

Town of Carbonear
Regular Council Meeting, August 10, 2021
Minutes of a regular meeting of the Council of the Town of Carbonear
Electronic meeting (Zoom webinar), August 10th, 2021 at 5:30pm

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

Also Present: CAO	Cynthia Davis
Town Clerk	Cathy Somers
Director of Operations & Public Works	Ian Farrell
Director of Recreation	Rob Button
EDTO	Kerri Abbott

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1. Calling of Meeting to Order
Mayor Butt called the meeting to order at 5:37 pm and welcomed everyone to the meeting. Several participants are registered for today's virtual meeting of Council.

Mayor Butt asked for a moment of silence in memory of Ray Sweeney who was a former employee of the Town and Mac Bradbury who spent a number of seasons taking care of the flowers and shrubs in the green spaces throughout town. Condolences to both families during this time of loss.
 2. Adoption of the Agenda for August 10, 2021 Regular Meeting
Motion 21-261 R. Noel / A. Dowden
Resolved to adopt the agenda of the August 10, 2021 Regular Meeting of Council as presented.
Favour 7; Opposed 0; **Carried**
 3. Adoption of the minutes
 - a) Regular Meeting – July 14, 2021
Motion 21-262 C. O'Grady / D. Kennedy
Resolved to adopt the minutes of the July 14, 2021 Regular Meeting of Council as presented.
Favour 7; Opposed 0; **Carried**
 - b) Special Meeting – July 26, 2021
Motion 21-263 V. Jenkins / A. Dowden
Resolved to adopt the minutes of the July 26, 2021 Special Meeting of Council as presented.

- Favour 7; Opposed 0; **Carried**
- c) Privileged Meeting – July 29, 2021
Motion 21-264 **C. O'Grady / V. Jenkins**
Resolved to adopt the minutes of the July 29, 2021 Privileged Meeting of Council as presented.
Favour 7; Opposed 0; **Carried**

4. Business Arising from Minutes

- a) Ratification of motions from July 29, 2021 Privileged Council meeting.
Motion 21-265 **C. O'Grady / R. Noel**
Resolved that the Town of Carbonear accept the payment plan presented on the property of 33A O'Driscoll's Lane and remove that property from the list of properties scheduled for Public Auction Tax Sale on August 3, 2021 subject to receipt of the 1st scheduled payment prior to August 3, 2021.
Favour 7; Opposed 0; **Carried**
Motion 21-266 **C. O'Grady / D. Kennedy**
Resolved that the Town of Carbonear reserve a bid in the amount of taxes, interest and expenses due on the following properties scheduled for Tax Sale on August 3, 2021:
47A Water Street
47 Water Street
162 Water Street
67 Southside Lower Road
94 Southside Lower Road
Favour 7; Opposed 0; **Carried**

5. Delegations
No delegations listed.

6. Correspondence, Permits & Development

- a) Permit Listing # 9581-9616
Councillor Doyle asked Council to review the list of permits for any possible conflict of interests.
Councillor Kennedy declared a conflict of interest on Permit # 9607 as it is for his sister.
Motion 21-267 **D. Doyle / V. Jenkins**
Resolved to approve permits #9581-9616, excluding permit # 9592 (Void), 9593 (Void), and 9607, 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**
Councillor Kennedy then left the meeting.
Motion 21-268 **D. Doyle / C. O'Grady**
Resolved to approve permit #9607 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.

Favour6; Opposed 0; **Carried**

Councillor Kennedy was called back into the meeting.

6.1 Correspondence, requiring Council's decision

- a) Fetal Alcohol Spectrum Disorder Awareness Week – September 6-10
Proclamation to be signed.

Motion 21-269

D. Doyle / V. Jenkins

Whereas Fetal Alcohol Spectrum Disorder (FASD) is a diagnostic term used to describe impacts on the brain and body of individuals prenatally exposed to alcohol. FASD is a lifelong disability. Individuals with FASD will experience some degree of challenges in their daily living, and need support with motor skills, physical health, learning, memory, attention, communication, emotional regulation, and social skills to reach their full potential. Each individual with FASD is unique and has areas of both strengths and challenges.

