

Town of Carbonear
Regular Council Meeting, November 26th, 2019
Minutes of a regular meeting of the Council of the Town of Carbonear
Held in Council Chambers, November 26th, 2019 at 5:30pm

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

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

Absent: Councillor Vic Jenkins

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1. Calling of Meeting to Order
Mayor Butt called the meeting to order at 5:30pm and welcomed everyone to the meeting.
 2. Adoption of the Agenda for November 26, 2019 Regular Meeting
Motion 19-325 R. Noel / A. Hulan
Resolved to adopt the agenda as presented for the November 26, 2019 Regular Meeting of Council.
Favour 6; Opposed 0; **Carried**
 - 2.1 Adoption of the minutes
 - a) Regular Meeting – November 12, 2019
Motion 19-326 C. O'Grady / D. Kennedy
Resolved to adopt the minutes of the November 12, 2019 Regular Meeting of Council.
Favour 6; Opposed 0; **Carried**
 3. Business Arising From Minutes
No business arising.
 4. Delegations
None listed.
 5. Correspondence, Permits & Development
 - a) Permit Listing # 8852-8858
Councillor Doyle requested Council to review the list of permits for any possible conflict of interest.
Councillor Kennedy declared a conflict of interest on Permit #8856 as it is for his property.

Motion 19-327**D. Doyle / C. O'Grady**

Resolved to approve permits # 8852-8858, excluding permit # 8856 as per applications received and conditional up on the work being completed in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.

Favour 6; Opposed 0; **Carried**

Councillor Kennedy then left the meeting.

Motion 19-328**D. Doyle / A. Hulan**

Resolved to approve permit # 8856 as per applications received and conditional up on the work being completed in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.

Favour 5; Opposed 0; **Carried**

Councillor Kennedy was called back in to the meeting.

5.1 Correspondence, requiring Council's decision

- a) Harbourside Transportation Consultants, RE. Recommendation to award the supply of equipment to Fortran.

Motion to purchase is required.

Motion 19-329**C. O'Grady / D. Doyle**

Resolved to award the purchase of the required traffic equipment for the new intersection on Columbus Drive (not including the controller and cabinet) to Fortran for the price of \$10,078.94 HST included.

Favour 6; Opposed 0; **Carried**

5.2 Correspondence received and action taken

Council reviewed the following listing of correspondence and approved the action taken on each item:

- a) Department of Municipal Affairs & Environment

- Director of Municipal Affairs
Online questionnaire to gather information from community organizations to help inform next steps on one-window, multiyear funding.
Forwarded to CAO.
- Request for additional information for Municipal Capital Works
Copied to Chief Administrative Officer
- Gas Secretariat will be attending the MNL conference.
Copied to Council
Copied to Chief Administrative Officer

- b) Municipalities NL

Info Notes: November 13, Leadership Achievement & Inspirational Awards, MNL, November 16, New Board of Directors & new area of action, November 18, Provincial association working together to address short term rentals, November 25, Thank you to attendees of the MNL Convention and survey for completion.

Copied to Council

- c) NL Public Health Laboratory, Test results of water samples collected on July 3, 2019 at Bemister's Hill, TC Square Mall, Department of Justice, 143 Columbus Drive. Results marked satisfactory. Placed on file.

- d) Property owner, Water Street
RE: Damage claim
Forwarded to Public Works, Waste Management & Community Services committee.
- e) Government of Canada
RE: Nominate an Exceptional Educator
Copied to Council.
- f) KPMG Canada
RE: Enterprise Risk Management in the public sector. Webinar.
Copied to the Chief Administrative Officer.
- g) Communities in Bloom
RE: Request to participate in the 2020 National Edition of Communities in Bloom
Forwarded to Recreation, Special Events, Culture & Tourism committee.
- h) Property owner, Mahaney's Lane
RE: Damage claim
Forwarded to Public Works, Waste Management & Community Services committee.
- i) Property owner, Water Street
Request to clean out catch basin
Forwarded to Public Works, Waste Management & Community Services committee.
- j) Municipal Assessment Agency Inc.
RE: 2020 Assessment Service Fee
Forwarded to CAO.
- k) Charwood Legion Manor
RE: Request for the Mayor and guest to attend the Christmas and Dinner on Thursday, December 19 at 6pm.
Copied to the Mayor.
- l) Property owner, Water Street
RE: Request for written approval for an expansion of liquor license
Forwarded to Development committee.
- m) Property owner, Water Street
RE: Concern with dilapidated building on Water Street
Forwarded to Public Works, Waste Management & Community Services committee.
- n) CBDC Trinity Conception
RE: Invitation to attend Christmas social on December 11 from 3-5 pm.
Copied to Council.

