



## ***MINUTES***

PUBLIC COUNCIL MEETING  
January 12, 2009

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on January 12, 2009 at 7:45 p.m.

### **Members Present**

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

### **Staff Present**

Dawn Chaplin, CAO/Town Clerk  
Jacquie Berkshire, Executive Clerk  
Ron Fleming, Director of Operations & Public Works  
Brian Winter,

Meeting was chaired by Mayor Codner

#### 001-09      **Adoption of Agenda**

Motion – Councillor Byrne/Councillor Roche

**RESOLVED THAT** the Agenda be adopted as presented.

Question called. Motion carried unanimously.

#### 002-09      **Adoption of Minutes**

Motion – Councillor Cantwell/Councillor Smith

**RESOLVED THAT** the Minutes be adopted with the following change.

Page 2 – Finance - ...83% total revenue “*from property and Business tax*” over 2006/2007.

Question called. Motion carried unanimously

## CORRESPONDENCE

- ***Municipal Assessment Agency's Annual Report - FYI***
- ***Municipal Sustainability Self-Assessment Report - FYI***
- ***Correspondence from Tidy Towns NL*** – Supervisor of Recreation & Healthy Living, CAO, Councillor Tapper will be meeting on this shortly.
- ***Memorandum of Agreement on the Transmittal of Information*** – Mayor Codner met with CAO regarding 4.02 specifically “Date of Birth” as well as only one signatory from the Town. CAO to look into whether Date of Birth can be used as well as if there should be two (2) signatories for the document.

003– 09      Motion – Councillor Smith/Councillor Roche

**RESOLVED THAT** Council accept the wording off the Memorandum of Agreement on the Transmittal of Information between the Office of the Chief Electoral Officer of Newfoundland and Labrador and the Town of Torbay.

Question called. Motion carried unanimously.

- ***Correspondence regarding Killick Coast Regional Kiosk – B/F***
- ***Correspondence to Jonathan Sharpe regarding Torbay's Habitat Management Plan***

004–09      Motion – Councillor Tapper/Deputy Mayor Thorne-Gosse

**RESOLVED THAT** Council look into ownership of land around Gosses Pond and Western Island Pond.

Question called. Motion carried unanimously.

- ***Correspondence from Mayor Dennis O'Keefe*** – Mayor Codner and CAO to attend.
- ***Correspondence from Residents of 16 Moore's Valley Road – FYI***
- ***Correspondence regarding proposed Torbay Bypass*** – Councillor Tapper spoke to striking a committee so that the Town can be informed. This will allow council to speak to residents with current and accurate information. It was also suggested that the information be put on the website. Councillor Smith suggested the information be provided in Newsletters. Councillor Roche suggested that the MHA for Cape St. Francis might be able to assist in getting the information out.
- ***Invitation from Eastern School District to St. John's Area Roundtable Session – FYI***
- ***Correspondence re: Construction of the Torbay By Pass between Quigley's Lane & Torbay Road – FYI***
- ***Correspondence re: St. John's Urban Region Regional Plan***
- ***Correspondence to Mayor Roche*** – It was felt that MHA Kevin Parsons and MP Jack Harris should receive a copy of this letter.
- ***Correspondence to Mayor Butt*** – It was felt that MHA Kevin Parsons and MP Jack Harris should receive a copy of this letter.
- ***Correspondence to Mayor Patten*** – It was felt that MHA Kevin Parsons and MP Jack Harris should receive a copy of this letter.

- *Correspondence to Mayor King* – It was felt that MHA Kevin Parsons should receive a copy of this letter.
- *Correspondence from Eastern Health – FYI*
- *Correspondence from Kids Help Phone – FYI*
- *Correspondence from NTV* – Mayor Codner to write letter.

005-09      Motion – Councillor Roche/Deputy Mayor Thorne-Gosse

**RESOLVED THAT** Mayor Codner write this Annual letter to Newfoundland Broadcasting Company.

Question called. Motion carried unanimously.

