

Town of Carbonear
Regular Council Meeting, May 25, 2021
Minutes of a regular meeting of the Council of the Town of Carbonear
Electronic meeting (Zoom webinar), May 25th, 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	Brian O'Grady
	EDTO	Kerri Abbott

-
1. Calling of Meeting to Order
Mayor Butt called the meeting to order at 5:34 pm and welcomed everyone to the meeting. Several participants are registered for today's virtual meeting of Council.
 2. Adoption of the Agenda for May 25, Regular Meeting
Motion 21-162 V. Jenkins / D. Kennedy
Resolved to adopt the agenda of the May 25, 2021 Regular Meeting of Council.
Favour 7; Opposed 0; **Carried**
 3. Adoption of the minutes
 - a) Regular Meeting – May 11, 2021
Councillor Noel noted that the minutes listed on the agenda were distributed to Council today and he requested that Council defer the adoption of the minutes to give Council more time to review the minutes. Discussed.
Adoption of the Minutes for Regular Meeting – May 11, 2021 deferred to the next meeting of Council.
 - b) Privileged Meeting - May 12, 2021
Adoption of the Minutes for Privileged Meeting – May 12, 2021 deferred to the next meeting of Council.
Motion 21-163 D. Doyle / A. Dowden
Resolved to defer the adoption of the following minutes to the next Regular Meeting of Council:
 - *Minutes of the May 11, 2021 Regular Meeting of Council*

• *Minutes of the May 12, 2021 Privileged Meeting of Council.*
Favour 7; Opposed 0; **Carried**

c) Special Meeting – May 20, 2021

Motion 21-164

V. Jenkins / C. O’Grady

Resolved to adopt the minutes of the May 20th, 2021 Special Meeting of Council.

Favour 7; Opposed 0; **Carried**

Mayor Butt noted that we have hired Ian Farrell in the position of Director of Operations and Public Works. Mr. Farrell started work this morning. Mayor Butt thanked the outgoing Director of Operations and Public Works who is retiring this week after 13 years of service with the Town in that position.

Director O’Grady thanked Council and noted that it has been a pleasure to work with the Town and that there is a great office environment here at the Town.

4. Business Arising from Minutes

- a) Ratification of Motion 21-156 from Privileged Meeting of May 12, 2021
Deferred to the next Regular Meeting of Council.

5. Delegations

No delegations listed.

6. Correspondence, Permits & Development

- a) Permit Listing # 9475-9509

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

New housing listing is down for this year

Motion 21-165

D. Doyle / A. Dowden

Resolved to approve permits #9475-9509, voiding #9506 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) Government of NL

Department of Transportation and Infrastructure

- 17-G1-00092 – Marshall Drive Water Sewer Street Upgrading

Copied to Chief Administrative Officer and Town Clerk.

Approval to call public tender

Motion 21-166

V. Jenkins / R. Noel

Resolved to proceed to tender for the Marshall Water, Sewer and Street Upgrading Project (17-GI-00092).

Favour 7; Opposed 0; **Carried**

- 17-GI-20-00039 – ICIP – Highroad South Water and Sewer

Department of Transportation and Infrastructure

Approval to call public tender

Copied to Chief Administrative Officer and Town Clerk.

Motion 21-167

V. Jenkins / A. Dowden

Resolved to proceed to tender for the Highroad South Water, Sewer and Street Upgrading Project (17-GI-20-00039).

Favour 7; Opposed 0; **Carried**

Department of Transportation and Infrastructure

- 17-GI-00041 – Valley Road Phase 3

Approval to call public tender.

Copied to Chief Administrative Officer and Town Clerk.

Town Clerk noted this project includes the area from Pike's Lane west to 27 Valley Road

Councillor Noel declared a conflict of interest as his parents and sister own properties in that area.

Councillor Noel then left the meeting.

Motion 21-168

V. Jenkins / C. O'Grady

Resolved to proceed to tender for the Valley Road, Phase 3 Water, Sewer and Street Upgrading Project (17-GI-00041).

