



## *MINUTES*

### PUBLIC COUNCIL MEETING

June 16<sup>th</sup>, 2008

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Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on June 16, 2008 at 7:40 p.m.

#### Members Present

Mayor Robert Codner  
Deputy Mayor Mary Thorne-Gosse  
Councillor Jim Cantwell  
Councillor Peggy Roche

Councillor Carol Ann Smith  
Councillor Ralph Tapper

#### Staff Present

Dawn Chaplin, CAO/Town Clerk  
Brian Winter, Develop. & Plan. Officer  
Jacquie Berkshire, Executive Clerk  
Ron Fleming, Director Oper. & Public Works

#### Regrets

Councillor Mike Byrne

Meeting was chaired by Mayor Codner.

#### Others

See Attached.

Prior to the Council meeting commencing Councillor Roche requested a minute of silence in Memory of the Late Jack Byrne, MHA, Cape St. Francis.

#### 123-08      Adoption of Agenda

Motion – Councillor Roche/Councillor Smith

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

Question called. Motion carried unanimously.

#### 124 - 08      Adoption of Minutes

Motion – Councillor Smith/Councillor Roche

**RESOLVED THAT** the Minutes be adopted as presented with the following changes:

Page 2 - Members Present should be Deputy Mayor Thorne-Gosse.

Page 5 – Motion 117-08 should be “Motion Failed. Mayor Codner, Councillor Tapper, Deputy Mayor Thorne-Gosse and Councillor Roche against Motion”

**PROCLAMATIONS/PRESENTATIONS**

Presentation of Depot Petition by Mr. Paul Boylan – 1260 signatures. Mayor Codner accepted the Petition on behalf of Council. Mayor Codner advised that there will be a special meeting of Council to discuss the matter and a decision will be addressed at the next council meeting. **B/F**

**CORRESPONDENCE**

- Memorandum from MNL – 58<sup>th</sup> Annual Convention Package – **CAO to check with Council to poll for interest in attending.**
- Notice of Motion presented by Councillor Tapper

125-08 Motion – Councillor Tapper/Councillor Smith

**RESOLVED THAT** the 75meter buffer zone adjacent to Western Island Pond as defined under the Habitat Management Plan for the Town of Torbay be rezoned CONSERVATION.

Discussion.

Question called. Motion failed. Mayor Codner, Councillor Roche and Councillor Cantwell against Motion.

- Correspondence from Marathon Holdings Inc. – **No date on Survey/Petition – CAO asked by Mayor Codner to check on this. B/F**
- Correspondence/Questionnaire from Municipalities Newfoundland & Labrador. – **Further to this correspondence Councillor Tapper asked how much Crown Land is left in Torbay. It was suggested that the Town look into whether they can acquire Crown Land for the new Depot.**
- Correspondence from Government of NL – Wildlife Division – **Congratulations to Terry Downey and Neil Dollard both of Stephenville Crossing for being the recipients of the 2007 Lieutenant Governor’s/Ducks Unlimited Greenwing Award.**
- Correspondence from Canada/NL Business Service Network – **FYI**
- Correspondence from Sheri O’Brien – **FYI**
- Correspondence from Adeleane O’Brien – **FYI**
- Correspondence from Marina Cheeseman - **FYI**
- Correspondence from Paul & Cathy Boylan – **FYI**
- Correspondence from Canada/Newfoundland & Labrador Business Service Network - **FYI**

**BUSINESS OUTSTANDING**

Correspondence re: Proposed Development Regulations Amendment No.'s 10 and 25 for Moores Valley Road – Development and Planning Officer advised that this is still with the Department of Municipal Affairs – *Development & Planning Officer advises that this is still with Municipal Affairs and they advise that they do not have a date for this to be complete. B/F.*

Correspondence from Department of Environment & Conservation – *Councillor Tapper - Complete.*

### **COMMITTEE REPORTS**

#### **Capital Works/Public Works/Roads Street Lighting**

126 – 08 Motion – Councillor Cantwell/Deputy Mayor Thorne-Gosse.

**RESOLVED THAT** Council award the Tender for the Purchase of One (1) 2009 Dump Truck/Plow/Sander to Western Star/Stirling Trucks of Newfoundland the low bidder in the amount of \$187,506.00 Plus HST.

Question called. Motion carried.

127 – 08 Motion – Councillor Cantwell/Deputy Mayor Thorne-Gosse.

**RESOLVED THAT** the Town lease to own one (1) 2009 Dump Truck/Plow/Sander through the Royal Bank of Canada at a lease cost of \$3614.52 plus hst per month for 60 months at a rate of 6.09% and the buyout at the end of the lease to be \$1.00. Rate may vary depending on delivery date.

Question called. Motion carried.

#### **Building Applications**

128 – 08 Motion – Councillor Cantwell/Councillor Smith.

**RESOLVED THAT** the Building Application Report dated May 29, 2008 be adopted as presented.

Question called. Motion carried unanimously.

129 – 08 Motion – Councillor Cantwell/Councillor Roche.

