

Town of Carbonear
Regular Council Meeting, November 10, 2020
Minutes of a regular meeting of the Council of the Town of Carbonear
Electronic meeting (Zoom webinar), November 10th, 2020 at 5:30pm

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

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

-
1. Calling of Meeting to Order
Mayor Butt called the meeting to order at 5:35 pm and welcomed everyone to the meeting. Several participants are registered for today's virtual meeting of Council.
 2. Adoption of the Agenda for November 10, 2020 Regular Meeting
Motion 20-259 C. O'Grady / V. Jenkins
Resolved to adopt the agenda as presented for the November 10, 2020 Regular Meeting of Council.
Favour 7; Opposed 0; **Carried**
 3. Adoption of the minutes
 - a) Regular Meeting – October 27, 2020
Motion 20-260 A. Dowden / D. Doyle
Resolved to adopt the minutes of the October 27, 2020 Regular Meeting of Council.
Favour 7; Opposed 0; **Carried**
 4. Business Arising From Minutes
No business arising from the minutes.
 5. Delegations
No delegations listed.
 6. Correspondence, Permits & Development
 - a) Permit Listing # 9312, 9326-9343
Councillor Doyle requested Council to review the list of permits for any possible conflict of interest.

Motion 20-261**D. Doyle / V. Jenkins**

Resolved to approve permits # 9312, 9326-9343 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 7; Opposed 0; **Carried**

- 6.1 Correspondence, requiring Council's decision
None listed.
- 6.2 Correspondence received and action taken
Council reviewed the following listing of correspondence and approved the action taken on each item:
- a) Municipalities NL
 - 10/28/20 – Updated Guidance–Public Health Guidelines – Bonfire Night
 - 10/29/20 – Economic Recovery Team – Looking for suggestions
Councillor Kennedy this was received and looking for suggestions, we should look at our recommendations as a Council. Agreed. How does Council want to deal with that. Councillors can email their suggestions to the Finance Committee and the committee will prepare the submission and review with the whole of council before submitting. General public can send suggestions as well.
 - 11/02/20 – Info Note / MNL Conference
 - 11/03/20 – Remembrance Day at Home
 - 11/04/20 - Federal Restart Agreement funding for municipalities
 - 11/06/20 - Recap of MNL Virtual Conference Day 1
Copied to Council
 - b) Department of Environment, Climate Change and Municipalities
 - Circular – Important information regarding NL Construction Safety Association COR (Certificate of Recognition) Program
Copied to the Chief Administrative Officer and the Director of Operations & Public Works.
 - Reminder call for 2021-2022 Municipal Infrastructure Application is November 13, 2020.
Copied to the Chief Administrative Officer
 - Memo – Commercial Vehicle Inspection notice
Copied to the Fire Department and the Chief Administrative Officer.
Placed on file.
 - c) NL Public Health Laboratory, Test results of water samples collected on October 6 & 15, 2020 at North Atlantic, Shell, Esso, Red Circle, Carbonear. Results marked satisfactory. Placed on file
 - d) Tripen Osprey U18 Major Hockey
RE: Request for donation
Forwarded to Recreation, Special Events, Culture & Tourism committee
 - e) Newfoundland Power

RE: Information on preparing for winter storms and possible power interruptions.

Copied to the Chief Administrative Officer, Director of Operations and Public Works and the Fire Department. Placed on file.

f) Federation of Municipalities

RE: Webinar, November 5 from 1-2 pm ET.

Copied to Council

g) Eastern Regional Service Board

RE: Structure fees from January 1 – December 31, 2021.

- Landfill bound materials will cost \$82.00 per metric tonne

- Recyclable materials will cost \$22.00 per metric tonne

- The fee per property / unit of service is \$180.00

Copied to the Finance and Administration committee

h) Property owner, Goff Avenue

RE: Request to install a culvert

Forwarded to Public Works, Waste Management & Community Services committee

i) Department of Tourism, Culture, Arts and Recreation

RE: Funding approved in the amount of \$9,000 under the Community Healthy Living Fund for a Family Snowshoeing program and Active Start program.