### **BUSINESS OUTSTANDING**

- *Procedure for release of 155 future serviced lots* – Addressed in newsletter and NE Avalon Times paper - B/F
- *Correspondence re: Proposed Development Regulations Amendments No.'s 10 and 25 for Moores Valley Road – Councillor Smith gives update on Provincial Archaeology next steps – Councillor Tapper challenged Chair and Deputy Mayor assumed the Chair at 8:40 p.m. Mayor advised Councillor Tapper that he was out of order and there is a process to be followed under the Urban and Rural Planning Act 2000. After much discussion Councillor Tapper withdrew challenge of Chair. This will be brought forward at the next council meeting. Deputy Mayor asked CAO to seek clarification on process. - B/F*
- *Tappers Cove Road ownership* – Councillor Cantwell advised that we should check with the Fire Department to ensure they are aware of Policy. All personnel will be notified and gate will be locked. Keys have been returned. CAO asked that the Chair confirm this. B/F
- *Mayor Codner will speak with university representatives regarding the possibility of an archeological dig at the Battery site.* – Mayor Codner reported that he is still waiting on the University to get back to him. Additionally he said he had a visitor with a piece of wood that is approximately 25 years old that washed ashore he advised that he contacted MUN regarding the wood however had had no reply yet. B/F
- *Forest Landing – Phase One Issues – B/F*
- *Request that Tract Consulting address the lack of Torbay presence at the Kiosk - Letter has been sent – B/F*
- *Regional Water –B/F*
- *Jones Pond Trail – B/F*
- *Mayor Codner to follow up with Mr. Mercer on Bypass Road – B/F*
- *Neighborhood Pace Car Program – CAO to forward letter - B/F*

### **COMMITTEE REPORTS**

#### **Capital Works/Public Works/Roads**

There will be a meeting on Monday, January 19, 2009.

#### **Building Applications**

006-09 Motion – Councillor Cantwell/Councillor Smith

**RESOLVED THAT** the Building Application Report dated January 9, 2009 be adopted as presented.

Question called. Motion carried unanimously.

**Financial Report**

007-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Cantwell.

**RESOLVED THAT** Financial Report for the period of January 1-9, 2009 be adopted as presented.

Question called. Motion carried unanimously.

008-09 Motion – Deputy Mayor Thorne-Gosse/Councillor Cantwell.

**RESOLVED THAT** all bills be paid to January 9, 2009 to avoid interest.

Question called. Motion carried unanimously.

**Personnel & Training Committee** - Nothing to report.

**Recreation Committee**

Deputy Mayor Thorne-Gosse reported the recreation updates.

1. Tract will meet with Community Groups on the Recreation Master Plan Consultation on January 20, 2009.
2. Tract will hold a recreation Master Plan public meeting on January 22 at the Kinsmen Community Centre.
3. The recreation public survey will go up on the web page on January 15, 2009 and will be posted until February 2, 2009.
4. The winter fest kick off will be February 1 from 3 – 350 with the Torbay council and staff vs oz fm staff hockey game.

**Regional Waste Management**

Mayor Codner advised that the last meeting was held on Wednesday, January 7, 2009. Group has been broken down into 4 groups. Board set up with 18-20 people and is looking at 1 dump (Robin Hood Bay) by 2010.

**Strategic Planning Committee**

Economic Development Officer to have recommendations prior to the next meeting.

**Development Committee**

009-09

Motion – Councillor Cantwell/Councillor Roche

**RESOLVED THAT** The following list of items shall be completed and or submitted to the Town of Torbay before any portion of the Occupancy Permit Deposit is returned:

1. A proper size culvert shall be installed correctly, complete with appropriate abutments designed and constructed in accordance with the Transportation Association of Canada standards and or the Province of Newfoundland and Labradors municipal specifications manual (size of culvert to be determined by the Town);
2. The civic number for the property as determined by the Town of Torbay shall be displayed and be visible from the street;
3. Final Electrical Permit for Government Services office;
4. Final Septic approval from Government Services office (where applicable);
5. A surveyors Real Property Report from a certified Newfoundland and Labrador Land Surveyor.

In conjunction with this deposit we also have a **Road Damage Deposit** and a **Water and Sewer Hookup Damage Deposit**. If a pavement cut is made these deposits shall be kept for a 1 year period if no cut is made and the road as not damaged then the deposits can be released when the **Occupancy Permit Deposit** is released.

Question called. Motion carried unanimously.

010-09

Motion – Councillor Smith/Councillor Roche

**RESOLVED THAT** Council rezone the Parcel of land as described on the survey by J L Dunphy's Surveys Job Number 2005-128 dated July 2005 Parcel "A" from Recreation Open Space (ROS) to Residential Medium Density (RMD), which will start the process of an Amendment.

Question called. Motion carried unanimously.

011-09

Motion – Councillor Smith/Councillor Roche.

**RESOLVED THAT** Council give Joseph Dunphy approval in principal so they can proceed with engineering and design work on the development, no permits will be issued until all normal conditions for developing within the Town of Torbay are met and a Development Agreement is signed.

Question called. Motion carried unanimously.

