

Town of Carbonear
Regular Council Meeting, September 25, 2018
Minutes of a regular meeting of the Council of the Town of Carbonear
Held in Council Chambers, September 25th, 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: CAO Cynthia Davis
Town Clerk Cathy Somers
Director of Operations & Public Works Brian O'Grady
Director of Recreation Rob Button

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1. Calling of Meeting to Order
Mayor Butt called the meeting to order at 5:29pm.

 - 2.1 Adoption of the Agenda for September 25, 2018
Councillor Doyle noted that she would like to add an item to the Regular Meeting Agenda under New Business for Roles and Responsibilities of Council.
Motion 18-228 D. Doyle / V. Jenkins
Resolved to add Roles and Responsibilities of Council under the New Business section of the Agenda for September 25, 2018 Regular Council Meeting.
Favour 7; Opposed 0; **Carried**
Motion 18-229 R. Noel / D. Kennedy
Resolved to adopt the agenda as presented and amended for the September 25, 2018 Regular Meeting of Council.
Favour 7; Opposed 0; **Carried**

 - 2.2 Adoption of the minutes
 - a) Regular Meeting – September 11, 2018
Motion 18-230 C. O'Grady / A. Hulan
Resolved that the minutes of the September 11, 2018 Regular meeting of Council be adopted as presented.
Favour 7; Opposed 0; **Carried**

 3. Business Arising From Minutes
None

Mayor Butt welcomed representatives from Municipal Affairs and Environment who

were in attendance at the meeting, and other members of the public to the meeting.

4. Delegations
None listed.

Mayor Butt noted that the CBN Joint Councils will be meeting in Carbonear this Thursday and the RCMP will be attend that meeting. He will arrange for the RCMP to attend a Carbonear Council meeting later in the fall.

5. Correspondence, Permits & Development

a) Permit Listing # 8314, 8321, 8325, 8344, 8434, 8436, 8438-8440, 8442-8444, 8446-8447, 8449-8450, 8452-8453

Councillor Doyle asked council members to review the list of permits to determine if any conflict of interest exists on any of the permits.

Motion 18-231 D. Doyle / C. O'Grady

Resolved to approve the list of permits # 8314, 8321, 8325, 8344, 8434, 8436, 8438-8440, 8442-8444, 8446-8447, 8449-8450, 8452-8453 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**

b) Development Application – 75-93 Columbus Drive
RE: New Commercial Construction / Dairy Queen Restaurant

Motion 18-232 D. Doyle / A. Hulan

Resolved to approve a phase 1 permit for a commercial new construction of a Dairy Queen at 75 – 93 Columbus Drive to complete site work including construction of the parking lot, installation of curb, gutter, sidewalks, and asphalt conditional upon receipt of an approval in principal for the new access off Columbus Drive by the Department of Transportation and Works.

Favour 7; Opposed 0; **Carried**

c) Other

Councillor Doyle noted that there is another item relating to a variance notice resulting from a compliance request for the property of 3 Easton Place.

Mayor Butt declared a conflict of interest on the matter as his brother owns property on Easton Place in the same area.

Mayor Butt then left the meeting.

Councillor Doyle advised the following motion is being recommended:

Motion 18-233 D. Doyle / R. Noel

Resolved to provide notification to properties in the vicinity of 3 Easton Place of a request to vary the building line setback from 6 m to 5.72 m for the single dwelling development at 3 Easton Place, and;

Be it further resolved that Council approval of the building line setback of 5.72 m is granted provided no objections are received from the properties in the vicinity of 3 Easton Place that received notification of the variance.

Favour 6; Opposed 0; **Carried**

Mayor Butt was called back into the meeting.

5.1 Correspondence, requiring Council's decision

Mayor Butt declared a conflict of interest on the next two items as he owns property and a business on Water Street in the Downtown area.

Mayor Butt then left the Council chambers and Deputy Mayor O'Grady assumed the chair.