Whereas FASDNI, is a pan-provincial organization that educates, provides supports and resources, and raises awareness about fetal alcohol spectrum disorder (FASD) in Newfoundland and Labrador and Atlantic Canada; and

Whereas Move for FASD is held across the province to mark FASD Awareness Week, and

Whereas FASD Awareness week is devoted to raising awareness of fetal alcohol spectrum disorder (FASD) to improve prevention of FASD and diagnosis and support for individuals with FASD and broad public awareness helps to put FASD the 'map'; and

Therefore, the Town of Carbonear do hereby proclaim the week of September 6-10, 2021 as Fetal Alcohol Spectrum Disorder (FASD) Awareness Week in the Town of Carbonear.

Favour7; 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) Individual correspondence in response to correspondence received
Forwarded to Chief Administrative Officer
- b) Department of Municipal and Provincial Affairs
- Copy of correspondence sent to Municipalities NL regarding response to Resolution 3-2020 Municipal Cost Recovery – First Lien
Copied to Council and Administration
 - The Department of Tourism, Culture, Arts and Recreation is developing an inventory of monument and observances that may require review.

- Copied to the Chief Administrative Officer, Town Clerk and the Economic Development and Tourism Officer and the Director of Recreation
- 2021 Municipal Long Service Awards – Elected Officials
Copied to the Chief Administrative Officer and the Town Clerk
 - Winter 2021 Drinking Water Quality Data Report
Copied to the Chief Administrative Officer and the Director of Operations and Public Works
- c) Newfoundland & Labrador Association for Community Living
RE: Promotional material
Placed in main lobby.
 - d) Ken McDonald, Member of Parliament Avalon
RE: Canada Community Revitalization Fund
Forwarded to Chief Administrative Officer and the Economic Development and Tourism Officer
 - e) Memorial University
Information on Memorial's five-year strategic plan that can be downloaded from the website. Placed on file.
 - f) Property owner, Valley Road
RE: Request to relocate water stand pipe
Forwarded to Public Works, Waste Management & Community Services committee
 - g) Fire & Emergency Services
RE: Training school, Gander, October 2-8, 2021
Forwarded to the Fire Department. Placed on file.
 - h) NL Public Health Laboratory, Test results of water samples collected on June 21, 2021 at Red Circle, Shell, Esso, Greco, North Atlantic. Results marked satisfactory. Placed on file
 - i) Municipalities NL
 - Save the Date – November 3 – 6, 2021 Annual Conference and Annual General Meeting, Corner Brook
Copied to Council.
 - Urban Municipalities Committee meeting, Saturday, August 8, Mount Pearl Summit
Copied to Council.
 - j) Kids Eat Smart
RE: Radiothon, November 3
Forwarded to Administration and Finance
 - k) Request for speed bump and children at play sign, London Road
Forwarded to Public Works, Waste Management & Community Services committee
 - l) 3F Waste Recovery
RE: Letter of support to harvest moose carcasses
Forwarded to Public Works, Waste Management & Community Services committee
 - m) Property owner, Chapel Place
RE: Fence of property

Forwarded to Public Works, Waste Management & Community Services committee

- n) Property owner, O'Driscoll's Lane

RE: Complaint of neighbouring property

Forwarded to Public Works, Waste Management & Community Services committee

- o) Property owner, Southside Lower Road

RE: Request to reinstall guard rail

Forwarded to Public Works, Waste Management & Community Services committee.

