

Town of Carbonear
Regular Council Meeting, June 8, 2021
Minutes of a regular meeting of the Council of the Town of Carbonear
Electronic meeting (Zoom webinar), June 8th, 2021 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	Ian Farrell
	EDTO	Kerri Abbott

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1. Calling of Meeting to Order
Mayor Butt called the meeting to order at 5:33 pm and welcomed everyone to the meeting. Several participants are registered for today's virtual meeting of Council.
Mayor Butt requested a moment of silence to reflect on the recent discovery of the mass grave of 215 Indigenous children at a residential school in British Columbia.
 2. Councillor Noel asked to have the following item added to today's agenda
Section 7
Item e) ATV Committee Report
Town Clerk asked to have the following item added to today's agenda:
Section 6.1
Item b) Gov't of NL Dept. of Transportation and Infrastructure, Approval to Award Contract for 17-GI-20-00039 – Highroad South Water & Sewer to Black Diamond Construction Ltd. in the amount of \$721,510.06 HST Included.
Motion 21-179 R. Noel / V. Jenkins
Resolved to adopt the agenda of the June 8, 2021 Regular Meeting of Council as amended with the following items added:
7e) ATV Committee Report
6.1b) Gov't of NL Dept. of Transportation and Infrastructure, Approval to Award Contract for 17-GI-20-00039 – Highroad South Water & Sewer to Black Diamond Construction Ltd. in the amount of \$721,510.06 HST included
Favour 7; Opposed 0; **Carried**

3. Adoption of the minutes
 - a) Regular Meeting – May 11, 2021
Motion 21-180 **C. O’Grady / D. Kennedy**
Resolved to adopt the minutes of the May 11th, 2021 Regular Meeting of Council as presented at the June 8, 2021 Regular Council Meeting for adoption.
Favour 7; Opposed 0; **Carried**
 - b) Privileged Meeting – May 12, 2021
Motion 21-181 **V. Jenkins / D. Kennedy**
Resolved to adopt the minutes of the May 12th, 2021 Privileged Meeting of Council as presented at the June 8, 2021 Regular Council Meeting for adoption.
Favour 7; Opposed 0; **Carried**
 - c) Regular Meeting – May 25, 2021
Motion 21-182 **C. O’Grady / R. Noel**
Resolved to adopt the minutes of the May 25th, 2021 Regular Meeting of Council as presented at the June 8, 2021 Regular Council Meeting for adoption.
Favour 7; Opposed 0; **Carried**
4. Business Arising from Minutes
 - a) Ratification of Motion 21-156 from the Privileged Meeting of May 12, 2021
Motion 21-156 Privileged **D. Kennedy / R. Noel**
Councillor Jenkins moved to ratify Motion 21-156 from the May 12, 2021 Privileged Meeting of Council.
The motion was not seconded. Therefore, no discussion took place on the motion. Motion was not ratified.
5. Delegations
None listed.
6. Correspondence, Permits & Development
 - a) Permit Listing # 9510-9533
Councillor Doyle requested Council to review the list of permits for any possible conflict of interest.
Motion 21-183 **D. Doyle / A. Dowden**
Resolved to approve permits #9510 - 9533 as per the 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) June is Recreation Month
Proclamation to be signed.
Mayor Butt read the proclamation.

Motion 21-184**C. O'Grady / D. Doyle**

WHEREAS The Community of Carbonear recognizes that recreation enhances quality of life, active living and life long learning helps people to live happier and longer, develops creativity, and builds healthy bodies and positive life styles; and;

WHEREAS recreation provides opportunities for personal growth and development for people of all abilities and can be especially helpful to people living with disabilities; and

WHEREAS our parks, open spaces, and trails ensure ecological sustainability, provide space to enjoy nature, help maintain clean air and water, and preserve plant and animal wildlife; and

WHEREAS recreation is an important contributor to community economic development, which creates jobs, fosters tourism, and makes communities more attractive places in which to live, learn, work and play;

THEREFORE, The Community of Carbonear does hereby proclaim the month of JUNE to be RECREATION MONTH.