Favour 6; Opposed 0; **Carried**

Councillor Noel was called back into the meeting.

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

- May 25

Health Accord NL Town Halls

Copied to Council, Chief Administrative Officer and the Town Clerk.

b) Federation of Canadian Municipalities

- May 10, Info Note

- May 18, New insights on infrastructure data

- May 19, FCM Table Officer candidates

Copied to Council, Chief Administrative Officer and the Town Clerk.

c) Property owner, Water Street

RE: business promotion and signage

Forwarded to Economic Development, Planning and Land Use Development committee.

d) Property owner, Water Street

RE: Water Street development

- Forwarded to Economic Development, Planning and Land Use Development committee.
- e) Property owners, Long's Hill
RE: Request for roadwork/paving
Forwarded to Public Works, Waste Management & Community Services committee.
 - f) Property owner, Ashley Road
RE: Request to extend water line
Forwarded to Public Works, Waste Management & Community Services committee.
 - g) Property owners, Long's Hill
Request for roadwork / paving
Forwarded to Public Works, Waste Management & Community Services committee.
 - h) NL 911
RE: Fire call
Forwarded to Public Works, Waste Management & Community Services committee.
 - i) Municipal Assessment Agency
RE: Notice of change in assessed value for 2021.
Copied to the Town Clerk. Placed on file.
Councillor Kennedy inquired on this item. Town Clerk read the letter. Overall property assessments changed by -1.0% in Carbonear.
 - j) Property owner, Water Street
RE: dog complaint
Forwarded to Public Works, Waste Management & Community Services committee.
 - k) NL Public Health Laboratory, Test results of water samples collected on April 19, 2021 at Red Circle, Shell, Esso, Coldwater Foods. Results marked satisfactory. Placed on file.
 - l) Law Firm
RE: Brush cutting along old railway bed
Copied to the Chief Administrative Officer. Forwarded to the Administration and Finance committee.
 - m) Society St. Vincent de Paul
RE: Food bank chosen as one of 7 sites from across the province to help local communities plan and design an earth sheltered greenhouse for production of healthy food.
Copied to Council and staff.
 - n) Department of Municipal and Provincial Affairs
Community Sustainability Partnership Accountability Measures and Exemptions
Forwarded to Town Clerk, Chief Administrative Officer, Administration and Finance committee.

This was reviewed in Finance. This is a standard circular that clarifies the accountability measures required to be eligible for funding under the Municipal Operating Grant.

7. Committee Reports

- a) Public Works, Waste Management and Community Services
Councillor Jenkins advised that the committee met on May 12th and noted the following from the meeting:

Business Arising

- Water issue – Hoyle's Road
The work has been completed by the property owner as approved by committee.
- Green and Inclusive Community Building Program
Deadline for application is July 6. An application will be submitted to improve the HVAC system at the Conception Bay Regional Community Centre if this is an eligible project under this funding application.

Public Works

Committee will be drafting a policy on Snow Clearing.

Correspondence

- Department of Transportation and Infrastructure
RE: 2020-2023 Multi-Year Capital Works – 3-year allocation
Notification of funding approved in the amount of \$739,322.
Mayor Butt, Councillor Noel and Councillor Jenkins declared a conflict of interest on this matter as the proposed project Valley Road Water, Sewer and Street Upgrading Phase 4 extends from 27 Valley Road to the overpass. Mayor Butt has a brother who owns property in the area, Councillor Noel has a brother who owns property in the area, and Councillor Jenkins owns a property in the area.
Mayor Butt, Councillor Noel and Councillor Jenkins left the meeting.
Deputy Mayor O'Grady assumed the position of Chair.
Councillor Dowden advised the committee recommends the Valley Road Water Sewer and Street Upgrading Project, Phase 4 (reduced in scope) to Council for this funding in accordance with previous priorities set by Council.

Motion 21-169

A. Dowden / D. Kennedy

Resolved to approve Valley Road Water Sewer and Street Upgrading, Phase 4 for the Multi Year Capital Works Funds where the scope of the project will be amended in accordance with the amount of funds approved.

