



MINUTES

PUBLIC COUNCIL MEETING
May 20th, 2008

Minutes of the Regular Meeting of Council held in the Council Chambers, Town Hall on May 20th, 2008 at 7:45 p.m.

Members Present

Mayor Robert Codner
Deputy Mayor Mary Thorne-Gosse
Councillor Jim Cantwell
Councillor Mike Byrne
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

Regrets

Ron Fleming, Dir. of Operations & Public Works

Meeting was chaired by Mayor Codner.

Others

See Attached.

102-08 Adoption of Agenda

Motion – Councillor Byrne/Councillor Smith

RESOLVED THAT the Agenda be adopted as presented.

Question called. Motion carried unanimously.

103 - 08 Adoption of Minutes

Motion – Councillor Byrne/Councillor Smith

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

Members Present should include Deputy Mayor Thorne-Smith and Councillor Tapper.

Motion 92-08. Deputy Mayor Thorne-Gosse, Councillor Smith and Councillor Tapper voted against the Motion.

Correspondence from Marathon Holdings – Withdrawn.

Arena – asked for commentary on the Torbay Board Representatives. Response was positive.

PROCLAMATIONS/PRESENTATIONS

104 – 08 Motion – Councillor Tapper/Councillor Cantwell.

RESOLVED THAT June is proclaimed Recreation Month.

Question called. Motion carried unanimously.

CORRESPONDENCE

- Correspondence from Act.
- Correspondence from Supervisor of Recreation & Healthy Living.

105 – 08 Motion – Councillor Tapper/Deputy Mayor Thorne-Gosse.

RESOLVED THAT Council support the ACT recommendations and adopt a policy that the Town of Torbay will have smoke-free recreation facilities.

Question called. Motion carried. Councillor Cantwell against Motion.

- Correspondence from Kathy Taylor-Rogers – **File**
- Correspondence to Kathy Taylor-Rogers – **File**
- Correspondence from Department of Environment & Conservation. – Referred to Councillor Tapper to discuss with TETC. **B/F**
- Correspondence from Department of Municipal Affairs Engineering & Land Use Planning Division. - Councillor Tapper requested that the Development & Planning Officer provide a brief explanation clarifying amendment and regulation numbers.

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 he is still waiting to hear back from Municipal Affairs on this matter. B/F.*

The Weather Network – *CAO advises that she was in contact with Mr. Balange and he advised that they have chosen another town to participate. Complete.*

Development & Planning Officer to check with the Department of Environment re: the number of Artesian wells. - *Development and Planning Officer advises that he spoke with Keith Guzzwell on the number of Artesian Wells at Forest Landing/Indian Meal Line area. Mr. Guzzwell advises that here is no evidence that a large number of the wells in a particular area can cause any problems. As well he advises that there is no evidence that septic could seep back into the wells and that this water is only being borrowed from the water tables and not being removed from the site. He has no concerns unless there were to be a large commercial development in the area. He had received calls from ETTC and Kathy Taylor-Rogers on the same issue. Additionally he made reference to a person in Ontario looking to do a study on the possibility of septic systems leaking back into artesian wells and that they may use Torbay namely Forest Landing as a test site if the neighborhood is willing to participate in such a study. Complete*

COMMITTEE REPORTS

Capital Works/Public Works/Roads Street Lighting

106 – 08 Motion – Councillor Cantwell/Deputy Mayor Thorne-Gosse.

RESOLVED THAT Council remove Project #2005703 – Soccer Clubhouse from Schedule A of the 2005-2008 Multi-Year Capital Works Projects and reallocate the funding of \$200,000.00 to Project #2005701 Depot. The funding for Project #2005701 – Depot will be revised to \$1,400,000.00.

Question called. Motion carried.

107 – 08 Motion – Councillor Cantwell/Deputy Mayor Thorne-Gosse.

RESOLVED THAT Council have plans developed for a Clubhouse at Upper Three Corner Park. Quotes to be obtained from local builders.

Question called. Motion carried.

108 – 08 Motion – Councillor Cantwell/Deputy Mayor Thorne-Gosse.

RESOLVED THAT Council award the 2008 Seasonal Security Services to Spectrum Security, the low bidder, the amount of \$19,933.80 plus HST.