Favour 7; Opposed 0; **Carried**

Councillor Kennedy noted there is a cordial competition out there where residents can download an app and communities can participate. He encouraged residents to participate.

- b) Gov't of NL Dept. of Transportation and Infrastructure, Approval to Award Contract for 17-GI-20-00039 – Highroad South Water & Sewer to Black Diamond Construction Ltd. in the amount of \$721,510.06 HST included

Motion 21-185**V. Jenkins / A. Dowden**

Resolved that the Town of Carbonear award the contract for the Highroad South Water & Sewer Project #17-GI-20-00039 to Black

Diamond Construction Ltd. in the amount of \$721,510.06 HST included.

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
 - Various InfoNotes
 - Introduction from Small Towns Director – Harold Murphy
 - Introduction from Avalon Director – Tina Neary

Copied to Council
- b) Federation of Canadian Municipalities
 - 2021 Conference, Election and Resolutions

Copied to Council
- c) T C Chapter, Crohn's & Colitis – Request for donation
 - Forwarded to Admiration and Finance committee

- d) Poseidon Swim Club – Request for donation for Swim for Hope
Forwarded to Administration and Finance committee
- e) Make a Wish NL Chapter, Request Donation for the Run the Rock event
Forwarded to Administration and Finance committee
- f) Property owner, Southside Lower Road – Regarding structure on property
Forwarded to Economic Development, Planning and Land Use Development committee
- g) Property owner, Burgess Place – Regarding Road Maintenance
Forwarded to Public Works, Waste Management and Community Services committee
- h) Royal Canadian Legion, Regarding Installation of Banner Brackets
Forwarded to Public Works, Waste Management and Community Services committee
- i) Property owner, Highroad South, Regarding complaint of neighbouring property
Forwarded to Public Works, Waste Management and Community Services committee
- j) Department of Municipal and Provincial Affairs
RE: 2021 Municipal Election Package
Copied to the Town Clerk and the Chief Administrative Officer
- k) Department of Fisheries and Land Resources, Forestry and Wildlife
RE: Forestry Five Year Plan – Zone 1
Forwarded to Chief Administrative Officer and Council

7. Committee Reports

- a) Public Works, Waste Management and Community Services
Councillor Jenkins advised that the committee met on May 26th and noted the following from the meeting:
 - MEO is continuing to follow up on clean up orders previously issued and monitoring other untidy properties and other property concerns.
 - Snow Clearing Policy – still to be reviewed.
 - New Orders for consideration

Motion 21-186 **V. Jenkins / C. O'Grady**
Resolved to issue orders to the following properties:
 - 1 Chapel Place – cleanup of property per Section 404 (1) (l) of the Municipalities Act;
 - 124 Water Street - cleanup of property per Section 404 (1) (l) of the Municipalities Act;
 - 4 Kelby Corners - to remove commercial vehicles contrary to the Parking of Commercial Vehicles Regulations.

Favour 7; Opposed 0; **Carried**

 - Watershed Management Plan – No feedback to date.
 - Tender for Demolition Old Depot – Reviewed draft tender, Director of Operations and Public Works to include an additional clause and proceed to advertise the tender.

b) Administration and Finance

Deputy Mayor O'Grady advised that the committee met in person on June 2nd and noted the following from the meeting:

- 2020 Audit – Draft Statements should be received in the near future.
- Notice of Arrears of Taxes and possible auction.
Deputy Mayor O'Grady noted that one of the properties in question for possible auction is located at 190 Water Street and is adjoining his brother's property on Musgrave Street. The two properties are listed on two different streets. Deputy Mayor O'Grady asked Council if he would be in considered to be in conflict of interest on this property.

Motion 21-187

D. Doyle / V. Jenkins

Under Section 209 of the Municipalities Act, Be it Resolved that Deputy Mayor O'Grady is not in conflict of interest on the tax sale of the property of 190 Water Street.