Forwarded to Recreation, Special Events, Culture & Tourism committee

j) Property owner, Water Street

RE: Thank you to Town and staff for work completed

Forwarded to Council, Chief Administrative Officer and the Director of Operations and Public Works.

k) Property owner, English Hill Extension

RE: construction of a new dwelling

Forwarded to Development committee

9. Committee Reports

a) Finance and Administration

Deputy Mayor O'Grady advised that the committee met on November 5th and noted the following from the meeting:

Job descriptions

Review of the job descriptions has been completed.

CAO to forward to Council for review prior to adoption at the November 24, 2020 Regular Meeting.

Fire Department Fridge Magnet

The committee did not recommend distribution of the magnet as the information on the magnet should be changed, as the calls for ambulance should now be to 911 and by calling the number indicated on the magnet, you are still advised to hang up and dial 911. The committee recommends the magnet be revised with the 911 number. The CAO will discuss further with the Fire Chief

Accounts Receivable Update

- The Town Clerk provided a report on the Accounts Receivable. Collections improved from the last report at October 5, 2020. For the current year collections for Property tax is 91%, Water/Sewer Tax is up to 88% and Business Tax is up to 95%.
Total interest billed this year is \$37,844.33 to October 31, 2020. The total budget is \$68,230. At the end of the year, we will have a shortfall on the budgeted interest around \$20,000.
- Properties with long standing overdue taxes. Law office is continuing with various title searches, liens etc. The process is ongoing, and we would like to see the notice of arrears posted before year end.
- Discontinuation of Services for non-payment of taxes.
Staff proceeded with disconnection of water services to several properties with tax arrears for one or more years. As a result, several of these properties paid in full or made satisfactory arrangements for the outstanding balance. This process is ongoing with further discontinuation of services scheduled.
- Accounts Considered for Collections Agency – Staff are preparing several accounts to be forwarded to a collections agency.
- Problem Accounts. One particular account, several years outstanding taxes, water services has been disconnected for a number of years now. Notice has been sent, that payment is required to avoid discontinuation of sewer services to the property.
Another account with several years taxes owing is now with the Estates Office and staff are working with them on that property account.
- Several owner unknown properties are also under review as well. Currently we have seven of these properties and further research is being done on these properties.

Correspondence

- Eastern Regional Service Board
RE: Structure fees from January 1 – December 31, 2021
The landfill bound materials will cost \$82.00 per metric tonne, the recyclable materials will cost \$22.00 per metric tonne and the fee per property / unit of service is \$180.00. The correspondence to be placed in the 2021 budget file.
- Royal Canadian Legion
RE: Annual Poppy Campaign Request for donation
The donation list previously approved only included a \$50 donation. The committee recommends increasing the donation to \$100.
Motion 20-262 **C. O’Grady / V. Jenkins**
Resolved that the Town of Carbonear donate \$100 to the 2020 Annual Poppy Campaign.
Favour 7; Opposed 0; **Carried**
- Business operator, Email requesting an update on previous request and an additional business tax adjustment request for their business tax. A business tax adjustment was processed since the last meeting

and sent out to the business operator. *Upon review, the committee does not recommend any further tax adjustment.*

- Eastern Regional Service Board

RE: Carbonear Waste Collection Billing

The CAO reported to the committee that there was an error in billing for July and August where the Town was overbilled. The issue has since been resolved and the Town has received the adjustments. However, they are proposing an \$18 per household administration fee to be implemented in 2021. She will review the proposed fees for 2021 during the budget process.

Eastern Regional Service Board will commence invoicing for Fire Protection Fees in January, 2021 for the areas of Line Road, Gunner's Pond, English Hill Extension and Gaddens' Mash.

New Business

- Property west of the Public Wharf along the water's edge – Committee discussed the property west of the Public Wharf and will monitor the property to determine if it will be placed for sale.

- Quote-Urban Forester

The Town received a quote from Urban Forester. Based on the estimated hours and hourly rate, Urban Forester in Harbour Grace can complete for approximately \$15,500 which is much lower than budgeted.

A motion to complete the work as quoted is recommended.

Motion 20-263

C. O'Grady / R. Noel

Resolved that the Town of Carbonear contract Urban Forester to complete Water Street East tree removal, pruning and consultation at a cost not to exceed \$15,500 HST included.