Favour 4; Opposed 0; **Carried**

Mayor Butt, Councillor Noel and Councillor Jenkins were called back in to the meeting.

Mayor Butt assumed the position of Chair.

Councillor Jenkins proceeded to note the following from the Committee Report:

- Sutton's Hill, road repairs
Routine maintenance to be completed by staff.
- Butt's Avenue, complaint of roaming cats
Photos were included with the complaint of roaming cats suggesting the cats were from the property across the street. *The committee recommends the MEO follow up with the SPCA to determine if they will shelter animals picked up by the Town and that he also follow-up with the property owner on Butt's Avenue.*
It was noted that some pet owners are fined when their pets are roaming, while others are not. CAO noted that the MEO provides a verbal warning to pet owners, before issuing them a fine. He is enforcing the regulations as approved.
- Eastern Regional Service Board, community clean- up and collection
The Eastern Regional Service Board allows community-based volunteer groups to access and dispose of waste collected during community clean-up events. The date for the clean-up is June 5 which coincides with the Household Hazardous Waste Day.

New Business

- Pumphouse, top of Bond Street
The Director of Operations and Public Works investigated an issue with water pressure. He noted there was an issue at the pumphouse that resulted in a sudden shut down of water where the valve didn't close properly and the water pressure dropped. Upon investigation, the value was reset manually. This has since been serviced and is working
- Property owner, RE.Right of way on Water Street
This is a shared access among three properties and is not maintained by the Town and is not considered a town street. *The committee did not recommend acceptance of this right of way as a town street as it does not meet the minimum requirements for a town street in the Carbonear Municipal Plan and Development Regulations.*
- Trailway ditching and material pick up
The committee is not aware of the areas where work is being requested. Deferred pending a formal request with specific details.

MEO Report / Update

Some reminders for clean up are being issued.

- b) Administration and Finance
Deputy Mayor O'Grady advised that the committee met on May 13th and noted the following from the meeting:

Business arising from April 29

- Human Resource Policy
This item is deferred for further information.

- **Municipal Election 2021**

Town Clerk advised Election Day is scheduled for September 28, 2021. Town Clerk will present a report to Council on this matter at a later date for decisions that are required of Council for the September 28, 2021 Municipal Election.

Finance

Town Clerk Report

- **Accounts Receivable Report** - The Town Clerk reported on collections from April 15 to May 12, 2021. For the current year collections for Property tax is now 80%, up from 74%, Water/Sewer tax is 78% up from 70%, Business Tax is 85% up from 82%. Statements as of April 19 were sent out to customers.
- **2020 Audit** - The auditors are finished with the Town's portion of the audit. Waiting on some support information from one of the entities. Statements should be available soon.
- **Tax Sales Update** – Details in the Committee minutes which will not be discussed in this meeting.

Correspondence

Department of Municipal and Provincial Affairs, Community Sustainability Partnership Accountability Measures and Exemptions

This is a standard circular that clarifies the accountability measures required to be eligible for funding under the Municipal Operating Grant (MOG) and Provincial Gas Tax Revenue (PSGTRA) programs for 2021-22, as well as identifies the parameters for possible exemptions. The Circular also identify the required submission of the 2020 Audited Financial Statements, 2020 Tax Receivable Summary and 2020 Tax Recovery Plan to the Department which is due June 30, 2021.

Town Clerk reported the Tax Recovery Plan will be completed and forwarded to Council for adoption prior to the deadline date.

New Business

- **Policy tax sales**

The Town Clerk reported the Tax Recovery Plan for the province is an annual document, prepared by the municipality, as an outline plan for the recovery of taxes receivable as identified in the municipality's Tax Receivable Summary. If the Town requires a more in-depth policy than this, she would need to do further research.

Councillor Doyle asked that this item be left on the Committee agenda. It was noted that this will remain on the Committee agenda.

- **Mail in ballots** – A motion was obtained in a special meeting of Council to request approval from the Minister of Municipal and Provincial Affairs to exercise the option for vote by mail in the 2021. The letter of request has been sent to the Minister of Municipal and Provincial Affairs.