Favour 6; Opposed 0; **Carried**

Deputy Mayor O'Grady did not vote on this motion.

Deputy Mayor O'Grady asked the Town Clerk to present her application to Council on this matter.

Town Clerk advised that notices of tax arrears were served and/or posted on 14 properties in March. Taxes have been paid on three of these properties and no further action is required on these three properties.

Town Clerk advised that as per Section 139 of the Municipalities Act, she now needs to make application to Council to direct the remaining 11 properties be sold by auction to satisfy arrears of taxes and interest and the expenses incidental to the auction proceedings.

Town Clerk read the motion that would be required if Council decides to continue with auction proceedings for these 11 properties.

Motion 21-188

C. O'Grady / A. Dowden

Resolved that the Town of Carbonear under and by virtue of the provisions of the Municipalities Act, R.S.N. 1999, Chapter M-24, directs the following properties be sold by auction to satisfy arrears of taxes and interest and the expenses incidental to the auction proceedings:

- a) *Property at Valley Road – Parcel ID 214-233*
- b) *Property at Valley Road – Parcel ID 214-230*
- c) *124 Valley Road*
- d) *47A Water Street*
- e) *47 Water Street*
- f) *162 Water Street*
- g) *22 Cross Roads*

- h) 33A O'Driscoll's Lane
- i) 67 Southside Lower Road
- j) 94 Southside Lower Road
- k) 190 Water Street

Favour 7; Opposed 0; **Carried**

Deputy Mayor O'Grady proceeded to present the following remaining items from the Finance Committee:

➤ Tax Adjustments

Town Clerk is requesting a motion to adjust taxes that are no longer collectible, as per legal advice from the Town's lawyer. The amount will be adjusted from the Town's Allowance for Doubtful Accounts.

Motion 21-189

C. O'Grady / V. Jenkins

Resolved that the Town of Carbonear approve the Accounts Receivable adjustments totaling \$108,207.12 as detailed to the Finance Committee by the Town Clerk.

Favour 7; Opposed 0; **Carried**

➤ Correspondence

Letter from property owners adjacent to proposed trailway, regarding concerns with brush cutting along old railway bed was reviewed. The towns lawyer will send a letter of response.

➤ Three donations requests were considered. One donation is included on the 2021 Donations listing approved by Council. The other two are not recommended.

➤ Human Resources

Committee reviewed the job description for the Fire Chief. Some changes were recommended. This has been provided to the Fire Chief.

➤ Parcel of Land 12 Hayden Heights

Councillor Kennedy declared a conflict of interest as he owns the property adjacent to this parcel of land. Councillor Kennedy then left the meeting.

Motion 21-190

C. O'Grady / R. Noel

Resolved to proceed to the tender process for disposal of land at 12 Hayden Heights.

Favour 6; Opposed 0; **Carried**

Councillor Doyle noted that she would like to see the proceeds from this sale to go to the direct benefit of the children of our community whether it be for playground equipment, ball fields, etc.

Discussed. It was also noted that how the proceeds of this sale would be used can take place at a later time after the sale of the property.

Councillor Kennedy was called back into the meeting.

c) Recreation, Special Events, Culture and Tourism

Councillor Noel advised the committee met on June 1st and noted the following from the meeting:

- NL Power Challenge – ongoing, waiting on decisions for approval.
- Cost/Design – Brook Bridge – research ongoing.
- Summer Landscape Maintenance – work has started.
- Softball Fields – work on the field has started.
- Summer Trails Mix Project - partnership with MUSIC NL - City of St. John's - Town of Carbonear. Signage to be placed on our trails promoting NL Artists. Signs include a QR Code which trail users can scan with phones to download and play music along the Trails. All music will be NL Artists.
- Quote to have repairs completed to DecTron Unit, which handles the air quality and pool heat recovery for pool. Work to be completed includes replacing a fresh air ductwork that has rusted and beginning to fail.

Motion 21-191

R. Noel / A. Dowden

Resolved to have ductwork and accessories of Dectron unit repaired and replaced by Ainsworth in accordance with the quote provided in the amount of \$3,643 plus HST.

