

Town of Carbonear
Regular Council Meeting, Dec 22, 2020
Minutes of a regular meeting of the Council of the Town of Carbonear
Electronic meeting (Zoom webinar), December 22, 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

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1. Calling of Meeting to Order
Mayor Butt called the meeting to order at 5:30 pm and welcomed everyone to the meeting. Several participants are registered for today's virtual meeting of Council.
 2. Adoption of the Agenda for December 22 Regular Meeting
Motion 20-307 **C. O'Grady / V. Jenkins**
Resolved to adopt the agenda of the December 22, 2020 Regular Meeting of Council.
Favour 7; Opposed 0; **Carried**
 3. Adoption of the minutes
 - a) Regular Meeting – December 8, 2020
Motion 20-308 **D. Kennedy / V. Jenkins**
Resolved to adopt the minutes of the December 8th, 2020 Regular Meeting of Council.
Favour 7; Opposed 0; **Carried**
 - b) Special Meeting – December 10, 2020
Motion 20-309 **R. Noel / V. Jenkins**
Resolved to adopt the minutes of the December 10th, 2020 Special 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 # 9362-9374

Councillor Doyle requested Council to review the list of permits for any possible conflict of interest.

Motion 20-310

D. Doyle / C. O'Grady

Resolved to approve permits # 9362-9374 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

a) Pipe Down NL

Resolution and Letter of Support

Concerns with excessive loud vehicle noise in municipalities.

CAO reviewed the correspondence with Council.

Mayor Butt then read the proposed resolution.

Discussed.

Motion 20-311

V. Jenkins / C. O'Grady

Whereas scientific evidence suggests that excessive noise affects hearing long term and negatively impacts a person's health and well-being – especially those who have issues with sensory inputs; and

Whereas it has been shown that excessive noise from the exhaust systems on vehicles (cars, trucks, motorcycles, ATVs and dirt bikes, etc.) can be a source of distraction for road users and a significant disruption to the peace and tranquility of residents in their homes, businesses, cafes, and parks and recreational spaces; and

Whereas communities throughout the Province of Newfoundland and Labrador are experiencing problems of excessively loud vehicle noise; and

Whereas the issue of excessive noise from vehicles with modified exhaust systems has been part of public discourse since at least 2012; and

Whereas a coalition of concerned neighbourhood groups and citizens known as Pipe Down NL was formed to appeal to the provincial government to change/apply the legislation on noise pollution caused by after-market installation of exhaust pipes on cars, trucks and motorcycles; and

Whereas this matter is governed under the jurisdiction of the Province's Highway Traffic Act; and

Whereas regulations, tools and technology are readily available to aid in enforcement of the Highway Traffic Act; and

Whereas other jurisdictions in Canada have made amendments to regulations and legislation to deal with noise from exhaust systems and that they have sound level meters to measure noise generated from vehicles for the purposes of ticketing and fines.

Be It Resolved that the Town of Carbonear continue to lobby the Provincial Government of NL to request that the Highway Traffic Act and/or associated regulations be enforced to ensure prohibition of modifications to exhaust systems that increase noise and to ensure enforcement with fines and ticketing.

Further, that the Town of Carbonear continue to lobby the Provincial Government of NL to ensure adequate resources (technology and staffing) are funded to allow enforcement agencies to effectively apply the legislation and regulations prohibiting excessively loud vehicles.

Favour 7; Opposed 0; Carried

b) Salvation Army, Carbonear

Request for municipal support to accompany a funding application to the Provincial Government to set up a Warming Centre at the Salvation Army Corps building at 100 Water Street.

Discussed.

Motion 20-312

V. Jenkins / C. O'Grady

Resolved that the Town of Carbonear provide a letter of support for the Salvation Army, Carbonear application for Provincial Government Funding to set up a Warming Centre at the Salvation Army Corps building at 100 Water Street, Carbonear.

Favour 7; Opposed 0; **Carried**

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

- Asset Management Training survey
Copied to the Chief Administrative Officer and the Town Clerk
- 2021 Membership renewal
Copied to the Chief Administrative Officer and the Town Clerk
- December Check in
Copied to Council.
- December 14, Municipal Sector News
Copied to Council.

b) Government NL

- Department of Environment, Climate Change and Municipalities
RE: Acknowledging the department has received the 2021 Budget Submission. The budget is being reviewed and the Town will be notified with regards to any outcomes of this process.
Copied to the Chief Administrative Officer and the Town Clerk. Placed on file.
- Department of Transportation and Infrastructure
RE: Municipal Infrastructure Master Specification front end website relocation