6. Committee Reports

- a) Public Works, Waste Management & Community Services
Deputy Mayor O'Grady advised the Committee met on November 21st and reviewed the following from the Committee meeting:
 - Traffic data reports were reviewed. Further detail will be provided at the next meeting.
 - GIS mapping – Director is investigating additional options.
CAO advised that an Asset Management Plan is going to be a requirement for future Gas Tax Funding.

- MEO Report – MEO is following up on complaints of untidy properties. Committee reviewed correspondence from Eastern Regional Service Board, regarding the implementation of a provincial ERSB fee. This will be discussed at the MNL conference.
- Disposal of street.
Approval letter to dispose of the street has been received from the province. Applicant will be responsible for the survey and legal cost relating to the conveyance of the land. CAO to advise applicant of same.

Motion 19-330 C. O’Grady / D. Doyle

Resolved to convey the property of the right of way located west of 4 Russell Street and east of 8-10 Russell Street to the property owner of 4 Russell Street for the sum of \$499 + HST where the property will be combined with his existing property, as per the approval letter received from the Department of Municipal Affairs and Environment, and subject to the purchaser assuming the cost of the survey and legal work on the sale of the property

Favour 6; Opposed 0; **Carried**

- Reviewed some considerations for road improvements for Powell Drive and Highroad South. Further consideration will be given to these improvements in 2020.

b) Development

Councillor Doyle advised the Committee met on November 18th and reviewed the following from the Committee meeting:

- Sign Regulations
The regulations were revised by the planner in accordance with comments from the review by the Department of Transportation and Works, the Department of Tourism, Culture, Industry and Innovation. The CAO reviewed the draft with committee. The committee had some concerns with the portable sign section of the regulations. The CAO to discuss the committee concerns with the planner.
- Development Applications
Applications were reviewed and there is further investigation required on a couple of the applications and at motion is being recommended for approval of the other applications.

Motion 19-331 D. Doyle / C. O’Grady

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:

- 42 Powell Drive - to complete general repairs conditional upon receiving the Service NL approval and other applicable approvals from other government departments and agencies;
- 88 Water Street - to operate a Home - Based Business – Small Tool Repair Shop conditional upon no objections from the discretionary use advertisement and further conditional upon compliance with the Town of Carbonear Home Based Business Regulations;
- 173 Water Street, to construct a new playground and fence per the Town of Carbonear Fence Regulations;
- 21A Water Street, construct a fence per the Town of Carbonear

Fence Regulations;

- *180 Water Street to change use to upper level of the building and construct an extension to the rear of the building and a front step conditional upon receiving the Service NL approval and other applicable approvals from other government departments and agencies.*

Favour 6; Opposed 0; **Carried**

➤ Correspondence reviewed

Studio Coffee, 195 Water Street

Request for approval for an expansion of liquor license to include the main floor classroom.

Motion 19-332 **D. Doyle / A. Hulan**

Resolved to recommend Municipal Approval to expand the Liquor License for Studio Coffee at 195 Water Street to include the main floor classroom.

Favour 6; Opposed 0; **Carried**

➤ MEO Report

MEO is reviewing ongoing matters related to projects ongoing without permits, etc.

A motion is required for the orders being recommended.

Motion 19-333 **D. Doyle / R. Noel**

Resolved to send the following orders:

- *An order to the property owner of 8 Gladstone Road to remove the shed on the property without a permit from Council, contrary to the Town of Carbonear Municipal Plan and Development Regulations.*
- *An order to the property owner of 56 Columbus Drive to remove the shed on the property without a permit from Council, contrary to the Town of Carbonear Municipal Plan and Development Regulations.*

Favour 6; Opposed 0; **Carried**

c) Recreation, Special Events, Culture & Tourism

Councillor Noel advised the Committee met on November 19th and reviewed the following from the Committee meeting:

➤ Pool project: Swimming Pool Liner Replacement & Washroom Accessibility

Motion 19-334 **R. Noel / D. Doyle**

Resolved to approve Fougere Menchenton Architecture Inc as Prime Consultant for project number 17-CCR-20-00011 Swimming Pool Liner Replacement & Washroom Upgrade and Pool Deck Resurfacing in the amount of \$63,000 plus HST as the Prime Consultant Fees.

It is estimated the pool will likely be shut down for 4-6 weeks to complete the pool deck and liner.

➤ Track and field venue for Summer Games 2020

NL Athletics Association has informed the Town of Bay Roberts that the track in Carbonear does not meet the provincial requirements. Bay Roberts has inquired if the required upgrades will be completed by the Town of Carbonear and identified that they will require an answer by December 2. The track was resurfaced for the 2012 Summer Games and when the lines

were being completed, it was identified that the track did not meet provincial requirements.