**RESOLVED THAT** the Business Application dated May 29, 2008 be deferred until publication. **B/F**

Question called. Motion carried unanimously.

130 – 08 Motion – Councillor Cantwell/Councillor Roche.

**RESOLVED THAT** the Crown Land Application dated May 29, 2008 be adopted as presented.

Question called. Motion carried unanimously.

131 – 08 Motion – Councillor Cantwell/Councillor Roche.

**RESOLVED THAT** the Building Application Report dated June 12, 2008 be adopted as presented with the exception of Application 8687.

Question called. Motion carried unanimously.

Councillor Cantwell left the chambers at 8:09 p.m.

132 – 08 Motion – Councillor Tapper/Councillor Roche.

**RESOLVED THAT** Application 8687-08 from the Building Application Report dated June 12, 2008 be adopted as presented.

Question called. Motion carried unanimously.

Councillor Cantwell returns to Chambers at 8:10 p.m.

133 – 08 Motion – Councillor Tapper/Councillor Roche.

**RESOLVED THAT** the Business Application dated June 12, 2008 be deferred until Publication. **B/F**.

Question called. Motion carried unanimously.

### **Financial Report**

134 – 08 Motion – Councillor Roche/Councillor Tapper.

**RESOLVED THAT** Financial Reports for May 16 – June 12, 2008 be adopted as presented.

Question called. Motion carried unanimously.

135 – 08 Motion – Councillor Cantwell/Councillor Roche.

**RESOLVED THAT** all bills be paid to avoid interest.

Question called. Motion carried unanimously.

136 – 08 Motion – Deputy Mayor Thorne-Gosse/Councillor Cantwell.

**RESOLVED THAT** further to Motions 18-08, 54-08 and 82-08 that the Town of Torbay draw down and term out \$500,000 as it relates to the Town's portion of arena construction

expenses (MPA project number 06019). This represents the second term out. Loan to be repaid over a 15 year period.

Question called. Motion carried unanimously.

### **Personnel & Training Committee**

137 – 08      Motion – Councillor Smith/Deputy Mayor Thorne-Gosse.

**RESOLVED THAT** the Town of Torbay accept Maureen Power as Curator of the Torbay Museum.

Question called. Motion carried unanimously.

### **Recreation**

Councillor Tapper reported that June is Recreation Month and in keeping with this - fitness classes have been ongoing and will finish June 28 and begin again September 2008. There will be a Community Walk on June 24 at 6:30 p.m. beginning at Kinsmen Community Center. All are welcome. There will be a one day Seminar "Jump Its" using jump ropes and various techniques held at Holy Trinity Elementary School. Canada Day celebrations schedule of events including fireworks will be circulated shortly, Deputy Mayor Thorne-Gosse reported that there was an information session held on May 26, 2008 – Building Healthy Communities through Recreation. Tidy Towns planning is well underway and the judges will be in Torbay in early August.

### **Strategic Planning Committee**

Nothing to Report.

### **Development Committee**

138 – 08      Motion – Councillor Roche/Councillor Smith.

**RESOLVED THAT** the Rezoning request Application KMB Holdings to rezone land from North of Indian Meal Line from Rural to Residential Large Lot (Approximately 20 acres).

Question called. Motion carried unanimously.

139 – 08      Motion – Councillor Smith/Councillor Roche.

**RESOLVED THAT** the Development Application Report for Marathon Holdings Inc. Phase 5 C/D, Forest Landing Subdivision – 24 lot un-serviced subdivision be adopted as presented.

Question called. Motion carried unanimously.

### **Waste Management Committee**

Mayor Codner reported that the Committee is looking at a four (4) stream system within the next four (4) years. This would include regular garbage, compost, containers and paper and cardboard. Councillor Smith asked if there is a model in place for the program. Mayor Codner advised that they have the provinces divided into three (3) Zones and the Committee will follow those models.

### **SPECIAL COMMITTEES OF COUNCIL**

#### **By-Pass Road**

Mayor Codner advised that the Tender to cut brush has been awarded. There was a petition presented to Roland Butler with 38 names. There was concern as to where there is a list of homes that are going to be expropriated. Mayor Codner advised that there was noting that he was aware regarding residents who may lose property.

#### **Communications – *Nothing to report.***

#### **St. John's Region Regional Plan - *Nothing to report.***

### **LIAISON COMMITTEES**

#### **Arena**

Councillor Roche asked that consideration be made by the Arena Board as to the name of the new arena. She proposed that it be named after the Late Jack Byrne, MHA Cape St. Francis for his long standing efforts into the project. Proposed name - Jack Byrne Memorial Arena. Mayor Codner will forward to Arena Board.

#### **Capital Coast Development Alliance**

A Planning Session follow up will be held soon with CCDA, Heritage and Tourism.

#### **Chamber of Commerce - *Nothing to report.***

#### **Environment**

Councillor Tapper reported that the Environment Committee met on May 28, 2008. There was a cleanup of Tappers Cove on June 7, 2008. Scuba Divers from Pretty Safe Enterprises cleaned up the waters at Tappers Cove collecting 14 bags of garbage.