- Copied to the Chief Administrative Officer and the Town Clerk. Placed on file.
- Department of Transportation and Infrastructure
RE: request for additional information for the MCW
Copied to the Chief Administrative Officer.
- Environment, Climate Change and Municipalities
RE: Grant approved in the amount of \$10,000 to provide financial support and operational costs and reduced income due to COVID-19.
Forwarded to the Recreation, Special Events, Culture and Tourism committee.
- Department of Transportation and Infrastructure
RE: The consultant engagement process has been completed and Harris & Associates Ltd has been selected as the preferred proponent.
Copy of the draft Prime Consultant Agreement in the amount of \$86,250 (HST include for review and signature).
Copied to the Chief Administrative Officer and the Town Clerk.
- Water Resources Management Division regarding watershed management plan document for communities.
Forwarded to the Economic Development, Planning and Land Use Development committee.
- Department of Transportation & Infrastructure
RE: The Site-Specific Safety Plan for the year 2020-2021 has been reviewed and endorsed by the Department.
Copied to the Director of Operations & Public Works. Placed on file.
- c) Eastern Regional Service Board
RE: Waste collection changes for the holiday season
Copied to Council and Staff. Placed on social media and the Town website.
- d) Property owner, Burgess Place
RE: Request to cut down curb
Forwarded to the Public Works, Waste Management and Community Services committee
- e) Correspondence regarding expressing safety concerns with the intersection Pondside/Beach Road/Southside Lower Road and Powell Drive
Forwarded to the Public Works, Waste Management and Community Services committee
- f) Royal Canadian Legion Branch 23
RE: Recommendations for the War Memorial for consideration
Forwarded to the Public Works, Waste Management and Community Services committee
- g) Request from Carbonear Academy
RE: Rainbow Crosswalk
Forwarded to the Public Works, Waste Management and Community Services committee
- h) Heritage NL
RE: Letter to municipalities and an information sheet outlining the benefits of heritage preservation in Newfoundland and Labrador.

- i) Forwarded to the Recreation, Special Events, Culture and Tourism committee
Canadian Fitness and Lifestyle Research Institute
RE: Survey for completion on COVID-19 and the effect on the role of recreation in the municipality.
Forwarded to the Director of Recreation for completion
- j) Property owner, Water Street
RE: Request for extension to move greenhouse
Forwarded to Development committee
- k) College of the North Atlantic Biology Instructor
RE: 2020 Report on the European Fire Ants in Carbonear
Forwarded to Public Works, Waste Management and Community Services committee
- l) Property owner, Hoyles Road
RE: Concerns with condition of the property off Hoyles Road
Forwarded to Public Works, Waste Management and Community Services committee

7. Committee Reports

a) Administration and Finance

Deputy Mayor O'Grady advised that the committee met on December 14th and noted the following from the meeting:

- Fire Department, Fridge Magnet
A picture of the revised magnet was reviewed by the committee. The committee is satisfied for the Fire Department to distribute.
- Teamsters Union Local 855 collective bargaining
CAO is corresponding with the Teamsters Union representative to arrange a suitable date to start the collective agreement negotiations in the new year.
- Policy on correspondence received
We have talked about the need for a policy for correspondence received. The committee feels we should move forward on the implementation of a policy with respect to correspondence received. Correspondence is being sent to Council from residents via email, Facebook messenger, etc. It was felt that residents should be notified to contact the Town office and submit formal correspondence to the Town Office for processing. This will ensure the correspondence is logged when received and processed through the appropriate committee. This will be clarified in the policy.
- Economic Recovery Team the Province has put in place with Moya Greene
Engage NL website does not have any updates on this to date. The Town will make a submission once the portal is available.
- Accounts Receivable Update
The Town Clerk provided an update to the Accounts Receivable. For the current year taxes, collections for Property tax is approximately 93%, Water/Sewer Tax is up just above 91% and Business Tax is 96%.

Interest on tax accounts is down due to interest being waived for March – June, 2020.

Tax Sale properties

The Law Office is continuing with title searches, probate searches, liens etc. before the notices of tax arrears are distributed.

Town Clerk will check to determine when they expect to have all the searches complete and if the Town could consider proceeding with some now and doing others that require more extensive searches to be completed at a later date.

Discontinuation of Services for non-payment of taxes.

The Town did proceed with disconnection of water services to several properties with tax arrears. As a result, several of these properties paid in full or made satisfactory arrangements for the outstanding balance. Further discontinuation of services is being considered.

Problem Accounts

One of the problem accounts previously identified has made arrangements for payment of the account and another account is now being handled by the Estates Office.

➤ Correspondence Reviewed

Property Owner, request for adjustment of additional Water/Sewer tax invoiced for basement apartment.

