

**Town of Carbonear**  
**Regular Council Meeting, October 9, 2018**  
Minutes of a regular meeting of the Council of the Town of Carbonear  
Held in Council Chambers, October 9<sup>th</sup>, 2018 at 5:30pm

**Members Present:** Mayor Frank Butt  
Deputy Mayor Chris O'Grady  
Councillors Danielle Doyle  
Ray Noel  
Vic Jenkins  
Amanda Hulan  
David Kennedy

**Also Present:** Town Clerk Cathy Somers  
Director of Operations & Public Works Brian O'Grady

**Members Absent:** CAO Cynthia Davis

- 
1. Calling of Meeting to Order  
Mayor Butt called the meeting to order at 5:31p.m.  
Mayor Butt welcomed everyone in attendance at the meeting.
  - 2.1 Adoption of the Agenda for October 9, 2018 Regular Meeting  
**Motion 18-243 V. Jenkins / A. Hulan**  
*Resolved to adopt the agenda as presented for the October 9, 2018 Regular Meeting of Council.*  
Favour 7; Opposed 0; **Carried**
  - 2.2 Adoption of the minutes
    - a) Regular Meeting – September 25, 2018  
**Motion 18-244 R. Noel / D. Kennedy**  
*Resolved that the minutes of the September 25, 2018 Regular meeting of Council be adopted as presented.*  
Favour 7; Opposed 0; **Carried**
  3. Business Arising From Minutes
  4. Delegations  
No delegations listed.
  5. Correspondence, Permits & Development
    - a) Permit Listing # 8421, 8441, 8454-8472  
Councillor Doyle asked council members to review the list of permits to

determine if any conflict of interest exists on any of the permits.

Councillor Noel declared a conflict of interest on Permit #8461 as it was for his property.

**Motion 18-245**

**D. Doyle / V. Jenkins**

*Resolved to approve the list of permits # 8421, 8441, 8454-8472 excluding #8461 as per applications received and in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.*

Favour 7; Opposed 0; **Carried**

Councillor Noel then left the meeting.

**Motion 18-246**

**D. Doyle / A. Hulan**

*Resolved to approve the permit #8461 as per application received and in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.*

Favour 6; Opposed 0; **Carried**

Councillor Noel was called back into the meeting.

5.1 Correspondence, requiring Council's decision  
None listed.

5.2 Correspondence received and action taken

Council reviewed the following correspondence and action taken:

- a) Property owner, Bennett's Hill  
RE: concerns near the intersection of Moore' Hill/Bemister's Hill & road width  
Forwarded to Public Works, Waste Management & Community Services committee
- b) Property owner, Hoyles Road  
RE: damage to driveway  
Forwarded to Public Works, Waste Management & Community Services committee
- c) Property owner, Park Avenue  
RE: fence repair  
Forwarded to Development Committee
- d) MMSB  
RE: Community Waste Diversion Program 2018  
Forwarded to Public Works, Waste Management & Community Services committee
- e) Kids Eat Smart Foundation  
Radiothon on VOCM, November 6. Request to host a fundraiser  
Forwarded to Finance and Administration committee
- f) Wood Environment and Infrastructure Solutions Ltd  
RE: 2018 – 2019 Small Water System Workshop and Mentoring Program