### **SPECIAL COMMITTEES OF COUNCIL**

**By-Pass Road** – Refer to Correspondence.

## Communications

Councillor Byrne advised that the Webpage is up now and there will be 2 people updating it. He also advised there were concerns with respect to putting the Council Minutes on the site however after researching what other towns are doing there is no reason why our minutes should not be on the site. It was also suggested that now that the site is up and running the Website can come off the Council Agenda.

**St. John's Region Regional Plan** – Refer to Correspondence.

## **LIAISON COMMITTEES**

### **Arena**

Mayor Codner advised that the next meeting of the Arena Board was scheduled for Thursday, January 15, 2009. Councillor Smith asked for copies of the recent Arena Board Minutes be circulated at the next Council Meeting.

### **Capital Coast Development Alliance**

It was advised that the Capital Coast Development Alliance who have acquired a new name are in the process of moving to new offices and will wait until the move is complete before they officially use the new name.

**Environment** – Nothing to report.

### **Heritage**

Councillor Byrne reported that the next meeting will be held on January 19, 2009. Councillor Smith advised Councillor Byrne of an initiative with Literacy NL. Councillor Byrne suggested this would be better suited to the Library.

### **Hillside Festival**

Councillor Smith advised there is a meeting being set with Economic Development officer and the Museum Curator. She also advised that there is nothing report regarding the Grant.

### **North East Avalon Joint Council**

Councillor Roche reported the next meeting will be held on January 21, 2009 at Petty Harbour/Maddox Cove and the Minister will be in attendance.

**School** – Nothing to report.

### **Torbay Volunteer Fire Department**

Deputy Mayor Thorne-Gosse advised of the Policy Operations/Guidelines 08-0305 response/alerting procedures to areas in the jurisdiction of Torbay.

### **Tourism**

Councillor Roche advised the next meeting with Tourism and Heritage would be January 15, 2009.

### **Urban Municipalities Committee**

Deputy Mayor Thorne-Gosse reported that the next UMC meeting will be held February. 27-28 in St. John's, NL.

### **Webpage**

It was suggested that "Webpage" should be removed from the Agenda in light of the fact that the site is up now.

### **NEW BUSINESS**

*Mayor Codner - Pass*

*Deputy Mayor Thorne-Gosse - Pass*

*Councillor Byrne*

By Pass Road & Landownership.

*Councillor Cantwell*

Motion – see Development

*Councillor Roche - Pass*

*Councillor Smith*

Councillor Smith voiced concerns the Hillside Festival 2007 not on the website and why the 2006 information is there. Councillor Byrne advised that he would speak with the previous webmaster to locate the information and will advise the status at the next council meeting.

Councillor Smith also voiced her concern with respect to the recent Newsletter regarding Municipal Water Supply and the Torbay By Pass Road specifically that she had received calls from residents who had advised her that they didn't understand some of the content.

Councillor Smith also had concerns regarding the Mayor initiating a meeting with government further to a correspondence that had not gone through due process. Neither staff, the Committee nor Council were aware of the correspondence when Mayor Codner set the meeting. Mayor stated that he will attend meetings with our without the approval of council in the best interest of the town.

***Councillor Tapper***

He also spoke to flooding on Marine Drive on Christmas Day on at least one property where the directive was given to the contractor to dump in the river. Director of Operations & Public Works advised that in a case of an emergency Environment have advised that this is acceptable.

Councillor Tapper addressed the depot location Director of Operations & Public Works advised an alternate location has been identified and 2 site visits have been done. The site is feasible if access can be gained off the new bypass road.

Councillor Tapper spoke to Town Centre land behind the town offices. This property is both privately owned and town owned. In an effort to plan ahead he would like to see research done. Director of Operations and Public Works advised that there has been a survey and a search done on the property and it is intended that the people who own the land will be approached. Council will also be asked for their views.

Councillor Tapper stated that he was unable to attend the meeting of council on December 15, 2008. He stated that regarding Motion 294-08 he was on the record previously that he was in support. On December 15, 2008 the Motion was defeated in his absence. He asked CAO if this Motion can be brought forward again. CAO advised that the budget would be brought forward again in March and is readopted.

Councillor Tapper raised concerns regarding Pineridge Crescent. Director of Operations & Public Works advised that Engineers have looked at the entire area and until the issue is resolved due to legal issues

**ADJOURNMENT**

As there was no further business the meeting adjourned at 10:20 p.m. on a motion by Councillor Cantwell and seconded by Councillor Smith

  
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*Mayor*

  
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*CAO/Town Clerk*