Monday nights, when there is no Council Meetings, that council members could do visits or listen to presentations on current work or projects in the respective departments.

Parks, Recreation and Community Services - no report or motions.

Technical Services – no report or motions.

SPECIAL COMMITTEES OF COUNCIL

2012 Celebrations

381-10 **Motion** – Councillor Roche / Councillor Tapper

RESOLVED THAT the Town of Torbay approve the 2012 Commemorations Special Committee Minutes, dated August 31, 2010, as presented.

Question called. Motion carried unanimously.

382-10 **Motion** – Councillor Roche / Councillor Tapper

RESOLVED THAT the Town of Torbay proceed with the four (4) proposals/plans of work for the 2012 Commemorations developed by Tract Consulting Inc. as recommended by the Finance Committee.

Proposal A

- Project Deliverables: One (1) long storyline and one (1) short storyline.
- Cost: \$5,337.50 plus Administrative Expense (6%) and HST.

Question called. Motion carried unanimously.

383-10 **Motion** – Councillor Roche / Councillor Tapper

RESOLVED THAT the Town of Torbay proceed with the four (4) proposals/plans of work for the 2012 Commemorations developed by Tract Consulting Inc. as recommended by the Finance Committee.

Proposal B

- Project Deliverables: One (1) Logo, final art file, one (1) tagline and incorporation with logo.
- Cost: \$7,357.50 plus Administrative Expense (6%) and HST.

Target completion date of October 31, 2010, as per contract.

Question called. Motion carried unanimously.

384-10 Motion – Councillor Roche / Councillor Tapper

RESOLVED THAT the Town of Torbay proceed with the four (4) proposals/plans of work for the 2012 Commemorations developed by Tract Consulting Inc. as recommended by the Finance Committee.

Proposal C

- Project Deliverables: Two (2) sample advertisements of the same theme.
- Cost: \$2,827.50 plus Administrative Expense (6%) and HST.

Target completion date of October 31, 2010, as per contract.

Question called. Motion carried unanimously.

385-10 Motion – Councillor Roche / Councillor Tapper

RESOLVED THAT the Town of Torbay proceed with the four (4) proposals/plans of work for the 2012 Commemorations developed by Tract Consulting Inc. as recommended by the Finance Committee.

Proposal D

- Project Deliverables: Ten (10) recommended events.
- Cost: \$2,837.50 plus Administrative Expense (6%) and HST.

Target completion date of October 31, 2010, as per contract.

Question called. Motion carried unanimously.

By Pass Road

Mayor Codner discussed the public meeting on the by-pass road last Thursday night, September 2nd, and reported that there was a good turn-out. The Town did have five concerns/outstanding issues remaining, out of 18, and one did get resolved; so, now there are four concerns/issues remaining. He advised that there were a lot of questions from the floor; and, the media was there, however, they did portray the meeting differently than as it happened and what was discussed.

Deputy Mayor Gallant thanked Mayor Codner for the public consultation meeting and making it happen. It's important to address residential issues and concerns, and Council and Staff brought it out there/stepped to the plate - excellent job.

Mayor Codner advised that he was contacted by a resident who had some damage done to their property during blasting; and, the company who did inspections before and after blasting will not release information to him. Mayor Codner advised that he's going to do a letter on this matter to the Provincial Department of Transportation and Works or arrange a meeting.

Councillor Tapper mentioned that the meeting was a success – there were a lot of people in attendance and residents now know what the Town is going after and the list of issues that we have. There was a great announcement that lights vs. stop signs were going to be installed – great safety factor. There are still some important issues to discuss; and, committee will meet again soon - it was agreed that MHA, Mr. Kevin Parsons, should be a part of the meeting, as well.

LIAISON COMMITTEES

Heritage/Museum – no report or motions.

Jack Byrne Arena

Deputy Mayor Gallant gave a brief update, as there has been no official meeting or minutes. He advised that committee is in receipt of resumes for the position of Facility Manager and that he is on the hiring committee – they are narrowing down individuals for this position and are holding a meeting tomorrow.

Northeast Avalon Joint Council

Councillor Roche advised that the next meeting is on September 15th, Bell Island. As she is unable to attend, Councillor Whitty will be attending in her place.