Favour 7; Opposed 0; **Carried**

- Participaction Community Challenge
The town has been registered for the Participaction Fitness challenge. The promotion has begun, encouraging residents of the town to download the Participaction fitness app and start moving to collect move minutes to become the most active community in Canada. The top prize is valued at \$100,000 with other prizes available. Encourage residents to support this venture and all who want to participate. Participants will enjoy the great benefits of physical activity.
- Summer Program - Fees Review and "Plan B"
The Director of Recreation discussed the new and revamped Summer Program with Committee. The committee felt that a fee of \$210 (equal to \$35 per week) would be much more acceptable at this time. The fee could be revisited after this year to determine if further increases were necessary.

Motion 21-192

R. Noel / C. O'Grady

Resolved to set new rate for the Carbonear Summer Camp, in accordance with new offerings and industry standards, at \$210 for a 6 week camp.

Favour 7; Opposed 0; **Carried**

For families who struggle with the full cost, consideration may be given to an alternative payment plan. Funding may also be available through the Jumpstart program for some participants.

- The committee will be inviting the six young ladies who wrote Council for additional age appropriate playground equipment in our

playgrounds to our next Recreation Committee meeting to have some discussion with them.

Mayor Butt asked if we have acknowledged their correspondence.

CAO advised this is being drafted by the Director of Recreation, see if this has been placed on the Mayor's desk for signature.

Councillor Kennedy asked the CAO or EDTO for an update on the status of the Recreation student grants. The EDTO advised this is at the federal level now. Both she and the MP's office are following up daily on the status of the application. Currently we are being advised it is in the federal review process. Councillor Kennedy noted concerns with the fact we do not yet have a response on this application and that we may very well have 20 less students and 2 less programs this summer if we don't receive funding for these student grants this year. Other towns have received notification of their recreation grants and we still don't have a response to our application. Discussed. CAO noted that we have not been advised that our application has not been refused, so we could still receive approval of the application. EDTO advised this is not an appeal process and we are not the only applicants who have their applications under review at this time. Staff to continue to inquire on the status of the application.

Councillor Doyle noted the TCP Health Foundation Challenge where the Town of Carbonear has two trails on the list which is Nell's Trail and the George Earle Promenade. This is open to anyone who can hike here, take in the trails as part of the challenge and possibly donate the \$10,000 prize to the Town of Carbonear for our trails. The initiative also raises money for health care as well.

- d) Economic Development, Planning and Land Use Development
Councillor Doyle advised that the committee met on June 3rd and noted the following from the meeting:

- Business Arising
 - Wexford Road – looking at cost estimate for extension of water/sewer services and road improvements because of numerous inquiries to develop property over the years. This is ongoing – matter deferred.
 - 42 Powell Drive proposed development
Waiting for a response from the developer regarding the objections received from the discretionary use notice on the application. The developer has been given a deadline of next week for his response to Council.
- MEO Report
 - Discussion about building on Water Street who have done repairs, without a permit. Send along application for building repairs.

- Sending a number of property owners correspondence requesting them to submit development applications for green houses, decks and portable shelters constructed without a permit.
- Deferred sending correspondence to other property owners to allow them time to complete and submit their application.
- Some properties have completed their applications as previously requested.

➤ Development Applications

Motion 21-193

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:

- 17 Blueberry Crescent - to construct a chicken coop conditional upon no objections or representations being received from the discretionary use advertisement published; and further conditional upon the application being referred back to committee and council for further review if objections are received in response to the discretionary notice;
- Crockers Cove Beach to construct a wharf / slipway conditional upon applicable approval from Crown Lands, Water Resources and other applicable government department and agencies;
- 1 Hayden Heights - to construct a deck;
- 180 Water Street to place front patio on the sidewalk conditional upon removal by October 31, 2021 or when construction starts on the next phase of the Water Street Revitalization Project, whichever comes first.