7. Committee Reports

- a) Public Works, Waste Management and Community Services

Councillor Jenkins advised that the committee met on July 27th and noted the following from the meeting:

- Inquiry to remove car wreck on T'railway on the Southside. The Town does not have the necessary equipment to complete this work.
- Claim for damages to curb – Further investigation on the matter to be completed.
- Majority of correspondence related to snow clearing damages. Claims are denied.
- Complaint of neighbor burning wood. Matter was later resolved.
- Request for speed bumps. Not recommended.
- Chapel Street, new dwelling. Owner contacted and advised on conditions of the permit.
- Clean up issues ongoing relating to untidy properties.
- Signage issues for signs placed on the highway on Columbus Drive are being dealt with by the Enforcement Officer.
- Various correspondence is being sent to property owners regarding court action, clean up orders and some properties are continuing to be monitored and deferred for further investigation.
- Some property owners are being sent a reminder that if clean up is not completed, the Town will proceed with court action.
- Question raised on the changes to the intersection of Powell Drive/Columbus Drive. It was noted that some people are making an illegal left hand turn when coming off the ramp on to Columbus Drive in to the Scotiabank parking lot. CAO advised the traffic consultant looked at this area. The province is doing this section as per the recommended design. The island is being shortened and then the traffic coming on to Powell Drive off the ramp will be able to turn onto the Scotiabank parking lot legally.

- Question raised regarding the new lights on Columbus Drive/Merchant Drive intersection. Some people coming out from the parking lot of Don's Restaurant are using the light which is intended for the traffic coming down Columbus Drive. It was suggested that this one single light could be turned so its not visible to those exiting the parking lot of Don's Restaurant. CAO noted that the lights are there for the street traffic, but there are no traffic lights for the traffic coming off the parking lot.

Motion 21-270

V. Jenkins / C. O'Grady

Resolved to send orders to the following properties:

- 13A Crowdy Street to complete property clean up
- 8 Irishtown Road to complete property clean up

Favour 7; Opposed 0; **Carried**

Motion 21-271

V. Jenkins / R. Noel

Resolved to forward a letter of support to 3F Waste Recovery in support of their efforts to fully utilize the moose carcasses.

Favour 7; Opposed 0; **Carried**

b)

Recreation, Special Events, Culture and Tourism

Councillor Noel advised that the committee met on July 22nd and noted the following from the meeting:

- Cost / Design of pedestrian bridge from the Davis Earle Trail to the Recreation Complex – Research is still ongoing.
- CARBONEAR sign - There were some suggestions made. The committee suggests further thought be given to this for further discussion. The committee would also like an idea for a prop that is unique to Carbonear.
- Banners for the downtown area – a new fabric has to be ordered.
- Installation of a story board near the Old Boys Club providing information on the club that operated in the town from the CONA site for many years. Research will be done on the matter.
- Softball field improvements were completed and the fields are in great shape but there is still room for improvement.
- Incident with dogs on the recreation complex facility. Consideration will be given to changes in the Animal Regulations to be able enforce the "No Dogs Allowed" signage that is currently at the recreation facility. This will be reviewed.
- Damages to Nell's Trail. Some repairs have been completed. Committee is reviewing the suggestion to have small story boards installed along the trail referencing the pool that were made along the brook by the upland owners.

- Shrubbery around the portable sign used by the town will be cut back.
- Carbonear Days Weekend – Thank you to the Special Events Committee for the great work that has been done for our Town.
- Atlantic Tour Groups – McCarthy Tours will be bringing a group of seniors from NS and PEI to St. John's and they have a day trip planned to Carbonear. They will participate in the "Bed Night Lunch" upon their arrival.
- Softball score boards – Director of Recreation will obtain quotes for review.
- Davis Earle Trail – The Davis Earle Trail has areas that are very wet. Even though it is a nature trail, it is too wet for hiking shoes and seems to be impacting use of the trail. There was discussion on recommendations for trails by trail groups and possibilities for addressing the wet areas. An assessment is required and work completed to address the problem areas.
Question was raised if there has been an official opening of that trail. CAO advised that Covid impacted planning that event.
- Pool Update - The change rooms are nearing completion, however, there have been some delays. The Director will reach out to the contractor for an update.
- Football uprights - The football uprights should be installed in the coming weeks. The football season will start in the fall.
- Tulip garden – Bulbs will be planted in the fall at the Old Post Office Park.
- There are high school and post-secondary international students coming to Carbonear in September. The Welcoming Communities Group will provide an update later.
- Consideration for additional personnel for the Recreation Department. This matter will be reviewed next year for the work that is required to be completed next year.