- Forwarded to the Director of Operations & Public Works
- g) Trina Appleby  
RE: Request for support in the upcoming election for the position of Avalon Director with the Board of Directors of MNL.  
Copied to Council
  - h) Property owner, Canada Place  
RE: Inquiry on property tax  
Forwarded to Town Clerk and the Finance & Administration committee
  - i) Public Procurement Agency  
RE: Public Procurement Policy update and reminder regarding the reporting of change orders.  
Copied to the Chief Administrative Officer and the Town Clerk
  - j) Department of Municipal Affairs & Environment  
RE: Cannabis Public Education  
Forwarded to Chief Administrative Officer, Council, staff and social media.
  - k) Progressive Engineering & Consulting Inc  
RE: Promotional news release  
Copied to the Chief Administrative Officer, placed on file.
  - l) Gary Gosine  
RE: Request for support in the upcoming election for the position of Avalon Director with the Board of Directors of MNL.  
Copied to Council.
  - m) Royal Canadian Legion Branch 23  
Request for the Mayor or a representative of Council to attend the opening of the District Poppy Campaign on Thursday October 25, 7pm in Bay Roberts.  
Copied to Council.
  - n) Fisheries & Oceans Canada  
RE: Bridge rehabilitation in Island Pond Brook, implementation of measure to avoid and mitigate serious harm to fish and prohibited effects on listed aquatic species at risk.  
Copied to Harris & Associates, Chief Administrative Officer and the Director of Operations & Public Works. Placed on file.
  - o) NL911  
RE: Request that a representative visit the NL911 booth at the MNL Annual Conference in Gander.  
Copied to Council.
  - p) Eastern Health  
RE: Information package (Influenza Season 2018-2019)  
Copied to Council and staff.

## 6. Committee Reports

- a) Development  
Councillor Doyle reported on the following items from the September 27<sup>th</sup> Development Committee meeting:  
Website – The EDTO continues to work on content of the new Town website.

There will be a launch of the website and the new map upon completion.

Request to reduce the size of the water easement on a property located on Valley Road.

Committee reviewed the request and recommends to approve a change with conditions.

**Motion 18-247**

**D. Doyle / R. Noel**

*Resolved to provide approval to the owner of property situate Par ID 214-228 Valley Road to reduce the easement to 7.5 m on either side of the water main on the property conditional upon the property owner taking responsibility for all survey, legal and any other costs associated with the changes to the width of the easement.*

Favour 7; Opposed 0; **Carried**

Development Applications for review:

Line Road – Cabin replacement

A cabin currently exists on the property; therefore, the application will meet the requirements of the policy that allows replacement of an existing cabin provided that necessary approvals are received from the Department of Environment. The committee recommends approval of the application.

**Motion 18-248**

**D. Doyle / V. Jenkins**

*Resolved to approve a permit to construct a replacement cabin at Line Road per the Policy for Land and Water Related Developments in Protected Public Water Supply Areas; approval from Water Resource Management; Service NL and/or applicable government departments and agencies and in accordance with applications submitted, the Town of Carbonear Municipal Plan and Development Regulations and other conditions as specified.*

Favour 7; Opposed 0; **Carried**

Renewal of permit to operate a sawmill for personal use – 110 White's Road

Property owner has requested renewal of a permit from September 2017 to operate a domestic sawmill from his property on White's Road. The permit is required to be renewed annually. The Department of Fisheries and Land Resources have regulations in place and complete inspections to ensure that the applicant adheres to the condition of the permit once issued. There have been no complaints or concerns received; therefore, the committee recommends renewal of the permit for another year.

**Motion 18-249**

**D. Doyle / R. Noel**

*Resolved to approve renewal of a permit to operate a domestic saw mill for personal use at 110 White's Road as per the application submitted, subject to operation and maintenance of sawmill in accordance with provincial guidelines and regulations and other applicable government departments and agencies and in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other conditions as specified.*

Favour 7; Opposed 0; **Carried**

1 Hayden Heights – enclose existing deck

Per the application submitted, the committee has no issue in approving the permit to enclose the existing deck.

**Motion 18-250**

**D. Doyle / C. O’Grady**

*Resolved to approve a permit to enclose an existing deck located at 1 Hayden Heights as per the application submitted and in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other conditions as specified.*

Favour 7; Opposed 0; **Carried**

Inquiry on servicing of vacant lot on Tilley Place

The CAO reviewed the file on Tilley Place. The Town received an inquiry a few years ago on the same parcel of land and approval was required to be obtained by the property owner from the other property owners on Tilley Place that were connected to the water line before the Town would consider approving another dwelling. There are agreements in place with the property owners on the line. It appears from a copy of the latest agreement provided by one of the property owners that the maximum number of properties on the line has been reached.