Human Resources

- Conservation Corps Intern position

The Town has been approved for a 12-week GIS Asset Management Intern program under the Conservation Corps NL. A contribution of \$3,000 is required from the Town before the project commences. The candidate will be working out of the Town Depot. The committee recommends approving the contribution and entering into the agreement.

Motion 21-170

C. O'Grady / V. Jenkins

Resolved that the Town of Carbonear enter into an agreement with the Conservation Corps NL at a cost of \$3,000 as a partner with the Internship Program

Favour 7; Opposed 0; **Carried**

- Museum Manager – A Museum Manager has been hired and started work today.

Ongoing Matters

Strategic Plan – There has been limited uptake on the business survey, so the EDTO randomly selected businesses to follow up with telephone call to go through the questions. Once these have been completed, the EDTO will send out the dates and finalize the documents for council review and discussion.

Parcel of land Hayden Heights

Councillor Kennedy declared a conflict of interest as he owns the neighbouring property.

Councillor Kennedy then left the meeting.

The Deputy Mayor reported the Town had the land for a number of years and should possibly consider listing the property. The land was conveyed to town several years ago from the bank.

The town recently received an inquiry from someone interested in the property. It was felt that since a considerable amount of time has passed the Town should consider advertising the land for sale. In accordance with the Municipalities Act, 1999, a tender has to be completed. An appraisal is also required. If the tender process is not successful, the Town can proceed to list the property with an agent. The committee agreed to recommend proceeding with the tender process.

Motion 21-171

C. O'Grady / D. Doyle

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

Be It Further Resolved that the net proceeds of sale be used to purchase additional playground equipment.

Council members asked if there could be more time given to consider this matter.

Deputy Mayor O'Grady and Councillor Doyle withdrew the motion.

Matter deferred for a future meeting of Council.

- c) Economic Development, Planning and Land Use Development
Councillor Doyle advised that the committee met on May 20th and noted the following from the meeting:

Business Arising

- Application for 42 Powell Drive - waiting on response from the proposed developer to address concerns identified in the responses to the discretionary use ad on the application. The developer has been given a deadline for receipt of his response to Council.
- Pacrim Hospitality Services Inc. – Hotel Management and Development Company - The EDTO also reached out to other potential hotel developers and forwarded promotional material for their review. She will follow up on the matter.
- Subdivide property, Earles Lane - Further investigation determined the shed was not on the property being subdivided. The committee recommends to approve the application to subdivide the property.

Motion 21-172

D. Doyle / D. Kennedy

Resolved to approve the application to subdivide property 19 Earle's Lane in accordance with the Carbonear Municipal Plan and Development Regulations.

Favour 7; Opposed 0; **Carried**

Development Applications

Motion 21-173

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:

- 14 Discovery Place, to replace the front deck in accordance with Section 10, Discretionary Powers of Council, in the Development Regulations;
- 4 Bannerman Street, Royal Canadian Legion, to enclose an outdoor area for a licensed patio conditional upon receiving the Service NL approval, NLC and other applicable approvals from other government departments and agencies.
- 10 Grassey Lane, shed extension and greenhouse conditional upon no objections to the discretionary notice advertised and if there are any objections to the discretionary notice, the application is to be revisited by council.
- 5 Patrick Street, replace rear fence and replacement of front fence is conditional upon the front fence being located in accordance with the setback in the Fence Regulations, otherwise, the front fence is approved for repair only.

Favour 7; Opposed 0; **Carried**

Correspondence

Property owner, Water Street, RE: Water Street development

The committee reviewed the correspondence with reference to signage

and the Town's support of local business. The EDTO is working on obtaining approval from the provincial government for the signage and to make changes to meet the province's requirements. Business owners are also encouraged to market their businesses. There are many things planned for the summer that will be reviewed with the Recreation Committee and posted on social media over the coming weeks.