Question called. Motion carried.

Councillor Tapper asked about the 80/20 capital works funding. CAO stated that we are waiting on the roads assessment and pumping infrastructure reports before submitting an application. In addition our 2005/2008 projects must be completed.

Building Applications

109 – 08 Motion – Councillor Cantwell/Councillor Tapper.

RESOLVED THAT the Building Application Report be adopted as presented.

Question called. Motion carried unanimously.

Councillor Smith excused herself from Chambers at 8:15 as it was thought there might be a conflict of interest.

110 – 08 Motion – Councillor Cantwell/Councillor Byrne.

RESOLVED THAT the Business Application B1014-08 be adopted as presented.

Question called. Motion carried unanimously.

111 – 08 Motion – Councillor Cantwell/Councillor Roche.

RESOLVED THAT the Business Application Report B10XX-08 be approved in principle.

Question called. Motion carried unanimously.

Councillor Smith returned to chambers at 8:18 p.m.

Financial Report

112 – 08 Motion – Councillor Roche/Deputy Mayor Thorne-Gosse

RESOLVED THAT Financial Report be adopted as presented.

Question called. Motion carried unanimously.

113 – 08 Motion – Councillor Roche/Deputy Mayor Thorne-Gosse.

RESOLVED THAT all bills be paid to avoid interest.

Question called. Motion carried unanimously.

Personnel & Training Committee

Councillor Tapper advised that CAO and Director of Operations & Public Works met at the Gazebo to discuss work to be completed at the Gazebo. Councillor Tapper asked if we had enough staff resources to complete required work.

Recreation – Nothing to report.

Strategic Planning Committee – Nothing to report

Development Committee

114 – 08 Motion – Councillor Roche/Councillor Smith.

RESOLVED THAT the following street name, Katrina Place, is approved by Council and the 911 System to be used for the Birchy Nap Hill Road Subdivision.

Question called. Motion carried unanimously.

115 – 08 Motion – Councillor Smith/Councillor Roche.

RESOLVED THAT the following street names, Woodbridge Lane, Sprucewood Lane, Streamside Lane, Rattling Brook Road and Barkwood Lane are approved by Council and the 911 System to be used for the Forest Landing Phase 5 C/D.

Question called. Motion carried unanimously.

116 – 08 Motion – Councillor Roche/Councillor Smith.

RESOLVED THAT Council approve Municipal Plan Amendment No. 9, 2007 and Development Regulation Amendment No. 23, 2007 as presented and to proceed with the next step in the amendment process.

All members of Council state opinion.

117 – 08 Motion – Councillor Cantwell/Councillor Byrne..

RESOLVED THAT Amendment to Motion, rezone from buffer to conservation and include the 75M buffer in the residential lots.

Question called. Motion failed.

Mayor Codner, Councillor Tapper, Deputy Mayor Thorne-Gosse and Councillor Roche against Motion.

118 – 08 Motion – Deputy Mayor Thorne-Gosse/Councillor Cantwell.

RESOLVED THAT Council approve Municipal Plan Amendment No. 9, 2007 and Development Regulation Amendment No. 23, 2007 as presented and to proceed with the next step in the amendment process.

Question called. Motion carried. Deputy Mayor Thorne-Gosse, Councillor Smith and Councillor Tapper against Motion.

Waste Management Committee

Mayor Codner reported that the first meeting of the Avalon Regional Waste Management committee was held on Wednesday, May 7, 2008 at the Holiday Inn.

SPECIAL COMMITTEES OF COUNCIL

By-Pass Road

Councillor Tapper has a letter which will be tabled at the next meeting.

Communications – *Nothing to report.*

St. John's Region Regional Plan

Development and Planning Officer stated that he is waiting on Cabinet approval.

LIAISON COMMITTEES

Arena

Mayor reported there was a meeting on May 8, 2008. The next Arena meeting is scheduled for Thursday, May 29, 2008. Councillor Smith requested Board of Director meetings Minutes. Mayor Codner replied no problem.

Capital Coast Development Alliance - Nothing to Report.

Chamber of Commerce - Nothing to report.

Councillor Roche asked about a letter for President Dwayne Legge. CAO stated this is a Letter of Invitation for Tidy Towns participation.