Setback confirmation

The Town received a request for a compliance letter for 3 Easton Place. Upon review it was determined a variance was required to vary the minimum building line setback from 6m to 5.72m. The Town can consider a variance that does not exceed 10% of the standards in the Development Regulations. The Council agreed to the variance at the regular meeting conditional upon no objections being received from the variance distributed to the neighbouring properties.

A working committee is being set up to work on the Theatre Expansion file to ensure that the additional information requested by the various funding partners is provided, so the application can be re-submitted.

b) Finance and Administration

Deputy Mayor O’Grady reviewed the following items from the September 26, 2018 Finance and Administration Committee:

Tax incentives property owners Water Street

The proposed policy is under revision and hopefully should be presented for approval at the next Council meeting.

Council apparel

Committee recommends an annual amount of \$775 for Council apparel from the Council Promotion budget.

2017 Audit

Work on the audit is ongoing. Auditors will be on site again in October to finish the audit.

Donation Requests

Committee reviewed two donation requests.

One request does not comply with the Town's Donation Policy, therefore no donation is recommended for that request.

The other request is not recommended as the Town has already donated the use of Paddy's Garden for that organization, so no further donation is recommended.

#### Land on Goff Avenue

There has been an inquiry from an interested party to purchase property on Goff Avenue.

#### Social Media Policy

Social Media Policy has been drafted and is under review by the committee. Further discussion on the policy to take place at the next meeting.

#### Princess Sheila Seniors

We have been advised the Princess Sheila Seniors group is no longer active.

#### Policy (communication, correspondence, etc)

Committee is researching policy information for consideration to implement a Communication/Correspondence Policy or Procedures guideline.

#### Mayor Remuneration

Mayor Butt declared a conflict of interest on this matter and left the meeting. Deputy Mayor O'Grady assumed the chair.

The committee reviewed correspondence from Stewart McKelvey indicates that Mayor Frank Butt is requesting payment of the stipend for the time he was removed from office. It was noted that while this is not part of the Judge's Decision, this payment would be reasonable as directly related to the remedy ordered. While this was not ordered by the judge, the committee recommends to pay the Mayor the remuneration for the two quarters covering the period January – June 2018.

#### **Motion 18-251**

**R. Noel / V. Jenkins**

*Whereas Mayor Butt was removed from his seat on Council in December 12, 2017 and subsequently appealed that decision of Council, and Whereas part of the Court Ruling on the appeal was that Frank Butt be reinstated by the Town Council of the Town of Carbonear, as Mayor and Town Councillor of the Town Council of the Town of Carbonear; and Whereas Mayor Butt has requested payment of remuneration for the periods January 1, 2018 to March 31, 2018 and April 1, 2018 to June 30, 2018 for the period he was wrongfully out of office;*

*Be It Resolved that the Town of Carbonear pay the full amount of remuneration for the Mayor's position for the period of January to June, 2018 totaling \$7,507.50 less applicable deductions.*

Favour 6; Opposed 0; **Carried**

Mayor Butt was called back into the meeting and assumed the chair.

- c) Public Works, Waste Management & Community Services  
Councillor Jenkins reviewed the following items from the October 3<sup>rd</sup>

Public Works, Waste Management & Community Services committee meeting:

Tree Assessment

An email was received from Green Leaf Resources who advised he would review the scope of the work to be completed. It was reported that it would be easier to complete the when the leaves are off the trees.

Traffic Calming Policy

Committee is reviewing research on a Traffic Calming Policy.

A new portable speed sign has been received. The sign will be placed in various locations throughout the Town and relocated on a weekly basis.

No Parking signs – O'Donovan's Lane

The Director of Operations and Public Works completed an investigation into the complaints of traffic congestion in this area and recommends that no parking signs be placed on both sides of the street. The committee recommends the placement of no parking signs on O'Donovan's Lane from Water Street intersection to Patrick Street.