The identified improvements were estimated at \$206,027.25.

The Town could not give the Town of Bay Roberts a definite answer until funding was approved. The committee will discuss further with Council but the committee felt that not moving forward with any upgrades is probably the best option at this time due to the limited time.

- Cross Arms Quote – The Director reported that a lower quote was obtained than what was conditionally approved. He will proceed to have the work completed by the lowest bidder.
- Tarp for rink - The Director will proceed to purchase 2 rink liners (32 x 55) and three rolls of patch tape for the outside hockey rinks.
- Three new doors for the Old Post Office - Town staff will construct the three new doors over the winter.
- Recreation & Special Events
 - Tree Lighting, December 4 - The Tree Lighting is scheduled for Wednesday, December 4 at the CBRCC.
 - The Director of Recreation reported that the following events took place this fall: Pumpkin Walk along the pergola, Halloween Trail Walk and Halloween pumpkin carving at the Princess Sheila Building. The Director also reported that the following two events will take place during December: Story time with Santa at the Train Station and Polar Express movie night at the Princess Sheila building.
 - It was noted that an individual is starting a theatre group in the area. The Director will reach out to her in the New Year to inquire on how the Town can assist in this endeavor.
- Correspondence
 - Committee reviewed correspondence regarding food and beverage available at pool and other town facilities suggesting that the Town consider a healthier alternative to food and beverage at town facilities. The Director will determine if healthier option can be provided in the vending machine at the pool.
 - Request to use Princess Sheila Building for meetings
It was reported that the Town doesn't rent the facility but only uses it for town sponsored or hosted functions since the building is not staffed. The Director reported the multi-purpose room at the pool should be available.
- Budget items for the Parks and Recreation 2020 Budget were reviewed.

7. Reports of Chief Administrative Officer and Department Heads

a) Director of Operations & Public Works

The Director reviewed the following from his report with Council:

Water Street Project

The electrical contractor has installed all of the conduit in this phase for the new lighting. The pole bases are expected to arrive on Monday, (Dec 2). The Stonemason continues to lay brick and has reached Kim's Lane on the North

side and the Rorke Store in the South side. This is most of the large areas. He will move faster along the narrower section of sidewalk. The concrete ramp retaining wall is completed by Main Street Restaurant. The steps will be completed shortly. The stonemason will now be able to continue the brick work along this section and continue to Bannerman Street. They are hoping to start the ramp walls in front of the Medical Supply building this week. The wet weather has made it difficult but they are continuing as long as the frost stays away.

All plants have been acquired and will be kept and maintained in a greenhouse over the winter and will be installed in the spring. Some mature trees will be installed this fall.

Light poles will soon be installed as well.

Powell Drive / Industrial Crescent intersection

In an effort to increase the safety to this intersection we have worked with the owner of the Shell gas station and have eliminated their entrance/exit nearest to the Industrial Drive intersection. As part of this agreement we have added a section of culvert to their remaining Powell drive entrance to increase its size. This change will result in a reduced volume of vehicles entering/exiting Powell Drive at or near this intersection.

Columbus Drive Intersection:

We have awarded the tender for the supply of the lighting support poles. The tender has also closed for the lighting equipment and is included in the works committee report. Some of the above equipment has a fairly long delivery time. These orders will be placed now so the equipment can be delivered by the end of the winter and be on hand when needed.

Backhoe Tender Award

The tender for the new backhoe has closed. The tender requested a price with trade of the existing backhoe and a price without trade. The intent was to trade the existing backhoe if a good trade value was presented. Two (2) quotes were received as follows:

- Harvey & Co. – Full purchase \$155,347.75 (JCB)
With trade – no price quoted
- Brandt Tractor – Full purchase \$158,556.25
With trade – \$112,556.25

The trade value from Brandt Tractor was \$40,000 which is good value. This also gives us a \$6000.00 savings in taxes for a total of \$46,000. I recommend we go with Brandt Tractor and trade our existing backhoe. Council approval is required to award this tender in the amount of \$112,556.26, with trade, to Brandt Tractor.

Motion 19-335

R. Noel / D. Kennedy

Resolved to award the tender for the purchase of a new backhoe to Brandt Tractor for the price of \$112,556.26 HST included, net of trade in value.

Favour 6; Opposed 0; **Carried**

Tender for Dump Truck

This tender has been extended.

Traffic Data Collected

About 4400 cars per day or 1.6million per year are travelling west to east on Powell Drive. The number of speeding vehicles are not extremely high on the Powell Drive location.

Further data analysis will be reviewed by Committee.