Favour 7; Opposed 0; **Carried**

- Development in Planning Area and consideration to extend Municipal taxation area. Some discussion took place on the areas of English Hill Extension and Gadden's Mash area. This will be discussed later in the Development Committee report.

Councillor Noel recommended that all residents recycle as much as possible. This will allow for cost saving on tipping fees and is also good for the environment as well.

- b) Recreation, Special Events, Culture & Tourism

Councillor Noel advised that the committee met on November 3rd and noted the following from the meeting:

Terms of Reference and RFP for a Recreation Department Review

A sample Request for Proposal was distributed to the committee. The committee members are still reviewing the document. The matter is deferred

ATV connecting the trails - Deferred for further discussion with Council

The matter will be reviewed further before determining how we will proceed.

Culture & Tourism & Special Events

- Tree Lighting - The Special Events committee are meeting to review the options for this year's Tree Lighting.
- Trick or Treat Walk - The Trick or Treat Walk was a great success with over 225 children participating.

Correspondence

- Email from resident including a video, suggestions for wheelchair accessible playground
The committee reviewed the email, it includes a video of play structures.
The Director of Recreation has been working on a plan for an accessible playground. *The individual will be sent a response thanking him for the suggestions.*

New Business

Funding Opportunities – The EDTO provided several possible funding opportunities with the Committee. The committee recommends that the EDTO proceed to submit the funding applications.

Councillor Doyle noted that there was ATV Trailway event planned this past weekend and there is a lot of positive feedback from the event.

c) Development

Councillor Doyle advised that the committee met on November 6th and noted the following from the meeting:

Development Applications

Motion 20-264

D. Doyle / D. Kennedy

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:

- *32 Blueberry Crescent to construct a garden shed conditional upon no objections or representations are received from the discretionary use advertisement published;*
- *14 Discovery Place to vary the building line setback from 6 m to 5.65 m conditional upon no objections being received from the discretionary notice sent to property owners in the vicinity of the development.*

Favour 7; Opposed 0; **Carried**

Correspondence

Resident developing in English Hill Extension

Recommended to discuss further with whole of Council.

Further discussion was held with Council prior to this evening's meeting.

This will be discussed with Council later in the meeting.

New Business

- Province's new economic recovery team will be chaired by Moya Greene. Councillor Kennedy noted to the committee that this might be

a good opportunity for Council to put forth any concerns to the province.

MNL also sent out a circular to municipalities regarding her role. A copy of this was sent to Council members.

Discussed. This matter can be referred to the Finance Committee for further review. Council members can pass along their suggestions and concerns to the Finance Committee.

- Snow Clearing notices

The MEO placed notices on vehicles parked on street reservations as a reminder of the Snow Clearing Regulations coming into November 1.

This is normal practice for the past several years for the MEO to distribute notices while completing Bonfire Night patrols. The notices are placed on vehicles parked in the street reservation so they are notified of the regulations and know that another place to park will be required when snow clearing is required.

d) Public Works, Waste Management & Community Services

Councillor Jenkins advised that the committee met on October 28th and noted the following from the meeting:

Flyer boxes – waiting on further information and photo of the type of flyer box to be placed. Deferred.

Tree Maintenance – This item was approved earlier in the meeting under the Finance Committee report.

MEO Report / Update

The MEO reviewed a number of properties with the Committee.

Several are recommended to be sent a letter requesting their intention for property clean up and others are recommended to be sent a letter requesting their intention for the shed on the property.

Some are recommended to have Clean Up Orders issued on the property.

On file will be reviewed with the Town's lawyer.

All other files will continue to be monitored by the Enforcement Officer.

Motion 20-265

V. Jenkins / C. O'Grady

Resolved to send a clean-up order to the following properties:

- *33B O'Driscoll's Lane to remove an accumulation of scrapped vehicles and wooden debris on the property*
- *71 London Road to remove an accumulation of scrapped metals and other debris on the property*
- *Line Road to remove asphalt and other debris placed on the property.*

Favour 7; Opposed 0; **Carried**

Correspondence

- Property owner, requesting information on what constitutes a complaint and other administrative information on the role of the Municipal Enforcement Officer. In relation to this property, clean up is ongoing and the Enforcement Officer will continue to monitor the property and provide updates.