Favour 7; Opposed 0; **Carried**

Motion 21-194

D. Doyle / C. O'Grady

Resolved to send a removal order to the property 46 Lemarchant Street to remove the fence constructed in non-compliance.

Favour 7; Opposed 0; **Carried**

➤ Correspondence

Southside Lower Road, fence on property

Response to be sent to the property owner to advise that the fence/decorative structure can not be built without a permit from council.

➤ Municipal Plan – process to be started.

e) ATV Committee

Mayor Butt asked if he would have to leave the meeting for this item. Deputy Mayor O'Grady noted that Council previously voted that Mayor Butt is in conflict of interest on *the part of the proposed ATV route that brings ATV traffic to the downtown area through Pondside Road, Crossroads to Pike's Lane.*
Discussed.

Mayor Butt noted it was ironic that he would have to step out for that, but Councillor Noel did not have to step out when his daughter was a director of the CBN T'railway Inc. and his son-in-law is a director of the CBN T'railway Inc.

Mayor Butt then left the meeting.

Deputy Mayor O'Grady assumed the position of Chair.

Councillor Noel advised the ATV Committee met on June 4th and noted the following from the meeting:

This process started about 9 months ago with a lot of research being done on the matter since then. He thanked the EDTO for her role in the matter and thanked all those who participated in the survey.

The ATV Initiative Community Feedback Survey received 411 responses. Of the 411, 390 were identified as residents from Carbonear, (a requirement indicated in the survey parameters).

35% of respondents indicated they were not ATV users, with the remaining 65% identifying as either an ATV user or having a member of their household as an ATV user.

65% indicated they agreed with a pilot initiative. While 32% indicated they did not agree with a pilot initiative.

Of the streets identified in the survey that were directly along the route:

62% indicated they agreed with the pilot initiative and 38% indicated they didn't agree.

Of the 195 comments received, the top three topics were 1) Public Safety and Enforcement, 2) Remarks reflecting that the initiative was a good idea/economic benefits to the town and 3) Location and Noise that would be created by ATVs.

There was a very good sample from the population of approximately 4,700 people. About 8% of the population responded to the survey. The survey was hand delivered to those on the route that would be most directly impacted by it. Council approved the distribution of the survey.

65% of those who responded, are in favour of the initiative for a trial period. If council approves the initiative, then we will need ministerial approval which would take about a month.

If there had been 65% of the people who responded not in favour of the initiative, then we would not proceed. However, 65% of those who responded felt the initiative would warrant a trial period.

The committee will look at the concerns addressed in the surveys received.

Discussed.

Some points raised in discussion include:

- Apprehension on the trial period – consideration of a shorter trial period
- MEO to be given the ability to enforce the regulations

- Complete a second survey to determine how people feel after the trial period.
- Need to provide residents who have concerns with this initiative some peace of mind. Residents need to know that this initiative does not mean that ATVs can be used on all town streets, just the streets along the proposed route and that this is only for a trial period.
- Council is already aware of how stressed police resources are in the area. Allowing off road vehicles without signal lights, etc on town streets is a concern, while someone operating their on road vehicle is ticketed for non-working signal or brake lights.
- Insurance is another issue that has been raised.
- The survey is heavily rated to ATV users. Would not consider that is representative of a majority of people in Carbonear.
- There were a lot of people who didn't access the survey.
- Location and noise that would be created by ATVs.

Councillor Noel advised that the next step would be to write the Minister of Transportation and Works to approve the Town's request to allow ATV use on the proposed town streets. During this time, the committee will try to address the concerns identified by the people regarding noise and safety concerns. Hopefully we will move ahead and will have a successful trial period.

Councillor Noel advised that he would like Council to endorse a request to the Minister of Transportation to seek approval from the Department of Transportation for this initiative for the trial period specified.

Councillor Noel asked the EDTO for the process required going forward. EDTO advised Council would need to create the Regulations to submit to the Minister and there is a process that is required before Council applies to the Minister. She noted the CAO can advise on that process.