8. Finance

- a) Operating Invoices over \$2,000.00 in the amount of..... \$84,405.06
Motion 19-336 C. O'Grady / D. Doyle
Resolved that the Town of Carbonear approve for payment the list of operating invoices over \$2,000 as submitted totaling \$84,405.06.
Favour 6; Opposed 0; **Carried**

b) **Capital Invoices:**

Columbus Drive Infrastructure Improvements

Eric Taylor Ltd, CP # 2, Release of holdback.....\$64,364.89

Harbourside Transportation Consultants, Invoice # 1604.....1,864.55

Street Rehabilitation & Paving (2019)

Harris & Associates, Invoice# 6571.....\$33,925.00

Concord Paving Ltd, CP #1.....\$548,433.15

Pondside Bridge Replacement PN 17-129

Harris & Associates, Invoice # 6569.....\$2,875.00

Water Street Revitalization Part C

Harris & Associates, Invoice # 6573.....\$8,245.21

Welcon Construction Ltd, CP# 1.....\$184,014.00

Tract Consulting, Invoice # CARB-1904-07.....\$7,411.36

Water, Sewer & Street Upgrading Mahaney's Lane

PN 18-118 (MA-17-SCF-19-00094)

Harris & Associates, Invoice #6570.....\$20,817.04

Southern Construction (1981) Limited, CP #1.....\$148,792.69

Total Capital Invoices.....**\$1,020,742.89**

Mayor Butt declared a conflict of interest on the Water Street Revitalization, Part C as he owns property in the area. Mayor Butt also declared a conflict of interest on the Street Rehabilitation & Paving (2019) as he has a brother and sister-in-law who own properties on a couple of the streets listed under this project.

Councillor Noel also declared a conflict of interest on the Street Rehabilitation & Paving (2019) as he has a brother who owns property on a Valley Road listed under this project.

Motion 19-337 C. O'Grady / R. Noel

Resolved that the Town of Carbonear approve for payment the following capital invoices as submitted:

Columbus Drive Infrastructure Improvements

Eric Taylor Ltd, CP # 2, Release of holdback.....\$64,364.89

Harbourside Transportation Consultants, Invoice # 1604.....1,864.55

Pondside Bridge Replacement PN 17-129

Harris & Associates, Invoice # 6569.....\$2,875.00

Water, Sewer & Street Upgrading Mahaney's Lane

PN 18-118 (MA-17-SCF-19-00094)

Harris & Associates, Invoice #6570.....\$20,817.04

Southern Construction (1981) Limited, CP #1.....\$148,792.69

Favour 6; Opposed 0; **Carried**

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

Motion 19-338 D. Doyle / A. Hulan

Resolved that the Town of Carbonear approve for payment the following capital invoices as submitted:

Water Street Revitalization Part C

Harris & Associates, Invoice # 6573.....	\$8,245.21
Welcon Construction Ltd, CP# 1.....	\$184,014.00
Tract Consulting, Invoice # CARB-1904-07.....	\$7,411.36

Favour 5; Opposed 0; **Carried**

Councillor Noel then left the meeting.

Motion 19-339 D. Doyle / D. Kennedy

Resolved that the Town of Carbonear approve for payment the following capital invoices as submitted:

Street Rehabilitation & Paving (2019)

Harris & Associates, Invoice# 6571.....	\$33,925.00
Concord Paving Ltd, CP #1.....	\$548,433.15

Favour 4; Opposed 0; **Carried**

Mayor Butt and Councillor Noel were called back in to the meeting. Mayor Butt assumed the chair.

9. Regulations
No regulations listed.

10. New Business
No new business.

Mayor Butt noted the attended the following:

- MNL conference was attended by Mayor Butt, Deputy Mayor O'Grady and Councillor Doyle.
- Mayor Butt attended the Quinn rockstar awards, 2 young ladies from Carbonear and Hr. Grace received awards.
- Mayor Butt, Deputy Mayor O'Grady and Councillor Doyle attended the Memorial University Faculty of Medicine 2019 Eastern Stream-Academic and Wellness Resident Workshop event held at the Stone Jug that was sponsored by the Town. There were Year 1 and Year 2 medical residents in attendance.

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

12. Adjournment

Special Meeting scheduled for Thursday, November 28th at 4:00pm for the adoption of the 2020 Budget.

Motion 19-340

A. Hulan / D. Kennedy

Resolved that the meeting adjourn at 6:08 p.m. Next Council meeting is scheduled for Tuesday, December 10th at 5:30pm.

Favour 6; Opposed 0; **Carried**

A handwritten signature in black ink, appearing to read "Frank Butt", written over a horizontal line.

Mayor Frank Butt

A handwritten signature in black ink, appearing to read "C. Somers", written over a horizontal line.

Cathy Somers, Town Clerk