- Resident, complaint of dog barking
MEO investigated the complaint and spoke to the dog owner and there have not been any further complaints received. No further action is required.

New Business

- Resident, request for culvert placement to eliminate the ditch in front of his property. It was reported that it is not the town policy to place culverts to eliminate roadside ditches without curb and gutter and required catch basins to allow storm water into the culvert system. The committee does not recommend.
- Quote for trailer
The Director reported there was \$20,000 in the budget to purchase a new trailer for the water / sewer department. One quote has been received. The Director to obtain additional quotes. Matter has been deferred until additional quotes are received.

10. Reports of Chief Administrative Officer and Department Heads

a) Chief Administrative Officer

The CAO reviewed the following from her report with Council:

A computer-generated Income Statement for revenue and expenditures received to September 30, 2020 at November 6, 2020 was distributed to Council. It should be noted that there may be invoices not received or posted to date and this must be considered when reviewing this report. The following is a summary for Council's review.

Revenue

Tax Revenue is on target. Revenue from own sources is down due to the reduction in Pool Revenue.

Pool Revenue budgeted is \$224,890. Revenue collected to the end of June is \$41,619. Pool revenue could be down over \$120,000 - possibly \$150,000.

Expenses

If expenses were spent equally throughout the year, there would be 75.0% spent to date. Most departments are under the 75%

Swimming Pool Expenses - Budget: \$662,593. Spent to date: \$223,701.

Note: Even though pool revenue is down, expenses will be down as well and possibly by more than \$150,000 due to payroll, chlorine and supplies. If Councillors have any questions or require clarification on the Financial Report, please contact the CAO.

b) Director of Operations & Public Works

The Director of Operations & Public Works reviewed the following from his report with Council:

Covid-19

We continue to work maintaining 6' separation and wearing masks if this is not possible.

Water Street Project

- The Water Street project (construction) is now 99.9% complete. The railing has been installed. A walk through has been complete and a deficiency list created. Only minor items were identified.
- The new asphalt top coat has been redone.
- The accessible parking spots have been painted on the new parking lot.

Columbus Drive Intersection:

We have purchased and received delivery of the lighting heads and light poles for the new Columbus Drive intersection. We have also accepted delivery on the controller. All components have arrived for this intersection.

Willoughby Sub-Division

The first lift of asphalt has been installed on the final section of D'Iberville St. This road is open to traffic. Second lift will be installed in the spring.

Sewer connection – Forest Road to London Rd.

The manhole base and piping has been ordered for this connection. We anticipate this project will start with a week or so.

Dump Truck tender

The payment for the replacement of one of our dump trucks is in our budget. We had tendered for the truck replacement prior to the Covid-19 outbreak. At that time we only received one submission and the price was quite high and the purposed equipment did not meet the specification.

We have now re-tendered for this vehicle. We had a good response for tender packages but again only received one response. This response does meet the specification and the price was much better.

The price came from Saunders Equipment \$169,650.00 + HST.

I would like to proceed with this purchase, therefore I require a motion of Council.

The anticipated delivery time is 3 months.

Motion 20-266

R. Noel / V. Jenkins

Resolved that the Town of Carbonear award the tender for the supply of dump truck to Saunders Equipment for the price of \$169,650 + HST.

Favour 7; Opposed 0; **Carried**

Motion 20-267

V. Jenkins / C. O'Grady

Resolved to request an approval to borrow from the Department of Environment, Climate Change and Municipalities to borrow from Scotiabank the sum of \$176,923 (net of HST rebate) at a rate of prime + 0.25% for the purchase of a dump truck for a 5 year term amortized over 7 years.

Favour 7; Opposed 0; **Carried**

Councillor Kennedy noted that it is nice to see the new parking spaces identified. It looks good and hopefully will be well used.

11. Finance

- a) Operating Invoices over \$2,000.00 in the amount of..... \$110,769.28

Motion 20-268

C. O'Grady / R. Noel

Resolved that the Town of Carbonear approve for payment the list of operating invoices over \$2,000 as submitted, totaling \$110,769.28.

Favour 7; Opposed 0; **Carried**

b) Capital Invoices:

Water Street Revitalization Phase I, Part C. PN 18-130

Welcon Construction, Claim #7.....\$58,894.48

Mayor Butt declared a conflict of interest on the capital invoice listed as he owns property in that area of Water Street.

