

Minutes of a regular meeting of the Council of the Town of Carbonear held in Council Chambers and with attendees via Zoom webinar, Nov. 9th, 2021 at 5:30pm

Also Present:	Town Clerk	Cathy Somers
	Chief Administrative Officer	Cynthia Davis
	Director of Operations	
	& Public Works	Ian Farrell
	Economic Development & Tourism Officer	Kerri Abbott

- Page 1 of 11

6. Permits and Correspondence

6.1 Permit Listing # 9717-9732

Councillor Doyle asked Council to review the list of permits for any possible conflict of interests.

Deputy Mayor Slade declared conflict of interest on permit #9722 as he is a member of the Carbonear Harbour Authority.

Permit #9724 relates to the building that houses the Cooperators Insurance office

Permit #9732 refers to BDS Management Consulting.

Mayor Butt asked if he would be in conflict on this item as his accountant is an owner of the property.

Motion 21-360

R. Noel / D. Doyle

Under Section 209 of the Municipalities Act, Be it Resolved that the Town of Carbonear does not consider Mayor Butt to be in conflict of interest on permit # 9732.

Favour 6; Opposed 0; **Carried**

Mayor Butt did not vote on this motion.

Motion 21-361

D. Doyle / R. Noel

Resolved to approve permits #9717-9732, excluding #9722 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**

Deputy Mayor Slade then left the meeting.

Motion 21-362

D. Doyle / P. Snow

Resolved to approve permit #9722, as per the application 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 6; Opposed 0; **Carried**

Deputy Mayor Slade was called back into the meeting.

6.2 Correspondence, requiring Council's decision

a) Eastern Regional Service Board

Nominations for election in Sub-Regional/Ward 9

- Glenn Clarke, Town of Victoria

- Don Coombs, Town of Harbour Grace

Deadline to vote is 4:30 pm on November 17.

b) Municipal Assessment Agency

RE: Ballot – Urban and Avalon Region Directors

Deadline to vote is 4 pm on December 16

Council discussed if they could break into a privileged session to discuss how they would vote on 6.2a and 6.2b.

Motion 21-363

P. Snow / R. Noel

Resolved that Council enter into a privileged session to discuss Items 6.2a and 6.2b on the agenda.

Favour 7; Opposed 0; **Carried**

Council entered into a privileged session at 5:45pm.

Council returned from privileged session at 6:05pm.

Motion 21-364 **S. Slade / R. Noel**

Resolved that the Town of Carbonear authorize the Mayor and Town Clerk to complete the Ballot for the Eastern Regional Service Board for Sub-Regional/Ward 9.

Favour 7; Opposed 0; **Carried**

Motion 21-365 **S. Slade / C. O'Grady**

Resolved that the Town of Carbonear authorize Mayor Butt to complete the Ballots for the Municipal Assessment Agency Urban and Avalon Region Director positions.

Favour 7; Opposed 0; **Carried**

6.3 Correspondence received and action taken

Council reviewed the following listing of correspondence and approved the action taken on each item:

- a) Government of Newfoundland and Labrador
 - Department of Transportation and Infrastructure, Municipal Infrastructure
RE: Reminder of open call, status report thresholds, and mechanics lien hold back
Copied to the Chief Administrative Officer and Town Clerk. Placed on file
 - Department of Justice and Public Safety
RE: Fire Apparatus Delivery Process
Forwarded to the Fire Chief and the Chief Administrative Officer
 - Department of Municipal and Provincial Affairs
RE: Virtual Municipal Budget Training, Nov. 9 from 10am to 12:30 pm
Copied to Town Clerk and the Chief Administrative Officer
 - Department of Environment and Climate Change
RE: Climate Change Flood Risk Mapping Study
Forwarded to Public Works, Waste Management and Community Services committee
 - Public Procurement Agency
RE: Information request
Copied to the Town Clerk and the Chief Administrative Officer
- b) Municipalities NL
 - Campaign Message – Vice President. Deputy Mayor Terry Randell
 - Campaign Message – Vice President. Councillor Trina Appleby
 - Campaign Message – Small Towns Director, Councillor Lynn Decker Ellsworth
 - Campaign Message – Small Towns Director, Mayor Harold Murphy
 - Campaign Message – Small Towns Director, Councillor Rod Delaney
 - Municipal Code of Conduct Legislation
Copied to Council.
- c) Property owner, Quarter's Lane