Questions

Mayor Butt inquired about a motion rescinded at the last council meeting for a chicken coop. He understood it was already constructed and asked who would be responsible for the cost incurred, since the motion was rescinded. CAO advised the development was constructed without a permit from council. No permit had been issued, so they did not have permission to proceed with the development so costs associated with removal would be the responsibility of the property owner.

8. Reports of Chief Administrative Officer and Department Heads
No reports listed.

9. Finance

- a) Operating Invoices over \$2,000.00 in the amount of.....\$33,090.89

Motion 21-174

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 \$33,090.89.

Favour 7; Opposed 0; **Carried**

- b) Capital Invoices:

CBR Community Centre Extension

Fougere Menchenton Architecture, Inv # 21-0506 \$9,936.00

Valley Road Phase 3, Water, Sewer, Storm Sewer & Street Upgrading

MA 17-GI-21-00041

Harris & Associates Invoice # 6814.....\$2,270.50

Marshall Drive, Water, Sewer & Street Upgrading, MA 17-GI-21-00092

Harris & Associates Invoice # 6812.....\$2,490.75

Councillor Noel declared a conflict of interest on the Valley Road Phase 3 project as his parents and sister own properties in that area.

Motion 21-175

C. O'Grady / V. Jenkins

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

CBR Community Centre Extension

Fougere Menchenton Architecture, Inv # 21-0506 \$9,936.00

Marshall Drive, Water, Sewer & Street Upgrading, MA 17-GI-21-00092

Harris & Associates Invoice # 6812.....\$2,490.75

Favour 7; Opposed 0; **Carried**

Councillor Noel declared a conflict and left meeting.

Motion 21-176

C. O'Grady / D. Kennedy

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

Valley Road Phase 3, Water, Sewer, Storm Sewer & Street Upgrading

MA 17-GI-21-00041

Harris & Associates Invoice # 6814.....\$2,270.50

Favour 6; Opposed 0; **Carried**

Councillor Noel was called back into the meeting.

10. Regulations
None listed.

11. New Business

- a) Fire Department Executive

Mayor Butt advised the Fire Department has elected a new Executive.

CAO advised the members of the newly elected Fire Department

Executive are as follows:

Fire Chief - Adam Earle

First Assistant Chief - Keith Keough

Second Assistant Chief - Scott Mullins

Captain - Trevor Crawford

Captain - John Crawford

Lieutenant - Chris Pike

Lieutenant - Ian Green

Secretary - Jim Harris

Treasurer - Frank Pike

Past Chief – Brent Sweeney

CAO advised a motion of Council is required to appoint the Fire Chief.

Motion 21-177

C. O'Grady / V. Jenkins

Resolved that the Town of Carbonear appoint Adam Earle as Fire Chief of the Carbonear Volunteer Fire Department.

Favour 7; Opposed 0; **Carried**

The Fire Chief is considered a Department Head of the Town.

The CAO will update the Fire Chief and the Fire Chief will be requested to present a report at the Council meetings.

Council congratulated the outgoing Fire Chief on his 6.5 years as Chief and thanked the outgoing executive members for the commitment to the executive for the past 2 years.

Council welcomed the new executive members as well and wished them well in their positions on the executive.

Mayor Butt noted the resignation of Firefighter Warren Oates as he has taken a work position in central NL with the Department of Natural Resources. Mayor Butt thanked him for his 15+ years of service as a member of the Carbonear Volunteer Fire Department.

b) Other

Councillor Kennedy asked for an update on the Summer Students for the summer recreation program.

Several inquiries have been sent requesting the status of the application for Canada Summer Jobs.

CAO noted that the Town has received approval for the pool, museum and maintenance staff student positions. However, we are still waiting on approval for the recreation program students. The EDTO is following up with staff and politicians and we are hoping to have a response soon.

12. Notices of Motion

No notices of motions were filed.

13. Adjournment

Motion 21-178

C. O'Grady / A. Dowden

Resolved that the meeting adjourn at 7:12pm. Mayor Butt advised that the next meeting is scheduled for June 8th, 2021 at 5:30pm.

Favour 7; Opposed 0; **Carried**



Mayor Frank Butt



Cathy Somers, Town Clerk