Mayor Butt then left the meeting and Deputy Mayor O'Grady assumed the position of Chair.

Motion 20-269

D. Doyle / V. Jenkins

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

Water Street Revitalization Phase I, Part C. PN 18-130

Welcon Construction, Claim #7.....\$58,894.48

Favour 6; Opposed 0; **Carried**

Mayor Butt was called back into the meeting and assumed the position of Chair.

12. Regulations
None listed

13. New Business

- Mayor Butt encouraged all residents to go out on their front step at 11am on Remembrance Day to observe 2 minutes of silence.
A Remembrance Day ceremony by invite only will take place at the cenotaph on Remembrance Day at 11am. After the ceremony, any visitor can place a wreath as well.
- Mayor Butt reminded residents to recycle their leaves by bringing them to the Town's leaf composting facility at 1 Pike's Lane by the Works Depot.
- Mayor Butt noted that he attended the virtual MNL meetings last weekend. These meeting went well.
- Mayor Butt noted that the Town of Carbonear has been approved for the Safe Restart funds totaling \$285,476.66.
- Mayor Butt noted that there will not be a Christmas Parade this year due to the provincial Covid-19 restrictions and recommendations. However, the Fire Department will be doing a drive around Carbonear with Santa on Sunday, December 13th, starting at 1pm from the Fire Hall and driving throughout Carbonear. The route will be advertised on social media. They ask all residents to adhere to the Covid-19 guidelines.

14. Notices of Motion

a) Development English Hill Extension

Notice of Motion, moved by Councillor Doyle, seconded by Councillor Kennedy *Resolved to send a Stop Work Order to property situate English Hill Extension for the construction of a new dwelling since a new dwelling is not a permitted use in the Rural zone of the Town of Carbonear Municipal Plan and Development Regulations.*

Councillor Doyle and Councillor Kennedy withdrew the Notice of Motion they originally presented at the October 27th Regular Meeting of Council.

Councillor Doyle advised she would like to discuss the matter of the Town 's Municipal Plan and Development Regulations as it pertains to the areas on the north of the highway known as English Hill Extension and Gadden's Mash. As the Mayor owns property in this area, she felt the Mayor would be in conflict of interest on the matter.

Mayor Butt declared a conflict of interest on the matter as he owns property in that area and then left the meeting.

Deputy Mayor O'Grady assumed the position of Chair.

Councillor Doyle noted that the area north of the highway that is referred to as English Hill Extension and Gadden's Mash is not in the Town of Carbonear Municipal Boundary but it is in the Town of Carbonear Planning Boundary. Development control in the Planning Area is also under the authority of the Town of Carbonear. This area is zoned Rural and residential development is not a permitted use in this area. Residences that predated the registration of the plan and development regulations can legally exist and are considered a legal non-conforming use. The plan and development regulations were registered in 1989 and from that point forward, residential development was not permitted. This legislation is legally binding on Council and all persons. The Town will be increasing the monitoring of this area and will be enforcing its development regulations.

Good communication is needed from Council, staff, government and users is the area to avoid any further complications.

Councillor Noel noted that a sign was erected in the English Hill Extension area, advising that this area is within the Carbonear Municipal Planning Area and that all development within this area requires approval from the Town of Carbonear. The sign was illegally cut down and removed from the site.

A replacement sign will be erected and another sign will be placed in the Gadden's Mash area. The illegal action of cutting down the Town's sign does not stop the process and this incident will be reported to the RCMP.

Councillor Dowden noted that the Town is being reactive, not proactive. She asked if the province knows this.

The province is aware of the Carbonear Municipal Plan and Development Regulations. The area in question is in the planning area, and residential development is not permitted since 1989. The Plan is a legally binding document.

Mayor Butt was called back into the meeting.

15. Adjournment

Motion 20-270

R. Noel / C. O'Grady

Resolved that the meeting adjourn at 6:27pm.

Mayor Butt advised that the next meeting is scheduled for November 24th at 5:30pm.

Favour 7; Opposed 0; **Carried**



Mayor Frank Butt



Cathy Somers, Town Clerk