RE: Complaint of neighbouring property
Forwarded to Public Works, Waste Management and Community Services committee

- d) Property owner, Sutton's Hill
RE: Plans for Lemarchant Street Extension
Forwarded to Public Works, Waste Management and Community Services committee

- e) Municipal Assessment Agency
- RE: 2022 Assessment Service Fee will remain at \$26 per parcel and per tenant subject to approval of the Agency's 2022-2023 budget in December 2021. Pending budget approval, the annual 2022 assessment fee for the Town of Carbonear will be \$70,642 and is based on 2504 parcels and 372 tenant(s) at \$26 each and is levied quarterly.
Copied to Administration and Finance committee
 - Report to Stakeholders, November 4 at the MNL AGM
Copied to Council
 - New Release announcing the appointment of David Hiscock as Eastern Director on the Agency's Board of Directors.
Placed on file.

- f) Freshwater War Memorial Committee
RE: Invitation for the Mayor to attend the unveiling of a painting at the War Memorial for the community of Freshwater on November 7, 2021 @2 p.m.
Copied to the Mayor.

- g) Eastern Regional Service Board
RE: The ERSB has adopted its 2022 budget for the delivery of services and the fee structure that will be in effect in 2022. The fees at the Robin Hood Bay Regional Landfill and the Clarendville Transfer Station from April 1, 2022 to March 31, 2023 will be (Landfill – bound materials will cost \$84 per tonne and Recyclable materials will cost \$22 per tonne.
Forwarded to the CAO and the Town Clerk

- h) Property owner, Southside Lower Road
RE: Sewer servicing
Forwarded to Development committee

- i) Legendary Coast Tourism Destination
RE: Business listing on the provincial tourism site
Forwarded to the Chief Administrative Officer and the Economic Development and Tourism Officer

7. Committee Reports

- a) Public Works, Waste Management and Community Services
Deputy Mayor Slade advised the committee met on October 27th and advised Council they could peruse through the committee meeting minutes.
Deputy Mayor Slade noted that he is bringing forward the following motions related to the Public Works Committee:
Motion 21-366 **S. Slade / P. Snow**
Resolved to purchase 2 sets of Bunker Gear at a cost of \$1,970 each plus HST from Martin's Fire Safety.

Favour 7; Opposed 0; **Carried**

Motion 21-367

S. Slade / C. O'Grady

Whereas the Town requested proposals from eligible consultants for engineering services in accordance with Public Procurement Policy for the Adelaide Street Water Sewer Storm Street Upgrades project 17-MYCW-22-00030, and whereas Harris & Associates is the lowest qualified bidder with a price of \$68,094.38 inclusive of HST, Be It Resolved to award the contract to Harris & Associates.

Favour 7; Opposed 0; **Carried**

- c) Economic Development, Planning and Land use Development Committee
Councillor Doyle advised that the Committee met on November 1, 2001.
Councillor Doyle noted the following from the committee:

- Wexford Road – correspondence to property owners to be sent pending identification of ownership of land in the area.
- Development Applications – several applications are deferred pending receipt of additional information from the applicants
Reminder that permits are required for fences, sheds, etc.
- Christmas Promotion – The EDTO is working on a Christmas promotion campaign and will continue to keep the committee informed on the progress of this promotion.
- MEO Report – The MEO will continue to follow up on the matters identified.

Councillor Doyle noted she is presenting several motions from the Committee meeting.

Town Clerk reminded Council that they would need to cross reference the properties listed in the motions with the committee minutes to know the property owners to determine if they would be considered in conflict on any of the properties identified in the committee minutes.