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

- Wexford Road – Deferred waiting feedback from residents
- There were a couple of other development items deferred for further information.
- Promotional video for businesses, families and tourist to come here – The EDTO completed a draft RFP and will be making some changes to the draft before presentation to Council after the next committee meeting.
- MEO Report – There continues to be development occurring without permits. There was discussion about what constitutes

home based business. Further research is being done on this matter.

➤ Development Applications

Motion 21-272

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:

- 110 Columbus Drive - to operate a new business (Level Up Gaming) conditional upon approval from Service NL and other applicable approvals from other government department and agencies;
- 66 Columbus Drive - to operate an office space (Welcon Construction) conditional upon no objections to the discretionary use notice, approval from Service NL and other applicable approvals from other government department and agencies;
- 3 Callidora Place - to replace front deck per Section 10, Discretionary Powers of Council;
- 5 Callidora Place - to replace front deck per Section 10, Discretionary Powers of Council;
- 7 Callidora Place - to replace front deck per Section 10, Discretionary Powers of Council;
- 2 Chapel Place - to replace fence in accordance with the Town of Carbonear Fence Regulations;
- 46 Bemisters Hill - to construct a greenhouse conditional upon the greenhouse being removed or relocated in accordance with the development standards after plants have been harvested in the fall;
- 171-175A Water Street - to construct an accessory building with an attached deck conditional upon requirements of the Heritage zone;
- 125 Columbus Drive - to operate a new business (Massage Therapy- Maximum Recovery) conditional upon no objections to the discretionary use notice, approval from Service NL and other applicable approvals from other government department and agencies;
- Knights of Columbus - directional signage for Camp McCarthy conditional upon being in accordance with sign regulations.
- 64 Southside Lower Road new house construction conditional upon the application meeting the requirements of the Carbonear Municipal Plan and Development Regulations and the conditions as specified.

Favour 7; Opposed 0; **Carried**

Councillor Kennedy declared a conflict of interest on permit for Line Road to construct a garage as it was his application.
Councillor Kennedy then left the meeting.

Motion 21-273

D. Doyle / A. Dowden

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:

- *Line Road - to construct a garage conditional upon receipt of applicable approvals from the Department of Environment and Conservation and other applicable government departments and agencies;*

Favour 6; Opposed 0; **Carried**

Councillor Kennedy was called back into the meeting.

- Green Houses – Further discussion will take place with Council on greenhouse options for home based gardening for food security. Current regulations limits accessory buildings. Committee is looking at options used by other towns and will bring something forward to Council for consideration.
- Fence Regulations – The committee is recommending further discussion with Council on Fence Regulations.
- Gunners Pond Development Corporation requesting amendment for Gunners Pond from Residential Seasonal to Rural Residential. The committee does not recommend changing the decision not to rezone the Gunner's Pond area to Residential Rural to allow for permanent residential development.

d) Administration and Finance

Deputy Mayor O'Grady advised that the committee met on August 4th and noted the following from the meeting:

- Town Clerk provided the committee with an update on the Tax Auction. Six properties were sold: three to the Town and three to individuals. Four other properties will proceed to the second auction scheduled for August 11.

In this regard the following motion is being presented.

Motion 21-274 **C. O'Grady / R. Noel**

Resolved that the Town of Carbonear reserve a bid in the amount identified for the properties proceeding to auction scheduled for Wednesday, August 11, 2021 at 10:00am as detailed in the Finance Committee meeting of August 4, 2021.

Favour 7; Opposed 0; **Carried**

- Town Clerk presented the 2020 Financial Statements to the Finance Committee for review and adoption by Council.