Environment – Councillor Tapper stated there is a meeting next week.

Heritage

Councillor Byrne advised that the Heritage Committee meeting was changed to May 21. Discussion focused on personnel and interviews for the Curator position.

Hillside Festival

Councillor Smith advised that she was unable to get an update for this council meeting. Councillor Smith will provide an update at the next Council Meeting.

North East Avalon Joint Council

Councillor Roche advised that the next meeting of the North East Avalon Joint Council will be held on Wednesday, May 28, 2008 at the Torbay Town Hall.

School

Councillor Tapper advised that the elementary school council will be meeting this evening and the high school council will be meeting on June 1st, 2008.

Torbay Volunteer Fire Department

Deputy Mayor Thorne-Gosse advised that Bob Webber had minor surgery and a fruit basket was sent to him. Mr. Webber sent a note of thanks.

Tourism

Councillor Roche advised that the Farmers Market will be held on Saturday September 6 – 13, 2008 from 10 a.m. – 2 p.m. There will be boat tours on July 19 and 20, 2008 at 9:00 a.m., 12:00 p.m. and 3:00 p.m. from Tappers Cove. There has also been a request from the Provincial Department of Tourism about updating for 2009 the Tourism Guide and Website. Councillor Roche requested a meeting with CAO on this. The deadline for this is May 30, 2008. She also advised that dates and times have been submitted to Director of Recreation for the Happenings Guide and the committee is awaiting the first draft.

Urban Municipalities Committee

Deputy Mayor Thorne-Gosse advised that the UMC is meeting this weekend, May 23 – 25, 2008 in Bonavista. She will be attending. She spoke to the issue of Mandatory Winter Tires which is on the agenda and asked for Council's support on this issue.

119 – 08 Motion – Deputy Mayor Thorne-Gosse/Councillor Roche.

RESOLVED THAT Council support the UMC's lobbying the Provincial Government for the mandatory use of winter tires.

Question called. Motion carried. Councillor Cantwell Against Motion.

Webpage

Councillor Byrne advised CAO and Executive Clerk met with Triware and there is a new contract in place. Tri Ware will provide a mock up of the new site within 2 weeks. They have committed to having the site up and running within 6 weeks.

NEW BUSINESS

Mayor Codner - Pass

Deputy Mayor Thorne-Gosse

Deputy Mayor Thorne-Gosse advised that there was a meeting with Harbor Authority, recreational and commercial fisherman regarding Tappers Cove in 2007. In light of the deterioration of the area it was suggested that repairs be made.

120 – 08 Motion – Deputy Mayor Thorne-Gosse/Councillor Cantwell.

RESOLVED THAT staff look at necessary repairs and post warning signs at Tappers Cove.

Question called. Motion carried unanimously.

Councillor Byrne - Pass

Councillor Cantwell

Councillor Cantwell noted at the May 5, 2008 council meeting there was an issue with a homeowners garage. He advises that the Stop Work Order has been revoked as the homeowner, Albert Clarke, will now attach the garage to his home. A letter must be signed by the resident agreeing to this change.

121 – 08 Motion – Councillor Cantwell/Councillor Tapper.

RESOLVED THAT the Stop Work Order be removed from 31-33 Western Island Pond Drive in relation to the construction of accessory building. (The applicant will now have the accessory building attached to the residence.)

Question called. Motion carried unanimously.

Councillor Roche - Pass

Councillor Smith - Pass

Councillor Tapper

Councillor Tapper spoke to Forest Landing and lots that are for sale and the buffer zone. He questioned as to whether something could be added into the Deeds regarding Phase I, lists of restrictions in the leaflet. It was assured that the new information would be added.

122 – 08 Motion – Deputy Mayor Thorne-Gosse/Councillor Tapper.

RESOLVED THAT conditions in place will be looked into for Phase I and regulations enforced for next phase of Forest Landing to enforce regulations and covenants in Phase I.

Question called. Motion carried. Mayor Codner, Councillor Byrne and Councillor Roche Against Motion.

ADJOURNMENT

As there was no further business the meeting adjourned at 9:30 p.m. on a motion by Councillor Cantwell and seconded by Councillor Smith.



Mayor



CAO/Town Clerk