Motion 21-368

D. Doyle / P. Snow

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:

- 84A Adelaide Street - to replace existing front patio per Section 10, Discretionary Powers of Council;
- 230 Water Street to operate a new business – Barber Shop conditional upon approval from Service NL and other applicable approvals from other government department and agencies;
- 3 Butt's Lane to replace fence in accordance with the Town of Carbonear Fence Regulations

Favour 7; Opposed 0; **Carried**

Motion 21-369

D. Doyle / P. Snow

Resolved to refuse the following applications:

- 6 Goff Avenue to construct a loading ramp since the development does not meet the minimum side yard requirements in the Town of Carbonear Development Regulations.

Favour 7; Opposed 0; **Carried**

Motion 21-370

D. Doyle / C. O'Grady

Resolved to approve the cost submitted by Waterwerks Agency to

complete a series of promotional videos of the Town of Carbonear at a cost of \$36,000 plus HST.

Favour 7; Opposed 0; **Carried**

Motion 21-371

D. Doyle / R. Noel

Resolved to send a removal order to the following properties having completed development in non compliance:

- 8 Across the Doors to remove the greenhouse
- 23 Crossroads to remove the shed
- 9 Leslie Street to remove the deck
- 17 Patrick Street to remove the decks (2)
- 32 Valley Road to remove the portable shelter
- 6 Sutton's Hill to remove the deck
- 45 Long's Hill to remove the greenhouse

Favour 7; Opposed 0; **Carried**

- c) Recreation, Special Events, Culture and Tourism
Councillor Seymour advised the committee met on November 4 and noted the following from the committee meeting:

Cost / Design of Pedestrian Bridge

The reserves' project team visited last week and will be coming out again on Saturday to complete a materials list. The Town will be required to cover the cost of the materials and they will take care of the labour. It will be the spring before they can start the project.

CARBONEAR sign

The committee is not recommending to move forward with the Town Carbonear BLOCK sign initiative at this time.

Video RFP

Motion obtained earlier in the Development Committee report.

Installation of story board, Old Boys Club

Further information on this matter is being obtained.

Davis Earle Trail

The Director of Operations and Public Works and the Director of Recreation to visit the trail to determine the best options to address the wet sections along the trail.

Softball score boards

Councillor Noel asked if he would be considered to be conflict on the matter of the softball score boards as the softball field is named after his father-in-law.

Motion 21-372

S. Slade / P. Snow

Under Section 209 of the Municipalities Act, Be it Resolved that the Town of Carbonear does not consider Councillor Noel to be in conflict of interest on the matter of the softball field and the purchase of softball score boards for the field.

Favour 6; Opposed 0; **Carried**

Councillor Noel did not vote on this motion.

Grass seeding for pergola area

The committee recommends to defer grass seeding until the spring, however, still recommends to have the Director contact Mr. Baker to hold the price until the spring.

Willoughby Playground – pavement slab and basketball nets

Councillor Seymour asked if he would be considered to be in conflict of interest on the Willoughby playground as it is located directly behind his property.

Motion 21-373

P. Snow / S. Slade

Under Section 209 of the Municipalities Act, Be it Resolved that the Town of Carbonear does not consider Councillor Seymour to be in conflict of interest on the matter of the Willoughby Playground and the possible purchase of an asphalt surface and basketball nets.

Favour 6; Opposed 0; **Carried**

Councillor Seymour did not vote on this motion.

Tulip Garden

Tulips have been planted.

Bonfire Night

The Bonfire Night event was well attended.

T'railways Group

The T'railways group have advised that they will be starting work on the creation of a trail res area on the North Side T'railway in memory of Matthew Hsicock.

Tripen Osprey U18 major Hockey,

Re. Request to purchase advertisement. The committee does not recommend.

Bleachers on fields.

Bleachers will be relocated in the spring when needed.

Age Friendly Grant

The committee recommends the EDTO proceed to submit an application for the Age Friendly Grant for the purpose of seniors programming.

Alzheimer Society, request for meeting space.

Councillor Noel declared a conflict of interest on this matter as his sister-in-law is the group organizer for this request.

Councillor Noel then left the meeting.

The Alzheimer Society is requesting to hold meetings at the Princess Sheila Building on the 3rd Tuesday of the month. The committee discussed insurance, liability, rental fees and staffing requirements. Deferred for the EDTO to contact the representative to discuss the matter further.