- a) Atlantic Canada Opportunities Agency
Innovative Communities Fund

RE: Funding approved in the amount of \$538,796 (Downtown Development Phase 1)

Motion 18-234 **D. Doyle / V. Jenkins**

Resolved that the Town of Carbonear enter into an agreement with the Atlantic Canada Opportunities Agency (ACOA) and accept the Offer of Assistance under the ACOA Innovative Communities Fund for the Phase I recommendations from the Carbonear Downtown Revitalization Design Concepts Report for the area from Adelaide Street to Bannerman Street which includes the installation of signage, Wi-Fi hotspots, sidewalks, landscaping and lighting totaling \$828,917 financed as follows:

ACOA \$538,796; Department of Tourism, Culture, Industry and Innovation \$207,229 and Town of Carbonear \$82,892; and

Be It Further resolved that the Deputy Mayor and Town Clerk are authorized to sign the agreement with ACOA on behalf of the Council of Carbonear.

Favour 6; Opposed 0; **Carried**

- b) Department of Tourism, Culture, Industry and Innovation
Regional Development

RE: Funding approved in the amount of \$207,229 (Downtown Development Phase 1)

Motion 18-235 **D. Doyle / A. Hulan**

Resolved that the Town of Carbonear enter into an agreement with the Department of Tourism, Culture, Industry and Innovation (TCII) and accept the Letter of Financing from the TCII for the Carbonear Downtown Redevelopment Project, Phase I totaling \$828,917 financed as follows:

ACOA \$538,796; Department of Tourism, Culture, Industry and Innovation \$207,229 and Town of Carbonear \$82,892; and

Be It Further resolved that the Deputy Mayor and Town Clerk are authorized to sign the agreement with TCII on behalf of the Council of Carbonear.

Favour 6; Opposed 0; **Carried**

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

5.2 Correspondence received and action taken

Council reviewed the action taken on the following correspondence:

- a) Property owner, Valley Road
Request to extend the sewer line on Valley Road
Forwarded to Public Works, Waste Management and Community Services committee
- b) Property owner, Mahaney's Lane
Request for curb and gutter
Forwarded to Public Works, Waste Management and Community Services committee
- c) ICEsoft Technologies
RE: Emergency notice and communication tool for communities
Forwarded to Public Works, Waste Management and Community Services committee
- d) MHA Office
RE: Deadline for JCP funding, September 28
Forwarded to Chief Administrative Officer
Kennedy inquired. Trail application. EDTO is working on that.
- e) Municipalities NL
 - MNL partners with the Newfoundland & Labrador Construction Association to offer municipalities' access to education and training opportunities.
 - MNL is purchasing a new headquarters building at 79 Mews Place
 - Room allocation & Agenda for the AGM
 - Premier's Forum deadline extended to September 21Copied to Council.
- f) Craig Scott, Candidate for the Avalon Region at the October 4 Premier Forum in Gander
RE: Request for consideration
Copied to Council
- g) Property owner, Water Street
RE: Request for water and sewer adjustment on two properties
Forwarded to Finance and Administration committee
- h) Baccalieu Trail SPCA
RE: Request for donation to the 4th Annual Autumn Dinner and Auction
Forwarded to the Finance and Administration committee
- i) Department of Municipal Affairs & Environment, Water Resource Management
RE: Winter 2018 Drinking Water Quality Data
Copied to the Chief Administrative Officer

6. Committee Reports

- a) Development
Counillor Doyle reviewed the following from the September 13th Development Committee meeting:

- Town map
The EDTO has been working on getting this finalized. Quotes for printing and folding of 5000 maps has been obtained. There is an option for businesses to advertise around the inside of the map. *The committee recommends including advertising as this will keep the printing costs as low as possible.*
- Town website
The EDTO continues to work on the website. Login and passwords are now provided to staff. Staff will have the option to change, add and delete the content in the website draft. The link is broken to the newcomer portal and it appears that the data is not available. The Town will consult with Eastern Health, if required, to develop another newcomer portal. The EDTO has inquired on plans to launch the new website. *The committee recommends that the EDTO plan and organize a website launch for later this fall once the website is complete.*
- Commercial Road Widths Columbus Drive Commercial Development
The committee reviewed sections from the Municipal Plan and Development Regulations that allows the town to obtain a financial guarantee such as performance bonds for developments. The regulations also require provision to be made for landscaping. *The committee recommends the CAO forward written correspondence to the developer to relay this information and to allow for landscape design to be incorporated into the design.*
- Development Applications
Several Development Applications were reviewed by the Committee

Motion 18-236

D. Doyle / A. Hulan

Resolved to approve the following applications in accordance with applications submitted, the Town of Carbonear Municipal Plan and Development Regulations and other conditions as specified:

- 28 Crowdy Street to approve a permit to replace the front step not to exceed the size of the existing step per the discretionary powers of Council outlined in Section 10, Part 1 of the General Development Regulations.
- 180 Water Street to approve an application to operate a new business (Restaurant & Pub) per the Town of Carbonear Municipal Plan and Development Regulations and per applicable approvals from the Service NL and/or other applicable government departments and agencies.

Favour 7; Opposed 0; **Carried**

- Quote to install 4 new area lights along the boardwalk
The committee reviewed a quote from A & M Electrical to supply and install 4 new area LED lights along the west side of three corner pond boardwalk (from Pikes Lane pumphouse to Rossiters Pond) at a cost of \$12,000. A & M Electrical will be donating the electrical cable to complete the lighting. The funds for this purchase was included in the 2018 budget.

Motion 18-237

D. Doyle / C. O'Grady

Resolved to approve the quote from A & M Electrical & Construction Ltd for a cost of \$12,000 to supply and install 4 area lights along the west side of the boardwalk.

Favour 7; Opposed 0; **Carried**

Councillor Noel extended thanks for the donation made by A & M Electrical on this project.

- Property of 213 Water Street

It has come to the attention of Council that storage containers have been placed on the property of 213 Water Street. It was also reported that a roofing company was operating from the property which will require a permit from Council. *The committee recommends forwarding written correspondence to the property owner to inquire on his intention*

Mayor Butt inquired if someone applies to Council for a business permit in an area where it is not a permitted use, can they apply to rezone the area. CAO advised they could make application to re-zone the area and Council would consider whether or not to approve that application.

b) Finance and Administration

Deputy Mayor O'Grady reviewed the following from the September 5th Finance & Administration Committee:

Drug and Alcohol Policy

The final draft of the policy was forwarded to committee for review and then sent to all of Council for consideration to be adopted.

Motion 18-238 C. O'Grady / D. Doyle

Resolved to approve the Drug and Alcohol Policy as presented by the Finance and Administration Committee.

Favour 7; Opposed 0; **Carried**

Councillor O'Grady advised this new policy will be relayed to all staff.

204 Water Street – Purchase and Sale Agreement

Mayor Butt advised this property is in close proximity to his properties at 240 Water Street and 225 Water Street.

Mayor Butt asked Council to determine if he would be in conflict of interest on this matter.

Mayor Butt then left the meeting and Deputy Mayor O'Grady assumed the chair.

It was noted that this is the property that Council plans to acquire for a Farmers Market area.

Councillor Doyle noted that this property is more than a block away from Mayor Butt's properties on Water Street.

Motion 18-239 D. Doyle / 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 Purchase and Sale Agreement for the property of 204 Water Street.

Favour 6; Opposed 0; **Carried**

Mayor Butt was called back into the meeting and advised that Council determined that he is not considered to be in conflict of interest on the matter of the Purchase and Sale Agreement for the property of 204 Water Street. Deputy Mayor O'Grady vacated the chair and Mayor Butt assumed the chair.