CAO advised that the next step would be to draft the necessary regulations, send the draft regulations to our lawyer for review and for compliancy. These Regulations would only be for our municipal streets and not streets that are the provinces. When Council comes to an agreement on the regulations, Council would give notice in a Regular Council meeting of the proposed Regulations and then vote on the Regulations at the next Regular Council meeting. Council would need to confirm if Ministerial approval from the Minister of Transportation is needed where the route does not involve any provincial highways and the route only relates to municipal streets.

EDTO noted that other municipalities that have gone through this process did receive approvals in principle from the Department of Municipal and Provincial Affairs and the Department of Transportation.

Motion 21-195

R. Noel / D. Kennedy

Resolved that the Town of Carbonear proceed to draft regulations for use of ATVs on the proposed ATV route on town streets and be it further

resolved that these regulations be forwarded to the Minister for approval when adopted by Council.

Favour 6; Opposed 0; **Carried**

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

8. Reports of Chief Administrative Officer and Department Heads

a) Chief Administrative Officer

CAO advised that Council was provided with a computer-generated Income Statement for revenue and expenditures received to April 30, 2021 and a summary report.

Revenue to date is on target. Budgeted Tax Revenue is \$5,564,382.

Tax revenue levied is \$5,577,691.

Expenses - All expenses are within budget to date.

Any questions can be directed to the CAO.

b) Director of Operations and Public Works

Director reviewed the following from his report to Council:

COVID-19 Protocols

Protocols implemented are in accordance with the guidelines set out by the Department of Health and Community Services.

Transportation

Workers are kept busy with maintenance items.

Public Works

Handling service requests as they come in.

Capital Projects

- *Columbus Drive Intersection* - Tender Call has closed and a contract awarded.

The Town has advised the consultant that the CCDC2 contract document will be required as the contract medium.

The Town had contacted the consultant on 4 June 2021 requesting anticipated start date.

- *Powell Drive and White's Road* - Construction has started and is scheduled to be completed by end of June. Putting crib work together today for concrete
- *Valley Road Water, Sewer, and Street Upgrading Phase 3*
Call made for tenders, closing on 8 June 2021.
- *Marshall Drive Water, Sewer, and Street Upgrading*
Call made for tenders, closing on 9 June 2021.
- *Water Street Water, Sewer, and Street Upgrading Phase 2*
Awaiting funding approval from ACOA for streetscaping components of the project.
- *Street Paving*
Tender documents currently being drafted. Hr. Grace came on board, and this tender will go out the 3rd week of June.

Other Solicitations

Pre-Tender for former Town Hall Demolition should go out this week.

9. Finance

- a) Operating Invoices over \$2,000.00 in the amount of.....\$52,275.31

Motion 21-196

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 \$52,275.31

Favour 7; Opposed 0; **Carried**

- b) Capital Invoices:

CBR Community Centre Extension

Eastern Contracting, CP # 5.....\$25,750.80

Eastern Contracting, CP # 6.....\$144,727.04

Motion 21-197

C. O'Grady / A. Dowden

Resolved that the Town of Carbonear approve for payment the following Capital Project Invoices as submitted:

CBR Community Centre Extension

Eastern Contracting, CP # 5.....\$25,750.80

Eastern Contracting, CP # 6.....\$144,727.04

Favour 7; Opposed 0; **Carried**

10. Regulations

None listed.

11. New Business

- Reminder of PRIDE month. Pride flag will be flown. Organizers are Looking at having an event in July.
- Mayor Butt congratulated Susie Noel on her 100th birthday celebrated on May 27th.
- Mayor Butt congratulated Drucella Butt on her 80th birthday celebrated on June 6th.

12. Notices of Motion

No notices of motions were filed.

13. Adjournment

Motion 21-198

V. Jenkins / A. Dowden

Resolved that the meeting adjourn at 7:01pm. Mayor Butt advised that the next meeting is scheduled for June 22nd, 2021 at 5:30pm.

Favour 7; Opposed 0; **Carried**



Mayor Frank Butt



Cathy Somers, Town Clerk