



MINUTES

PUBLIC COUNCIL MEETING
September 8, 2009

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on September 8, 2009 at 7:55 p.m.

Members Present

Mayor Bob Codner
Deputy Mayor Thorne-Gosse
Councillor Jim Cantwell
Councillor Mike Byrne
Councillor Carol Ann Smith
Councillor Ralph Tapper
Councillor Peggy Roche

Staff Present

Dawn Chaplin, CAO/Town Clerk
Brian Winter, Development & Planning Officer
Jacqueline Berkshire, Executive Clerk

Meeting was chaired by Mayor Codner

246-09 **Adoption of Agenda**

Motion – Councillor Byrne/Councillor Tapper

RESOLVED THAT the Agenda be adopted as presented.

Question called. Motion carried unanimously.

247-09 **Adoption of Minutes – August 24, 2009**

Motion – Councillor Smith/Deputy Mayor Thorne-Gosse

RESOLVED THAT the Minutes be adopted as presented.

Question called. Motion carried unanimously.

PROCLAMATIONS/PRESENTATIONS

Certificate for Volunteer Recognition presented to Barry Codner by Recreation Newfoundland & Labrador and the Department of Tourism, Recreation & Culture – Province of Newfoundland. This award pays tribute to

individuals who through their commitment and dedication make a difference to recreation programs. Tina Auchinleck-Ryan, Supervisor of Recreation & Healthy Living and Avalon Regional Director with Recreation Newfoundland and Labrador introduced Mr. Barry Codner and Mayor Codner made the presentation.

CORRESPONDENCE

- 1) Information on the Stewardship Association of Municipalities Inc. Weekend (SAM) October 23-24, 2009 - FYI
- 2) Email from Councillor Smith - Notice of Motion – August 31, 2009

248-09 Motion – Councillor Smith/Councillor Tapper

RESOLVED THAT as an initiative to improve the health of our staff and the community, the Town of Torbay develop a Smoke Free Environment Policy and present to Council for adoption and implementation.

Question called. Motion carried unanimously. **B/F**

- 3) Correspondence to Minister Whalen – re: Municipal Plan Amendment NO. 10, 2008 and Development Regulations Amendment NO. 25, 2008 – August 24, 2009. - FYI
- 4) Correspondence from Martin Gosse re: 40 Whiteway's Pond Road – August 29, 2009 – Deputy Mayor Thorne-Gosse stepped out of Chambers at 8:11 p.m. as it was thought she may be in a conflict of interest.

It was recommended that this correspondence be brought to the NL Hydro. Councillor Smith asked if the RNC had been advised of the gunfire and if they have not it should be reported to Cst. Grace.

Deputy Mayor Thorne-Gosse returned to Chambers at 8:13 p.m.

- 5) Correspondence from Kevin Parsons, MHA – re: Ruts on Torbay Road-Piperstock Hill area - August 25, 2009 – **Councillor Cantwell reported that the shoulder of the road between PJ's and the Irving has been repaired.**
- 6) Resident correspondence – August 31, 2009 – re: Cantwell Property located by Southern Pond – **It was felt that this be resolved as soon as possible. CAO reported that the study must be completed by December 31, 2009. Currently awaiting review of Transport Canada reports by consultant and direction on next steps.**

BUSINESS OUTSTANDING

- 1) Correspondence from Axel Sorensen re: proposed Apartment Building at 1359 Torbay Road – August 7, 2009 – **Addressed under Development. B/F**
- 2) Correspondence from Northeast Avalon Atlantic Coastal Action Program – **Councillor Tapper advised this was forwarded to Environment & Trails Committee who reviewed it and want more copies of Freshwater Joys for Forest Landing/ Rain barrel brochure also available - B/F**
- 3) Email from Roger & Denise Reid re: Street lights & turning bulb at Kelly's Lane –**Development & Planning Officer reported that he is missing one key piece of information and when this is completed a decision will be made. The street light has been installed. – B/F**
- 4) Resolution 2009 MNL Convention – **CAO is working on this. -B/F**
- 5) Correspondence re: Proposed Development Regulations Amendments No.'s 10 & 25 for Moores Valley Road – **FYI – B/F**

- 6) Correspondence from Crown Lands – May 7, 2009 – *Mayor Codner is still trying to reach Crown Lands. - B/F.*
- 7) Forest Landing – Phase One/Phase Six Issues – **Councillor Tapper advised that a brochure will be delivered to Phase I Forest Landing residents this weekend. Council will be provided with a copy. – B/F.**
- 8) Killick Coast Regional Kiosk – **Marine Drive photo has been ordered and will be installed on the kiosk. - B/F**
- 9) *Conservancy & Ecological Gifts Programs – B/F*

249-09 Motion – Councillor Tapper/Councillor Byrne

RESOLVED THAT attempts to reach affected property owners to attend presentation by Paul Chamberlain at 6:30 p.m. on Friday, October 23, 2009 prior to the SAM Meetings.