Councillor Noel was called back into the meeting.

Splash Pad

The committee discussed the last quote for a splash pad that was obtained several years ago. Also discussed additional outside washrooms for recreation complex and an accessible playground and a review of recreation programs.

The committee recommends to include in the 2022 budget, funds for an RFP for the Parks and Recreation department to design and develop a master plan for Parks and Recreation.

Lights, Pike's Field

It will be very costly to install lights on the soccer field as there is no electricity to that field. It was suggested that this be included in the Recreation Master Plan that the committee is suggesting be developed

through an RFP.

Recreation program for staff

The Town already has a Swimming Pool Fee Exemption for Municipal Staff and Fire Fighters policy for scheduled swims which includes Adult Swim, General Swim, Recreation Swim, etc. but does not include programming which requires instruction such as aerobics. There is also a free Art program which is growing and the sessions are filled within hours of being advertised and they now have a wait list. There was some discussion whether the town should require a fee to contribute to the cost of supplies, labour, etc for this program. Recreation Director to determine how other municipalities are providing similar classes.

Seasonal decorations

Committee discussed the possibility of the Town being decorated for various seasons. The EDTO reported she investigated a Halloween Pumpkin Festival, but with COVID could not proceed last year or this year. The Town decorates for the Christmas season and places many plants and baskets during the summer season. The hope is to start planning again in the new year for next season.

Parking at Pool

A request was received for an additional accessible parking space at the Carbonear Pool. The current percentage requirements at the pool are greater than the minimum requirements. The Director confirmed the current spaces are filled Monday to Friday from 12 -1. He felt possibly one more can be justified. The committee recommends to install another blue zone parking space at the Carbonear Pool. Recreation Director to encourage pool employees to park further away so patrons can avail of the spaces closest to the entrance to the building.

No Dogs Allowed on recreation complex

Committee discussed this matter. It would have to be included in the Animal Control Regulations. CAO will follow up on the status of changing the Animal Control Regulations.

Councillor Seymour presented the following motions:

Motion 21-374

M. Seymour / D. Doyle

Resolved to approve the purchase of 2 softball score boards to include wireless controls and two logo panels at a cost of \$6,808 plus shipping and HST from Paul S. Leskew & Associates Inc.

Favour 7; Opposed 0; **Carried**

Motion 21-375

M. Seymour / R. Noel

Resolved to contract Concord Paving in the amount of \$12,500 plus HST to install asphalt surface at the Recreation Complex basketball courts.

Question: Councillor Doyle asked if we should re-pave this area without first considering a Recreation Master Plan. Councillor Noel noted this is a well used area and there are cracks that need to be repaired. This has nothing to do with the Recreation Master Plan for additional recreational uses.

Favour 7; Opposed 0; **Carried**

Councillor Doyle mentioned that the Old Boys Club has a negative connotation. The Town has many things such as Ball fields, Fire Hall/etc named after men in the community. Other than Nell's Trail and the

Tryphena Nicholl monument, there is not a lot named after women in the community. There were well established female business persons in the community, etc. She noted that in the future, the Town should consider being more inclusive of gender, race, etc. when naming facilities or completing story boards for the Town.

Committee to include on future agenda.

Councillor Snow asked the Committee to consider the option of an indoor splash pad as that could be used the entire year and could attract a lot of people to the facility.

Councillor Seymour indicated the Recreation Master Plan can address these issues.

d) Administration and Finance

Councillor O'Grady advised that the Committee met on October 28th and noted the following from the meeting:

Vaccination Policy

A vaccination policy is being drafted in consultation with a Labour Lawyer with Stewart McKelvey. Per provincial legislation, all employees have until December 17 to provide proof of full vaccination in facilities where QR Codes are required. The committee recommends the Town follow the guidelines of the provincial policy. Once the policy is received, the CAO will forward to committee for review and adoption at the next Regular Meeting.

No Smoking Policy

Motion 21-376

C. O'Grady / P. Snow

Resolved to approve the amended No Smoking Policy Number A.18 as presented to Council

Favour 7; Opposed 0; **Carried**

Municipal Assessment Agency 2022 Service Fee

The 2022 annual assessment fee for the Town of Carbonear will be \$70,642 based on a fee of \$26 per parcel/tenant. This will be included in the 2022 budget.