204 Water Street – Purchase and Sale Agreement

Deputy Mayor O'Grady noted the CAO reviewed the Purchase and Sale Agreement for the property of 204 Water Street in the amount of \$35,000. There was some discussion on the environmental assessment and the CAO reported the environment clause in the agreement allows for the Town to view the environmental assessment completed by Valero once the agreement has been signed. Per the agreement, the Town can proceed to purchase if satisfied with the study or they can terminate the agreement if they are not satisfied. The committee recommends to move forward on the matter and sign the agreement accepting the price of \$35,000.

Motion 18-240 C. O'Grady / V. Jenkins

Resolved that the Town of Carbonear enter into an Agreement of Purchase & Sale to purchase the property situate at Civic Address 204 Water Street, Carbonear for the purchase price of \$35,000 upon the terms and conditions set out in the Agreement of Purchase and Sale;
Favour 7; Opposed 0; **Carried**

Requests for Water/Sewer Tax adjustments for commercial properties at 130 Water

Deputy Mayor O'Grady advised that the committee reviewed the two pieces of correspondence requesting the water/sewer tax be removed from the properties of 130 Water Street and 42 Powell Drive as the properties are without water and sewer services and the buildings are being used for personal storage only. The Committee reviewed the details on the current water/sewer charges for the properties and confirmed that both properties are accessible to water/sewer services, and therefore are taxed.

The Town does not have a policy on reduction of taxes for vacant commercial properties, so each request would have to be looked at on an individual basis.

The committee does not recommend to approve the request for a water and sewer tax adjustment on the property of 130 Water Street.

The committee does not recommend to approve the request for a water and sewer tax adjustment on the property of 42 Powell Drive.

Delegation from Ireland

The CAO, EDTO and the Mayor met with Legendary Coast to discuss The Laurentic Forum (Irish-Newfoundland Conference) delegates from Ireland visiting Carbonear on October 1st. The Town will partner with Legendary Coast to help organize the event and will host a meet and greet reception at the Town office starting at 10:30 am and a tour of the Rorke Store followed by lunch at the Stone Jug leaving Carbonear at 2:30pm.

The committee recommends to contribute up to \$500 towards the cost.

The CAO will authorize the expenditure. The EDTO will continue to update Council on the matter.

7. Reports of Chief Administrative Officer and Department Heads

- a) Chief Administrative Officer
 The CAO advised that a Financial Report was previously distributed to Council for their review.
 The CAO reviewed the summary report with Council and advised that Council could review the more detailed report at their convenience and could address any questions to the CAO.

- b) Director of Recreation
 The Director of Recreation reviewed the following from his report with Council:

Pool & Recreation Maintenance

- 1.) All lights on pool deck have been replaced now with new LED lights. Bulbs began failing back in June so had those replaced with LED lights and during our annual shutdown, a couple of more had failed, so rest of lighting was replaced.
- 2.) Pool was drained and a complete facility cleaning was conducted. While pool was drained, had liner inspected, starting to show signs of aging. Working on replacement time and costs for councils consideration.
- 3.) Outside Maintenance is preparing for seasonal shutdown. A few outstanding miscellaneous items to get completed, but they are on list to be done in next week or so.
 Maintaining facilities for school and football use. All playgrounds are scheduled to be closed for season by end of October.

Financial & Program Analysis

	<u>2018</u>	<u>2017</u>
1.) Pool Revenue (less HST)	\$212, 419.34	\$211, 311.79
2.) Lesson Registration	1489	1515
3.) Pool Visitation	25,694	23,823

Summer Lesson set witnessed lower registration compared to last year (-107).

September registration has rebounded and matched that of last year at 380.

Programs & Grants

- 1.) All summer programs and events have concluded and we have transitioned into the school and football season. Regional High School softball has booked fields, along with the annual harvest run. High School soccer has been using the field as well. Avalon Minor Football are practicing 5 nights a week and have 3 Saturdays booked for games.
- 2.) Youth Sports Program is scheduled to begin again on October 2nd. Starting with a basketball program, Tuesday's and Thursday's between 4:30 and 6:30. Seniors programming is near ready to unveil. Doing programming every Tuesday afternoon for 10 weeks, starting first week of October. Should be ready to release calendar by Friday.
 They will avail of the P.S. Building for most of these planned activities.