**Motion 18-252**

**V. Jenkins / R. Noel**

*Resolved to have No Parking Signs placed on both sides of O'Donovan's Lane from the intersection at Water Street to Patrick Street.*

Favour 7; Opposed 0; **Carried**

Lane between Russell and Lemarchant Street

This matter requires further review and discussion with Council.

Pump house/lift station maintenance contract

The committee reviewed the quote(s) to purchase a maintenance contract for the pump houses/lift station. The best option for maintenance is Sanson Equipment Limited which includes annual service and semiannual service on the lift stations at Bond Street, Pikes' Lane, Woodwynd Heights and Blueberry Crescent. Annual service includes filters, oil removal of waste oil, labour, travel time and generator & transfer switch inspections. The cost is \$4,534.82.

**Motion 18-253**

**V. Jenkins / R. Noel**

*Resolved to purchase a Pump house/Lift Station Maintenance Contract from Sanson Equipment Ltd at a cost of \$4,534.82.*

Favour 7; Opposed 0; **Carried**

Freshwater Fire Protection

Committee is waiting on requested information from the Freshwater Local Service Committee.

- d) Recreation, Special Events, Culture & Tourism  
Councillor Noel reviewed the following items from the October 3<sup>rd</sup>

Committee meeting:

Enabling Accessibility Fund, Pool (change room renovations)

Application has been submitted, awaiting response. Applicants should receive notification of approval in November.

Pool deck repair

The Director of Recreation continues to investigate this matter with the service provider.

Exterior siding repair

The Director of Recreation is following up on additional information on the quotes received.

Southside Playground (seeding)

Seeding has been completed. Further seeding to take place in the spring.

Fall Programming

Sports camp at Carbonear Academy will start this month.

Seniors Fall Programming – There will be weekly activities scheduled for October and November. Director of Recreation will provide the schedule of both program activities.

Poseidon Swim Club Rental Fees

The Director and Councillor Noel met with members of the Poseidon Swim Club to discuss their proposal. The committee recommends to approve a rate of \$50 per hour for the Swim Club.

**Motion 18-254**

**R. Noel / D. Doyle**

*Resolved to increase the hourly fee to \$50 per hour for the Poseidon Swim Club effective October 1, 2018.*

Favour 7; Opposed 0; **Carried**

Proposed Mayor Station to Station walk

The committee discussed some liability concerns and the repairs needed to address the area where the culvert or bridge no longer exists.

Further review, investigation and discussion will be needed on the matter.

Recreation & Special Events

The Director of Recreation will approach the Special Events committee to purchase a 21ft pre-lit Christmas tree to be placed by the pergola for this year's Tree Lighting Ceremony.

Lights for hockey rinks

The Director has obtained a quote to install 4 poles with 2 LED lights on each pole at the hockey rinks at a cost of \$21,550. The Town received \$7,000 in provincial funding and the remaining funds were allocated in the 2018 budget.

The committee recommends with proceeding with this work.

**Motion 18-255**

**R. Noel / V. Jenkins**



*Resolved to approve \$21,550 to A & M Electrical for labour and materials to supply and install, conduits, wiring and devices for post mounted flood lights for the Ice Skating Rinks at the Recreation Complex.*  
Favour 7; Opposed 0; **Carried**

License to occupy (Multi Purpose Recreational Trail)

The Town has received the License for occupancy of Crown Land for the purpose of a Multi-Purpose Recreational Trail. The committee recommends to proceed to sign the document.

Donation List Policy (trees and other items)

There was some discussion on the implementation of a Donation Listing Policy. The Director is working on a list of items that can be recognized for specific donations amounts made to the Town.

Deferred for development of a draft policy for review.

Carbonear Heritage Society requests

The EDTO and the Director of Operations and Public Works are waiting on another quote for painting and repair. Deferred.

Harvest Run

Councillor Noel noted that will be over 1000 participants her in Carbonear on Oct. 11 for participation in the Harvest Run. Congratulations to the schools for organizing the event and using the town's facilities.