The request was reviewed by the committee. The property owner was invoiced Water/Sewer for a basement apartment for several years. The tax was paid, however, now the property owner indicates that there is no basement apartment and has requested a retroactive adjustment. In 2020, the property owner identified that there was no additional apartment unit. This was investigated and it was determined there is currently not additional apartment in the dwelling. *The Committee recommends to adjust the water and sewer tax in the amount of \$360 for 2020 as this is the year of the request. As we can not go back to verify previous years, the committee does not recommend a retroactive adjustment for 2014 -2019.*

Property owner, Columbus Drive, Request for an adjustment to the Water/Sewer Tax.

Water/Sewer Tax is invoiced to all properties that are accessible to water/sewer within the Town.

The committee does not recommend the request for an adjustment to the water and sewer tax in accordance with policy.

Town Clerk to notify the owner.

➤ 2019 Financial Statements

During the Special Meeting of December 10th, Council adopted the 2019 Financial Statements. We have since received the Management letter from the auditor and there is only one small item noted which is quite good. Also there is no longer a qualification on the Princess Sheila NaGeira Statements after additional controls were put in place and there is also no qualification on the Town's statement either.

CAO also noted that the issue with the previous qualification on the Town's statement was due to the fundraising revenues of the town's entities and was not related to the Town's accounting.

- Other – There was an inquiry from a committee member if there could be a fine for residents not obtaining a permit. Currently the Municipalities Act does not allow for that, but if Act is updated, that may become a possibility.

b) Recreation, Special Events, Culture & Tourism

Councillor Noel advised that the committee met on December 15th and noted the following from the meeting:

- Information from municipalities on ATVs on roadways
Committee is still gathering info from other municipalities on trailways. We have put a special committee in place to evaluate this and will provide additional info as it comes forward.
- Culture & Tourism & Special Events
 1. Positive feedback being received from the virtual Christmas Tree lighting video prepared by the Special Events Committee. Congratulations to the Special Events Committee on their great work.
 2. The Special Events committee have advertised the Best Decorated House and Best Decorated Business contest. You can enter the contest by emailing the address to the committee email. The committee will do a drive by after Christmas to judge contestants. Prizes are awarded for first (\$75), second (\$50) and third place (\$25).
- Correspondence
 1. Department of Environment, Climate Change and Municipalities, RE: Grant approved in the amount of \$10,000 to provide financial support for operational costs and reduced income due to COVID-19. This is a onetime grant to help offset additional expenses and lost revenue for facilities due to the pandemic. The funds have been received. Councillor Noel thanked the province for this additional funding.
 2. Heritage NL, RE: Information on historic preservation in NL
Heritage NL forwarded a one-page fact sheet outlining the benefits of heritage and preservation in Newfoundland and Labrador. They are making sure that people recognize the value of heritage properties and requested our support on the matter.
- New Business
 1. Field rental collections from summer
The Director reported on an issue of a user group that had not paid their rental fee. This matter has since been taken care of.
 2. Ditching / water control on the trail on Southside
It was reported the trail on the Southside has some water build up on the trail and the low-lying bushes are growing in the ditch. This will

have to be investigated and some consideration given to alleviate some of the water build up as it is taking the crushed stone away as well. Also the area at the end of Nell's Trail where it joins the highway requires attention as well so we can mitigate further damage.

3. Update on the reopening of the pool.

Some sessions at the pool are well attended, while others are not. The pool schedule is being evaluated and will be revised for January.

The new aquatic lift should be on site within the next few weeks.

4. Request from Carbonear Islanders Softball Association

A request was submitted from the organization for a storage facility for use by the that association and other user groups. This will be further discussed and investigated to see how we can best meet the needs of our user groups.

5. Recreation NL – Digital Learning Steering Committee

Congratulated Rob Button for being invited to sit on this Committee.

This is a good opportunity to share his experiences and gain from other people's practices as well.

c) Economic Development, Planning and Land Use Development
Councillor Doyle advised that the committee met on December 17th and noted the following from the meeting:

➤ Business Arising

Development Application for 200A Water Street, front deck

At the last meeting the application to construct a front deck was not approved. The survey/drawing was not correct. It has been reviewed again and there is sufficient room there and the deck proposed is at ground level.

Motion 20-313

D. Doyle / V. Jenkins

Resolved to approve the application to construct a front deck at 200A Water Street per the application submitted.

Favour 7; Opposed 0; **Carried**

➤ Home Based Business Regulations

MEO regularly identifies business operating without a permit. The committee don't always have a lot of info and the Committee wanted to develop a policy to ensure everyone is treated fairly.