Councillor Doyle inquired about the football program and the darkness of the field now during the fall season. The Director advised that when softball is finished they can move up on the lighted softball field Inquiry about lighting the track and field area. Director advised this is a new sport to the area and that we should see how the attendance and growth of the program develops.

- c) **Director of Operations & Public Works**
The Director of Operations and Public Works reviewed the following from his report with Council:
- Roads:**
Asphalt:
We continue to purchasing asphalt by the ton and have been doing larger repairs around town.
- Line Painting:**
The line painting has slowed but we still plan to do more painting before the asphalt get to cold.
- Catch basin cleaning:**
Ongoing
- Valve Exercising:**
Ongoing
- Bennett's Hill Pump house**
This pump house is running well with only a few adjustments ongoing. We have now opened the valves across to Hoyle's Rd. and have shut down the Long's Hill pump house. This has now been working well for over 6 weeks so we do not anticipate any significant issues.
- Tyre's Drung Water Main**
The Contractor is scheduled to start pulverizing the asphalt (today) Tuesday, Sept. 25. The excavation and live water line tap is scheduled for Wednesday. The entire project should only take a couple of weeks to be ready for asphalt.
- Water and Sewer extension on Columbus Drive**
The catch basins have been delivered to site for this work. The design for the road is expected this week. The installation work will be able to proceed once the road design has been received.
- Pickup replacement**
This has now been postponed until 2019.
- Sidewalk and Curb repair:**
We will be installing the Island on the top of Highroad South at the CHVO Drive intersection. This will be completed by mid next week (weather permitting). The curb work by the legion and two other small areas will be completed at the same time.
Deputy Mayor O'Grady asked if we could put something on our website and facebook page as well along with the signage at the site. Agreed.
- Trailer Dumping Station:**
We have relocated the trailer dumping station to the East Side of Columbus Drive. This was required to move it out of the way of the proposed new on ramp from Valley Rd to Columbus Drive.
- Boardwalk/Green Space**
The Pergola construction is almost complete. Two walkways will be completed connecting the Pergola to the boardwalk. We are getting a lot of positive feedback regarding this new addition
Deputy Mayor O'Grady asked about seating. Director advised there will be seating and landscaping as well, estimates will be obtained.
- Cross Roads Bridge**
Deilivery of materials will postpone the start to early spring for this project.

Mayor Butt inquired about the off ramp heading to Victoria from Highroad North. The Director advised that the municipal boundary ends to the south of the self storage building on Highroad North, and north of that is highways responsibility. Highways is responsible for the ramps, however we do plow straight through Highroad North to the highway.

- 8. Finance
 - a) Operating Invoices over \$2,000.00 totaling.....\$ 17,096.37
Motion 18-241 **C. O’Grady / V. Jenkins**
Resolved that the Town of Carbonear approve for payment the list of operating invoices as submitted totaling \$17,096.37.
Favour 7; Opposed 0; **Carried**

- 9. Regulations
None listed

- 10. New Business
Council roles and responsibilities.
Councillor Doyle inquired about Council’s roles and responsibilities. Since Mayor Butt has returned to his seat on Council, there have been several meetings between the Mayor and community groups and individuals, regarding items that would require discussion by Council and staff, however staff and Council are not being advised of such meetings. Councillor Doyle noted that it would be nice if Council members and staff could be advised of these meetings, so that they can be informed on any matter that is Council related.
Mayor Butt suggested that this matter be referred to the Finance and Administration Committee for review and consideration.

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

- 12. Adjournment
Motion 18-242 **R. Noel / C. O’Grady**
Resolved that the meeting adjourn at 6:15 p.m. and the next regular council meeting will be on October 9 at 5:30pm.

Mayor Frank Butt

Cathy Somers, Town Clerk