Draft Bill for "Code of Conduct"

The province has introduced a draft bill on the introduction of a new bill "Code of Conduct". An Act "Respecting the Conduct Of Municipal Officials", this will also include management employees. Council will be required to adopt their own Code of Conduct to reflect the section of the act. *The committee recommends the CAO inquire with PMA to determine if they will be providing a sample policy.*

Email/Alert System

The Town has obtained a lot of resident and business emails. The EDTO is investigating building a database of email addresses so information and news releases can be emailed to residents and businesses.

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

9. Finances

- a) Operating Invoices over \$2,000.00 in the amount of..... \$57,180.30

Motion 21-377**C. O'Grady / R. Noel**

*Resolved that the Town of Carbonear approve for payment the list of operating invoices over \$2,000 totaling \$57,180.30 as submitted to Council. Favour 7; Opposed 0; **Carried***

b) **Capital Invoices:**

Town Clerk reminded Council members to review the list to determine if they are in conflict on any of the items.

Columbus Drive Improvements

Signal Install, Black and McDonald Ltd, Invoice # 80-1243739 ...\$30,549.75

Highroad South Water & Sewer

Dynamic Engineering Ltd, Invoice # 1366.....\$11,581.94

Conception Bay Regional Community Centre Extension

Eastern Contracting Ltd, CP # 10.....\$73,893.83

Gas Tax Project – Powell Drive

Concord Paving Limited, Claim #1.....\$141,387.62

Councillor Noel declared a conflict on the Street Rehabilitation 2020, White's Road project as his sister-in-law owns property in that area.

Street Rehabilitation 2020, Whites Road

Concord Paving Limited, Claim #1\$114,365.43

Mayor Butt declared a conflict on the Street Rehabilitation 2020, White's Road project as his sister owns property in that area.

Motion 21-378**C. O'Grady / R. Noel**

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

Columbus Drive Improvements

Signal Install, Black and McDonald Ltd, Invoice # 80-1243739.. \$30,549.75

Highroad South Water & Sewer

Dynamic Engineering Ltd, Invoice # 1366.....\$11,581.94

Conception Bay Regional Community Centre Extension

Eastern Contracting Ltd, CP # 10.....\$73,893.83

Gas Tax Project – Powell Drive

Concord Paving Limited, Claim #1.....\$141,387.62

Favour 7; Opposed 0; **Carried**

Mayor Butt and Councillor Noel then left the meeting due to conflict of interest on the remaining invoice to be approved.

Deputy Mayor Slade assumed the position of Chair.

Motion 21-379**C. O'Grady / P. Snow**

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

Street Rehabilitation 2020, Whites Road

Concord Paving Limited, Claim #1\$114,365.43

Favour 5; Opposed 0; **Carried**

Mayor Butt and Councillor Noel was called back into the meeting.

Mayor Butt assumed the position of Chair.

10. Regulations for Adoption
No regulations listed.
11. Notices of Motion
No notices of motions were filed.
12. New Business
- Councillor Seymour inquired about a property owner on Jane's Avenue requesting repairs to his water service line.
CAO advised the Town does not complete repairs to service lines on private property. This is the responsibility of the property owner.
 - Mayor Butt advised attended the Fire Truck delivery this past Saturday. The Fire Department are very appreciative of the new piece of equipment.
 - Mayor Butt advised he attended the unveiling of the stretcher painting at the Freshwater Community Centre. This is considered the first step to the establishment of a War Memorial for the community of Freshwater.
 - Mayor Butt noted the Bonfire night activity was very successful.
 - Mayor Butt encouraged all residents to ensure they have house numbering installed on their properties
13. Adjournment
Motion 21-380 **S. Slade / M. Seymour**
Resolved that the meeting adjourn at 7:05pm and that Council meet again for a Regular Council Meeting on Tuesday, November 23, 2021 at 5:30pm.



Mayor Frank Butt



Cathy Somers, Town Clerk