Question called. Motion carried unanimously.

10) Resident meeting regarding issues of Kinsman Centre – B/F

250-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Smith

RESOLVED THAT as per resident meeting on July 28, 2009 skateboard ramps be removed from the Kinsmen Centre at the end of the season.

Question called. Motion carried. Mayor Codner against Motion.

251-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Smith

RESOLVED THAT as per resident meeting on July 28, 2009 Council explore the cost of a fence and gate at the Kinsmen Centre.

Question called. Motion carried unanimously.

- 11) Removal of signage on Torbay Road – Government Services to remove illegal signage – B/F**
- 12) Correspondence from Northeast Avalon ACAP – August 4, 2009. – Councillor Tapper addressed this correspondence under Correspondence #2. – B/F**

COMMITTEE REPORTS

Capital Works/Public Works/Roads

252-09 Motion – Councillor Cantwell/Councillor Byrne

RESOLVED THAT the awarding of the Sand Tender be deferred for clarification on the type of material being provided in Tender.

Question called. Motion carried unanimously.

Building Applications

253-09 Motion – Councillor Cantwell/Councillor Tapper

RESOLVED THAT Council approve the Building Application Report dated September 3, 2009 as presented.

Question called. Motion carried unanimously.

254-09 Motion – Councillor Cantwell/Councillor Smith

RESOLVED THAT Council revoke the Stop Work Order on Mrs. Carroll's property at 2-12 Whitty's Lane as property has two (2) frontages and complies with regulations. Stop Work Order Release Fee will also be waived.

Question called. Motion carried unanimously.

Financial Report

255-09 Motion – Councillor Byrne/Deputy Mayor Thorne-Gosse

RESOLVED THAT Council approve Financial Statement for the period August 24 – September 4, 2009 as presented.

Question called. Motion carried unanimously.

256-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Roche

RESOLVED THAT all bills be paid to September 4, 2009 to avoid interest.

Question called. Motion carried unanimously.

Personnel & Training Committee

257-09 Motion – Councillor Smith/Deputy Mayor Thorne-Gosse

RESOLVED THAT the Town of Torbay hire Ken Anthony as Director of Programs and Services effective Monday, September 14, 2009.

Question called. Motion carried unanimously.

258-09 Motion – Councillor Smith/Deputy Mayor Thorne-Gosse

RESOLVED THAT the Town of Torbay proceed with the job posting for the Supervisor of Outside Operations immediately. The Director of Programs and Services will be involved in the staffing of this position.

Question called. Motion carried unanimously.

Recreation Committee

259-09 Motion – Councillor Tapper/Councillor Cantwell

RESOLVED THAT the Town of Torbay cancel the Playground Tender due to the cost.
Question called. Motion carried unanimously.

Strategic Planning Committee - Nothing to report.

Development Committee

Mayor left Chambers at 8:53 p.m. as it was thought he may be in a conflict.

260-09 Motion – Councillor Smith/Councillor Roche

RESOLVED THAT Council give Country Living Homes Limited approval in principal so they can proceed with engineering and design work on the proposed 11 lot serviced subdivision as outlined on Mae Design Limited's drawing number C-2, project no 2007.0017 River Valley Estates Phase II. No permits will be issued until all standard conditions for developing within the Town of Torbay are met and a Development Agreement is signed. Two additional lots may be approved pending road layout.

Question called. Motion carried unanimously.

Mayor returned to Chambers at 8:57 p.m.

261-09 Motion – Councillor Smith/Councillor Roche

RESOLVED THAT Council give Mr. Michael Duffy approval in principal to develop the proposed 10 unit sustainable living building at 1359 Torbay Road. Standard conditions for building such a building within the Town of Torbay are applied to his approval letter.

Question called. Mayor Codner, Deputy Mayor Thorne-Gosse, Councillor Roche, Councillor Cantwell, Councillor Byrne and Councillor Tapper all against Motion. Motion Defeated.

262-09 Motion – Councillor Roche/Councillor Byrne

RESOLVED THAT Council facilitate a meeting between Mr. Duffy and residents to address their concerns and bring a recommendation back to Council

Question called. Motion carried. Councillor Smith against Motion

263-09 Motion – Councillor Smith/Councillor Roche

RESOLVED THAT Council write a letter in response to all the letters received with respect to Michael Duffy's Proposal for a 10 unit housing development. Stating that the Town respects their concerns however none of the concerns are against the Towns Development Regulations. In the letter the Development and Planning Officer will outline the conditions of the approval in principal and let them know that if they have any further questions or concerns, please do not hesitate to contact the Development and Planning officer or a member of the Development Committee.

Question called. Motion deferred.