Councillor Tapper also reported that the Gully Gazebo will not be part of the cleanup. There has been some graffiti vandalism to the Gazebo as well. With the security in place it is hoped that this will stop and the issue is to be discussed with CAO. Councillor Roche suggested that the school work with the committee.

He also advised that he spoke with Ed Delany of the ECTA with respect to the stairs at Tappers Cove. Lumber for the repair has been donated and it is the intention that the stairs in the worst condition be replaced. As well to put railing on the other side. Mr. Delaney would like someone to go with him to look at the situation. Councillor Tapper suggested Director of Operations & Public Works. Councillor Tapper suggested that since the lumber for the repairs have been

donated he would like Council to consider donating the cost of the nails/hardware to complete the repairs. He felt the cost would be in the vicinity of \$500.

140 – 08      Motion – Councillor Tapper/Deputy Mayor Thorne-Gosse.

**RESOLVED THAT** Council donate \$500.00 to be used for hardware for the repair of the stairs at Tappers Cove.

Question called. Motion carried unanimously.

Councillor Tapper advised that the TETC will be finalizing their trail map and is wondering if the Jones Pond Trail is included. Mayor Codner advised that it is a traditional trail.

Bullocks Town Road is a traditional trail and requires clearing.

Provincial ATV symposium is planned for ATV enforcement on trails.

Work is planned to be done on the Rock Garden on Wednesday.

Annual Haunted Hike has been scheduled for August 14 at 8:00 p.m. at Father Troy Trail, All are welcome.

### Heritage

Nothing to report in Councillor Byrne's absence.

### Hillside Festival

Councillor Smith advised that the 2008 Hillside Festival will not go ahead this year. There were some difficulties with securing staging, etc. She suggested that the 2008 fiscal resources be deferred so they can be used to put off a bigger and better Festival next year.

141 – 08      Motion – Councillor Smith/Councillor Cantwell.

**RESOLVED THAT** as per the recommendation from the Hillside Festival Committee it be moved that the 2008 Hillside Festival be deferred and that Council use the 2008 Hillside Festival budget of \$7000.00 toward procurement of the Town's own special event infrastructure i.e. stage which will better position the Town for the Hillside Festival 2009.

Question called. Motion carried unanimously.

### North East Avalon Joint Council

Councillor Roche advised that the final meeting for the summer is to be hosted by St. John's on June 18<sup>th</sup>, 2008 at 7:30 p.m.

### School

Councillor Tapper advised the High School Committee met and Holy Trinity High School is the only high school from Newfoundland to have students on the research vessel which will be sailing in September. It is hoped that two (2) students and one (1) teacher will be participating in this special project. He also advised that there were approximately 50 band exchange students from New Brunswick here in May. There was concern voiced with respect to an "annual pip off day" that senior students participate in whereby students attend private houses there is a lot of alcohol at this event and both the school and committee are very concerned. It is believed that most parents are not aware of this.

Mayor Codner and Councillor Tapper met with the school this afternoon there appears to be a conflict with floor plans. The school slated to open in 2010 with a capacity of 700 students and at this time it seems that this will not be able to accommodate students. As well, it appears that there will not be a community gymnasium and there will not be enough room at the new school to accommodate the public library which is currently situated in the basement of the Council offices. The price tag for the new school to date is \$20 million.

### **Torbay Volunteer Fire Department**

Deputy Mayor Thorne-Gosse asked when there will be a meeting with the Town of Flatrock regarding the pumper agreement. CAO advised within two weeks as Mayor Parsons is out of Town.

### **Tourism**

Councillor Roche advised that the Happenings Guide has gone to print and will include events up to the end of the year. The first meeting of the Winterlights committee and the next meeting is scheduled for June 30, 2008.

### **Urban Municipalities Committee**

Deputy Mayor Thorne-Gosse advised that there would be an update for the next council package.

### **Webpage**

Nothing to report in Councillor Byrne's absence.

### **NEW BUSINESS**

*Mayor Codner - Pass*

*Deputy Mayor Thorne-Gosse - Pass*

*Councillor Byrne - Absent*

*Councillor Cantwell - Pass*

*Councillor Roche*



Councillor Roche asked whether the resurfacing of the roads was a continuation from last fall. Director of Operations & Public Works advised it was and that another contract will not be awarded until the roads assessment is completed by our engineers.

***Councillor Smith***

Councillor Smith advised that Michelle Myrick contacted her requesting her forthcoming correspondence. She also voiced her disappointment with the lack of communication within Council and feels that Council should be speaking with one voice.

***Councillor Tapper***

Councillor Tapper advised that the crosswalks in front of both the school and pharmacy are not painted. Mayor Codner to contact Department of Highways to request these crosswalks be repainted as soon as possible.

142 – 08      Motion – Councillor Cantwell/Councillor Smith.

**RESOLVED THAT** Mayor Codner to contact Department of Highways with respect to having the crosswalks in front of the school and the pharmacy painted.

Question called. Motion carried unanimously.

**ADJOURNMENT**

As there was no further business the meeting adjourned at 9:10 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