Northeast Avalon Regional Plan

Mayor Codner advised that there is a meeting schedule for Thursday of this week at 8:30 a.m. in Mount Pearl. Some issues are being presented – the old plan is almost 30 years old and some policies may be implemented from this plan, even though there is a new plan coming. It will affect how development regulations are approved – more complex and will have to comply with the NEAR Plan. There will be delays, for example, amendments to the municipal plan will have to be vetted to neighboring towns and the Town may have to access engineers, lawyers, town planner, etc.

Councillor Roche addressed the issue of regionalization and whether or not St. John's will dictate to other towns such matters as development regulations. Mayor Codner advised that this will not happen. It will affect development regulations and the timeline of changing regulations and the municipal plan. Councillor Roche advised that we need more education on what this means for all municipalities and she requested that the mayor bring this up at the next meeting.

Torbay Volunteer Fire Department

Councillor Byrne advised that the Fire Department traffic lights were disconnected as Newfoundland Power advised that there were some safety issues. The Town is working on getting the lights back up and running. Director of Programs and Services advised that hopefully the Town will hear something on this matter this week – working with the contractor, the Municipal Enforcement Officer, and the Fire Chief. He advised that the Town tendered out a contract with the understanding that the contractor would check that everything was in order with Newfoundland Power for permits; unfortunately this wasn't something that they checked on.

With regards to the Triathlon – approximately 120 participants took part. They thought it was well run/worthwhile endeavor and surprised at how smooth everything ran – he asked to please pass this on to the appropriate organizers / organizations or departments.

Councillor Byrne reported that there were 15 calls since the last meeting.

With regards to the ventilation system – awaiting dates from the contractor on completion dates – Director of Programs and Services and CAO contacted the design people and will be back on again as soon as it has to be done.

Urban Municipalities Committee – no report.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Gallant

Deputy Mayor Gallant extended a thank you to all staff/volunteers that helped out with the Triathlon. It was a huge success; and, hopefully will be back next year.

He requested a recreation levy audit – he asked if the Finance or Planning and Land Use Development Committee can provide a break down / item list – a list of levies/open space, etc., total price of what town is getting for 10 percent for 2009 and 2010.

Deputy Mayor Gallant asked about the kiosk/lookout at Marine Drive and the fact that there is development happening that's obstructing the view from there. He asked if the Town can do anything - the Town needs to look at what occurred there in the way of development and he asked if there were any regulations on construction obstructing views. Councillor Roche advised that the development was approved and is legal - it is unfortunate that the roof of the house obstructs the view at the kiosk. She asked if we can request the Public Works and the Planning and Land Use Development Committees to check to see if the kiosk or seating can be moved just to the left so there's a clear view. She also suggested keeping a check on future development in that area so it doesn't occur again. CAO advised that once kiosks and signs are put in place, then this is in agreement with Zonal Board – Killick Coast takes ownership of kiosk. The maintenance is the responsibility of the Tourism Association. It was discussed that maybe the Town can discuss this issue with the Zonal Board first or the possibility of having an assessment done on moving the kiosk - Councillor Roche suggested putting more seats there and installing a guard rail or possibly moving it to the left a little. Mayor Codner advised that the development is a cul-de-sac, and eventually houses will end up all around this area; therefore, if the kiosk is moved, other construction could block the view again in the future. CAO advised that there will be a letter coming forth from Tract Consulting about state of disrepair of directional signs – installed by Zonal Board. Councillor Roche suggested arranging a meeting with the Zonal Board to discuss this issue.

Councillor Byrne - Pass

Councillor Roche - Pass

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Councillor Smith - Pass

Councillor Tapper

Councillor Tapper advised that after the by-pass road public meeting, a resident spoke about trails – Bullock’s Town Road – the resident uses one of the trails and with the latest phase coming east, this development has blocked off the end of trail with fill. **Director of Programs and Services to have a look and see what’s going on there. B/F.**

Councillor Whitty - Pass

ADJOURNMENT

386-10 Motion –Councillor Smith / Councillor Byrne

RESOLVED THAT the meeting be adjourned at 8:43 p.m., as there was no further business.

Question called. Motion carried unanimously.

Mayor

CAO/Town Clerk