264-09 Motion – Councillor Smith/Councillor Roche
RESOLVED THAT Council forward the Recreation Master Plan to the Town’s Planning Consultant for recommendations on the best approach to take to incorporate the plan in the Town’s Municipal Plan and Development Regulations.

Question called. Motion carried unanimously.

265-09 Motion – Councillor Roche/Councillor Smith
RESOLVED THAT Council write Mr. White owner of the Winco Development a letter to confirm that his deadline of August 20, 2009 has passed and that all approvals are now withdrawn. The 24 water lots that were approved to be developed by Winco will now be added back to the available water lots.

Question called. Motion carried unanimously. **B/F**

266-09 Motion – Councillor Roche/Councillor Smith
RESOLVED THAT Council write Mr. Crowe a letter giving him one year from the date of the letter to start development of his 15 approved lots, or the approval will be withdrawn. Conditions on this letter will include the normal standard conditions along with the following:

- Development Agreement to be signed and registered
- All required sureties will have to be in place
- Proof of a contract for construction be signed showing that construction will be started on or before September 10, 2010.
- If these conditions are not met by the September 10, 2010 deadline then the approval of the 15 serviced lots be will be revoked.

Question called. Motion carried unanimously. **B/F**

SPECIAL COMMITTEES OF COUNCIL

By-Pass Road

267-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Roche

RESOLVED THAT Council request a meeting with Government on the outstanding issues and the three (3) additional issues regarding the bypass road as soon as possible.

Question called. Motion carried unanimously.

Communications

Nothing to report.

Northeast Avalon Regional Plan (formerly known as the St. John’s Region Regional Plan)

There is a technical meeting scheduled for September 18, 2009. Development & Planning Officer to attend.

Regional Waste Management

Mayor Codner advised the next meeting will be held after the upcoming municipal election.

LIAISON COMMITTEES

Arena

Councillor Tapper raised the issue regarding the GST rebate and that there is finger pointing toward the Town of Torbay by the three (3) other towns. He is requesting clarification on this matter. He also advised that other towns have addressed at their council. Councillor Roche suggested that anyone with a concern should put it in writing to the Torbay Arena Board Members for answers. Councillor Smith requested copies of the Status Reports and asked why this information has not been brought back to Council by the Arena representatives.

268-09 Motion – Councillor Smith/Councillor Tapper

RESOLVED THAT Council be provided with all status reports from the beginning of the Arena Development to current and any additional information and updates also be made available.

Question called. Motion carried unanimously.

269-09 Motion – Councillor Cantwell/Councillor Roche

RESOLVED THAT on a go forward basis a reading file of the Arena Status Reports be made available to any council member that would like to view it.

Question called. Motion carried unanimously.

Northeast Avalon Regional Economic Development Board (Capital Coast Development Alliance)

Councillor Roche advised that there is an Immigration Committee meeting on September 20, 2009.

Environment

Councillor Tapper advised that there is a volunteer planning committee meeting on September 20, 2009 for SAM.

Heritage/Tourism

Councillor Byrne advised there is a meeting scheduled for September 22, 2009 to review the draft heritage master plan.

Hillside Festival

Councillor Smith advised that a debrief report will be provided for the next council meeting.

North East Avalon Joint Council

The next meeting will be 3rd Wednesday in October in Bay Bulls.
School – Nothing to report

Torbay Volunteer Fire Department – Nothing to report.

Urban Municipalities Committee

Copy of agenda from the August 21 – 22, 2009 UMC meeting for Council's information.

NEW BUSINESS

Mayor Codner. - Pass

Deputy Mayor Thorne-Gosse

270-09- Motion – Deputy Mayor Thorne-Gosse/Councillor Roche

RESOLVED THAT Council send a letter of congratulations and thanks to Marion McCarthy of Flatrock and Matthew Cooper of Pouch Cove for their efforts with the Killick Coast Games.

Question called. Motion carried unanimously.

Councillor Byrne

Councillor Byrne wanted to wish good luck to everyone running in the upcoming Municipal Election.

Councillor Cantwell

Councillor Cantwell advised that the culverts at Tappers Cove have been replaced on September 9, 2009 DFO will dredge the harbour and that material will be used as filler. DFO is also providing \$3400.00 in additional funding for fill.

Councillor Roche

Councillor Roche asked if some kind of light/flashing light could be erected at the intersection at the Arena or can it be looked into as to what options are available to make people aware of the intersection. She also wanted to extend good luck to all the candidates in the upcoming election.

Councillor Smith - Pass

Councillor Tapper

Councillor Tapper wanted to extend good luck to all candidates in the upcoming election.

ADJOURNMENT

As there was no further business the meeting adjourned at 9:50 p.m. on a motion by Councillor Cantwell and seconded by Councillor Smith.

Robert A. ...

Mayor

N. Dawn Chaplin

CAO/Town Clerk