7. Reports of Chief Administrative Officer and Department Heads  
None listed.

8. Finance

a) Operating Invoices over \$2,000.00 totaling.....\$ 104,273.10

**Motion 18-256**

**C. O'Grady / R. Noel**

*Resolved that the Town of Carbonear approve for payment the list of operating invoices as submitted totaling \$104,273.10.*

Favour 7; Opposed 0; **Carried**

9. Regulations  
None listed.

10. New Business

a) Motions required for approval to borrow:

Small Communities Fund, Project No. 17-SCF-19-0094

Deputy Mayor O'Grady advised that a motion is required for the approval to borrow on the project for Mahaney's Lane – Water, Sewer and Street Upgrading

Funding approved. Total contract cost: \$270,000. (Cost less HST rebate) - \$244,845) Cost shared: Federal: \$81,607, Provincial: \$114,269 and municipal \$48,969.

**Motion 18-257****C. O'Grady / V. Jenkins**

*Resolved to request an approval to borrow from the Department of Municipal Affairs and Environment in the amount of \$48,969 from Scotiabank at an interest rate of prime plus 0.25% for a term of 5 years amortization of 10 years for the Town's portion of the Mahaney's Lane – Water, Sewer and Street Upgrading Project.*

*Favour 7; Opposed 0; **Carried***

- b) Councillor Doyle noted another recommendation from the Development Committee.

Request for Approval in Principle for a development at 97 Columbus Drive.

An application has been received requesting Approval in Principle for a new commercial development at the corner of Columbus Drive and Fox Farm Road, property known as 97 Columbus Drive. The proposed development is for a new convenience store with gas bar and drive-thru quick service restaurant, which is being considered as a discretionary use in the Commercial General zone.

The committee recommends approval of the request.

Mayor Butt asked Council to determine if he would be in conflict of interest on this matter, as he owns a gas bar and convenience store within the Town as well and can be considered in competition with the proposed development.

**Motion 18-258****D. Kennedy / V. Jenkins**

*As per Section 209 of the Municipalities Act, Be It Resolved that Council does not consider Mayor Butt to be in conflict of interest on the proposed commercial development at the corner of Columbus Drive and Fox Farm Road, property known as 97 Columbus Drive for a new convenience store with gas bar and drive-thru quick service restaurant.*

*Favour 6; Opposed 0; **Carried***

Mayor Butt did not vote on the matter.

**Motion 18-259****D. Doyle / A. Hulan**

*Resolved that the Town of Carbonear grant an Approval in Principle for a new commercial development at 97 Columbus Drive for a new convenience store with gas bar and drive-thru quick service restaurant subject to the following:*

- *Receipt of approval from the Government of NL – Department of Transportation and Works for the proposed access off Columbus Drive as this is a provincial highway.*
- *Receiving no objections to the discretionary use ad on the proposed development*

- *Receipt of revised drawings to move the access off Fox Farm Road to a minimum of 60 metres from the intersection of Columbus Drive and Fox Farm Road.*

Favour 7; Opposed 0; **Carried**

Mayor Butt noted the Town received an award at the MNL Conference from the Heart and Stroke Foundation for the fund-raising for the Mayor's Walk last year.

Mayor Butt noted that the Mayor's Walk will be held again this year on October 18.

Mayor Butt noted that tomorrow night is open house at the Fire Hall. All Council are invited to attend.

Mayor Butt advised that the following awards were presented at the Fireman's Ball this past Saturday:

30 years service: Ed Kavanagh and Frank Butt

25 years service: Glen Trickett.

Mayor Butt advised that the Health Foundation Telethon is this Sunday. The Town's presentation will be made at 5:30pm at Amalgamated Academy. All council members are welcome to attend.

11. Notices of Motion  
No notices of motions were filed.

12. Adjournment  
**Motion 18-260**                      **R. Noel / C. O'Grady**  
*Resolved that the meeting adjourn at 6:06 p.m. and the next regular council meeting will be on October 23 at 5:30pm.*

---

Mayor Frank Butt

---

Cathy Somers, Town Clerk