The committee recommended further review of the Home-Based Business Regulations to exclude hobby type businesses. It was felt the best approach would be to develop a policy to provide guidelines for review by the committee to determine whether a reported home occupation will require application and regulation under the Home-Based Business Regulations.

The committee forwarded a copy of the Home Occupation Assessment Policy to Council for their review and consideration. The policy will help to guide the committee as to when a HBB permit is required.

The committee felt this would be the best option and recommends to approve the policy as submitted.

Motion 20-314

D. Doyle / D. Kennedy

Resolved to approve the Home Occupation Assessment Policy as submitted to Council.

Favour 7; Opposed 0; **Carried**

➤ Development Applications

Motion 20-315

D. Doyle / V. Jenkins

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:

- *169A Water Street to complete interior and exterior renovations conditional upon receiving Service NL approval and other applicable approvals from other government department and agencies.*

Favour 7; Opposed 0; **Carried**

➤ Correspondence

1. Department of Environment, Climate Change and Municipalities, RE: Water Resources Management Division

The department is approving an applicant to install a baby barn within the Island Pond / Flings Pond protected water supply area.

An application was also received by the Town. Permit to be issued.

2. Eastern Newfoundland Regional Appeal Board

For information purposes, the Town received a request to advertise Public Notice of Appeal regarding Councils refusal of an application for a single dwelling at Wexford Road.

➤ MEO Report

Properties under review - *The MEO identified several properties this week that have completed work without permits. Verbal contact was made to advise a permit is required. The committee recommends to defer these properties to allow more time for a response.*

Other properties under review require various action including:

Correspondence to be sent to advise a permit is required;

Correspondence with a development application included for completion and submission;

Several issues previously identified have been resolved;

Another item is deferred pending adoption of the new policy proposed.

Trailers in Watershed

The committee recommends the MEO visit the properties and take photos for discussion in the New Year.

- d) Public Works, Waste Management & Community Services
Councillor Jenkins advised that the committee met on December 9th and noted the following from the meeting:

➤ Meeting with the Legion - *The Deputy Mayor reported himself and Councillor Jenkins met with representatives of the Legion last week.*

Looking in to some work around there. Some clean up and tree removal to be done in the spring.

➤ MEO Report

The MEO reported on various properties that he is monitoring. Various letters will be sent to the property owners:

- *Reminder letters that clean up is required;*
- *Forwarding correspondence to request the property owners intent for the scrapped vehicle on the property;*
- *Forwarding correspondence to the property owner inquiring about their intent to clean up the property;*
- *Advise property owner the file is being referred to the lawyer's office to have charges laid for non-compliance with the order.*
- *Forwarding correspondence to request the property owner's intention for disposal of the renovation materials on the property.*

Vehicle on Line Road - Police arranged for the removal of the vehicle this past weekend.

Other properties will continue to be monitored by the MEO and some matters are deferred for follow up in the spring.

New Complaints on other properties will be investigated by the MEO. The MEO will review one property file with the Town's lawyer to determine the best course of action to take on the matter.

Clean Up Order recommended

Motion 20-316

V. Jenkins / C. O'Grady

Resolved that the Town of Carbonear issue a Clean Up Order to the property owner of 9 Patrick Street to remove debris from the property.

Favour 7; Opposed 0; **Carried**

➤ Public Works

There is an electrical problem on the pole in the downtown area. This has been reported to the contractor to investigate.

➤ Correspondence

Resident - Safety concerns at the crosswalk, Southside Lower Road/Pondside/Powell Drive intersection.

The committee recommends the CAO forward a response to the email. We will not be making any changes at this time

Individual - RE: concern with lighting and road lines near the old cinema

The committee recommends the Director investigate the area after dark. Looking at extending sidewalk in the spring.

Pipe Down NL, RE: Resolution and Support Letter regarding excessive loud vehicle noise in communities

This correspondence was reviewed earlier in today's meeting and resolution was obtained.

Property Owner, RE: request to chip down curb at property on Burgess Place

This will be investigated by the Director of Operations and Public Works. The cost to complete this work is the property owner's responsibility.

Resident, RE: location of mail boxes

This is a Canada Post issue. Representatives from Canada Post will come out and review the locations of mailboxes throughout town.

Discussion on the way correspondence is being received.

Covered earlier in meeting.

➤ Ice Control Materials

The town has purchased 1600 tonnes of ice controls materials.

Effective today there is 200 tonnes remaining to be brought on site.

➤ Tree Trimming

The trees have been trimmed on the corner of Highroad South approaching Saddle Hill. There was some discussion on condition of the road near the turn. *The committee recommends having further discussion on road repair in the area.*

Councillor Kennedy noted the need for house numbering for the purposes for first responders to be able to locate the property when needed.