Motion 21-275 **C. O'Grady / R. Noel**

Resolved to adopt the 2020 Audited Financial Statements for the Town of Carbonear and entities as prepared by Byron Smith, CPA.

Favour 7; Opposed 0; **Carried**

- Adjustments from the Allowance for Doubtful accounts
Town Clerk reported on the Allowance for Doubtful accounts and presented a list of Accounts Receivable Adjustments to be approved by Council.

Motion 21-276**C. O'Grady / V. Jenkins**

Resolved that the Town of Carbonear approve the Accounts Receivable adjustments totaling \$37,497.05 plus applicable interest as detailed to the Finance Committee by the Town Clerk.

Favour 7; Opposed 0; **Carried**

➤ **Correspondence**

There were a couple of donation requests that were received, however these requests are not recommended for approval.

There was a request for a book nook. This was not recommended.

The Committee felt that the Town has a public library where books can be obtained free of charge.

➤ **Reports from the EDTO, Fire Chief and Director of Recreation and the Fire Chief**

Committee recommends that two reports from the Fire Chief twice a year: 1st meeting in January and last meeting in June of each year.

Council agreed with that recommendation.

Committee recommends that the Director of Recreation to include funding applications submitted in his report each month.

Council agreed with that recommendation.

Committee recommends quarterly reports for the EDTO.

Councillor Doyle suggested that it could be minimally on a quarterly basis, but would welcome more frequent reporting from the EDTO.

Councillor Noel commends the EDTO for her work, reporting is good but could be left to her discretion.

Item referred to the Human Resources committee for further discussion.

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.....\$95,628.27

Motion 21-277**C. O'Grady / V. Jenkins**

Resolved that the Town of Carbonear approve for payment the list of operating invoices over \$2,000 as submitted, totaling \$95,628.27.

Favour 7; Opposed 0; **Carried**

- b) **Capital Invoices:**

CBR Community Centre Extension

Eastern Contracting, CP # 7.....\$117,002.30

Columbus Drive Improvements

Professional services Traffic Signal Installation

Harbourside Transportation Consultants, Invoice # 2147.....\$2,744.48

Storm Sewer / Paving – White's Road

Harris & Associates, Engineering Invoice 6837.....\$11,316.29

Powell Drive Upgrading – Phase 2
Harris & Associates, Engineering Invoice 6838.....\$22,494.00
2021 Street Paving
Harris & Associates, Engineering Invoice 6839.....\$11,164.20

Mayor Butt declared a conflict of interest on the invoice for the White's Road project as his sister owns property in that area.
Councillor Noel declared a conflict of interest on the invoice for the White's Road project as his sister-in-law owns property in that area.

Motion 21-278

C. O'Grady / R. Noel

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

CBR Community Centre Extension

Eastern Contacting, CP # 7.....\$117,002.30

Columbus Drive Improvements

Professional services Traffic Signal Installation

Harbourside Transportation Consultants, Invoice # 2147.....\$2,744.48

Powell Drive Upgrading – Phase 2

Harris & Associates, Engineering Invoice 6838.....\$22,494.00

2021 Street Paving

Harris & Associates, Engineering Invoice 6839.....\$11,164.20

Favour7; Opposed 0; **Carried**

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

Motion 21-279

D. Doyle / A. Dowden

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

Storm Sewer / Paving – White's Road

Harris & Associates, Engineering Invoice 6837.....\$11,316.29

Favour5; Opposed 0; **Carried**

Mayor Butt and Councillor Noel were called back into the meeting.
Mayor Butt assumed the position of Chair.


10. Regulations
None listed.
11. New Business
None listed.
12. Notices of Motion
No notices of motions were filed.

13. Adjournment

Motion 21-280

A. Dowden / C. O'Grady

Resolved that the meeting adjourn at 6:32pm. -- Mayor Butt advised that the next meeting is scheduled for September 14th, 2021 at 5:30pm in person in the Council Chambers.
Favour 7; Opposed 0; **Carried**



Mayor Frank Butt



Cathy Somers, Town Clerk