Discussed. Town to send notification and post on facebook to remind people to place #s on their property.

Mayor Butt suggested that the Town should also number all town properties.

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

9. Finance

- a) **Operating Invoices** over \$2,000.00 in the amount of..... \$132,955.51
Motion 20-317 C. O'Grady / A. Dowden
Resolved that the Town of Carbonear approve for payment the list of operating invoices over \$2,000 as submitted, totaling \$132,955.51.
Favour 7; Opposed 0; **Carried**

b) Capital Invoices

Water Street Revitalization Part C. PN 18-130

Welcon Construction, Claim # 8, holdback..... \$87,979.63

Street Rehabilitation & Paving, PN 20-123 (Includes Valley Road, #109 to Bus Turn Around, Beach Road and Powell Drive)

Concord Paving Ltd, Claim # 1..... \$154,293.39

Concord Paving Ltd, Claim # 2, holdback..... \$17,143.71

Water, Sewer & Street Upgrading

Mahaney's Lane, PN 18-118, MA 17-SCF-00094

Southern Construction (1981) Ltd, holdback..... \$19,706.52

Carbonear Pool Family WC Reno, PN 17-CCR-20-00011

Can-Am Platforms & Construction Ltd., Claim #1.....47,144.25
Can-Am Platforms & Construction Ltd., Claim #2.....40,106.25

Carbonear Pool Liner & Deck Replacement, PN 17-CCR-20-00011

Can-Am Platforms & Construction Ltd., Claim #5.....62,011.40
Can-Am Platforms & Construction Ltd., Release of Holdback.....17,693.50

Mayor Butt declared a conflict of interest on the Water Street Revitalization (Part C), PN 18-130 as he owns property in that area on Water Street.

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

Motion 20-318

R. Noel / V. Jenkins

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

Water Street Revitalization Part C, PN 18-130

Welcon Construction, Claim # 8, holdback..... \$87,979.63

Favour 6; Opposed 0; **Carried**

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

Councillor Noel declared a conflict of interest on the Street Rehabilitation & Paving, PN 20-123 (Includes Valley Road, #109 to Bus Turn Around, Beach Road and Powell Drive) invoices listed for approval as his brother owns property in this area on Valley Road.

Councillor Noel then left the meeting.

Motion 20-319

C. O'Grady / V. Jenkins

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

Street Rehabilitation & Paving, PN 20-123 (Includes Valley Road, #109 to Bus Turn Around, Beach Road and Powell Drive)

Concord Paving Ltd, Claim # 1..... \$154,293.39

Concord Paving Ltd, Claim # 2, holdback..... \$17,143.71

Favour 6; Opposed 0; **Carried**

Councillor Noel was called back in to the meeting.

Motion 20-320

C. O'Grady / R. Noel

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

Mahaney's Lane, PN 18-118, MA 17-SCF-00094

Southern Construction (1981) Ltd, holdback\$19,706.52

Favour 7; Opposed 0; **Carried**

Motion 20-321

R. Noel / D. Doyle

Carbonear Pool Family WC Reno, PN 17-CCR-20-00011

Can-Am Platforms & Construction Ltd., Claim #1.....47,144.25

Can-Am Platforms & Construction Ltd., Claim #2.....40,106.25
Carbonear Pool Liner & Deck Replacement, PN 17-CCR-20-00011
 Can-Am Platforms & Construction Ltd., Claim #5.....62,011.40
 Can-Am Platforms & Construction Ltd., Release of Holdback.....17,693.50
 Favour 7; Opposed 0; **Carried**

10. Regulations
 None listed.


11. New Business
 Mayor Butt advised the Fire Department held their Awards Presentations for 2020. Years of Service Awards were as follows:
 Brent Sweeney – 25 years service
 John Crawford – 15 years service
 Claude Garland – 15 years service
 Chris Rodgers – 15 years service
 Adam Earle – 15 years service
 Alistair Milne – 5 years service
 Congratulations to all who received service awards. The Fire Department is a great asset to our town.

Mayor Butt on behalf of Council wished all our residents a Merry Christmas. He reminded everyone to keep their bubbles small and stay within your bubble.


Mayor Butt thanked the employees for the year of service, especially in these trying times of COVID-19.

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

13. Adjournment
Motion 20-322 **R. Noel / A. Dowden**
Resolved that the meeting adjourn at 6:32pm.
 Mayor Butt advised that the next meeting is scheduled for January 12th, 2021 at 5:30pm.
 Favour 7; Opposed 0; **Carried**



 Mayor Frank Butt



 Cathy Somers, Town Clerk