

Town of Carbonear
Regular Council Meeting March 8, 2022
Minutes of a regular meeting of the Council of the Town of Carbonear held
In Council Chambers, March 8, 2022 at 5:30pm

Members Present: Mayor Frank Butt
Councillors Sam Slade
Danielle Doyle
Chris O'Grady
Ray Noel
Malcolm Seymour
Peter Snow

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

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1. Calling of Meeting to Order
Mayor Butt welcomed everyone to the meeting and called the meeting to order at 5:46pm. The meeting will be broadcast through Youtube. Some members of the public are attending the meeting in person as well.

Mayor Butt noted that many Carbonear residents have been watching the unfolding of the unprovoked attacks on the Ukrainian people. Through technology and social media we are all connected regardless of geography, the inexcusable acts of violence and the displacement of millions of people have been horrifying to witness. Our thoughts and support are with the people of Ukraine. As a symbol of this support, we have displayed their flag during our meeting this evening.

Additionally, the Town of Carbonear Council, staff, and residents will show their support with the raising of the Ukrainian flag at the Pergola green space flag pole.

Today is International Women's Day. We will have a walk after the meeting to celebrate.

The Town of Carbonear Council celebrate the contributions and achievements of women not only today but every single day.

International Women's Day is an opportunity for each of us to celebrate women and to reflect on each of our roles in ensuring we actively move toward a world that is inclusive and equitable.

2. Approval of the Agenda for March 8, 2022 Regular Meeting
Motion 22-068 R. Noel / C. O'Grady
Resolved to adopt the agenda of the March 8, 2022 Regular Meeting of Council as presented to Council.
Favour 7; Opposed 0; **Carried**

3. Adoption of the minutes
 - a) Regular Meeting – February 22, 2022
Motion 22-069 **S. Slade / M. Seymour**
Resolved to adopt the minutes of the February 22, 2022 Regular Meeting of Council as presented.
Favour 7; Opposed 0; **Carried**
4. Business Arising from Minutes
No business arising
5. Proclamations / Presentations / Delegations
 - a) Lymphedema Association
World Lymphedema Day - March 6. Proclamation to be signed.
Motion 22-070 **C. O'Grady / M. Seymour**
Whereas, lymphedema is a chronic and debilitating disease, characterized by an accumulation of lymphatic fluid that causes swelling of the arms, legs or other areas of the body and which can cause disfigurement, disabilities, discomfort, pain and distress and impair quality of life;
Whereas, patients with lymphedema may struggle with pain and swelling, may have recurring severe infection cause by lymphedema, and may experience financial and psychological strains due to the difficulties of managing their disease;
Whereas, while there are cases of primary lymphedema that are inherited, most cases are secondary that developed as a result of trauma, infection, surgery, radiation therapy or removal of lymph nodes, including cancer treatment;
Whereas, gaps in research, education and effective treatments exist, and more knowledge about lymphedema is needed to achieve timely diagnosis, management and care and to develop more effective treatments;
Whereas, lymphedema is estimated to affect 2.8% of the population, or 14,600 people in the Province of Newfoundland and Labrador;
Whereas, the Lymphedema Association of Newfoundland and Labrador is a registered charity, dedicated to ensuring all lymphedema patients have access to information, support and treatment, thereby promoting healthy and hopeful living with lymphedema;
Whereas, March 6 of each year is internationally recognized as World Lymphedema Day to raise awareness about this disease and the treatment options available;
Therefore, the Town of Carbonear do hereby proclaim March 6, 2022 be observed as World Lymphedema Day in the Town of Carbonear.
Favour 7; Opposed 0; **Carried**
6. Permits and Correspondence
 - 6.1 Permit Listing # 9777-9780
Councillor Doyle asked Council to review the list of permits.

Motion 22-071**D. Doyle / P. Snow**

Resolved to approve permits #9777-9780, 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**

6.2 Correspondence, requiring Council's decision
None listed.

6.3 Correspondence received and action taken
Council reviewed the following correspondence and approved the action taken on each item listed:

- a) Government NL
 - Department of Transportation and Infrastructure
RE: Circular for Year End Claims
Copied to the Chief Administrative Officer and the Town Clerk / Director of Financial Operations
RE: Legislative Requirements for Notice of Award of Contract
Copied to the Chief Administrative Officer and the Town Clerk / Director of Financial Operations and Department Heads
RE: MSIS updates – training for external users
Copied to the Chief Administrative Officer and the Town Clerk / Director of Financial Operations
 - Department of Environment and Climate Change
Permit for development – Domestic Forestry Blanket approval
Placed on file.
 - Department of Municipal and Provincial Affairs
For information purposes, the Municipal Plan Amendment No. 27 and Development Regulations Amendment No. 39 is registered with the province. The advertisement was placed in the Gazette. No further action required. Placed on file.
- b) Municipal Assessment Agency
RE: Update on the Municipal Assessment Agency
Copied to Council, Chief Administrative Officer and the Town Clerk / Director of Financial Operations.
- c) Newfoundland Power
RE: Take Charge program
Forwarded to Public Works, Waste Management and Community Services committee
- d) Property owner, Pondside Road
RE: Damage Claim
Forwarded to Public Works, Waste Management and Community Services committee
- e) Canadian Red Cross
RE: Ukraine Appeal
Forwarded to the Administration and Finance committee

7. Committee Reports

- a) Public Works, Waste Management and Community Services
Deputy Mayor Slade advised Council could peruse the minutes of the February 23rd committee meeting. He would entertain any questions Council may have on the minutes.
There are a couple of motions from the Director of Operations and Public Works report for consideration.

Motion 22-072

S. Slade / P. Snow

Whereas the Town of Carbonear has completed work in 2021 to upgrade the road and storm sewer on Powell Drive during phase 1, And whereas the upgrades from Phase 1 are intended to be extended as far as the bridge at Powell's Brook, Be it resolved to advertise a request for proposals for engineering consultant services to continue road and storm sewer upgrades on Powell Drive under Phase 2.

Favour 7; Opposed 0; **Carried**

Motion 22-073

S. Slade / R. Noel

Whereas the exterior doors at the Regional Community Centre have corroded over time, And whereas periodic maintenance and repairs are becoming costly, Be it resolved to call for tenders to replace the exterior doors at the Regional Community Centre.

Favour 7; Opposed 0; **Carried**

Councillor Doyle asked which doors are being replaced. Director of Operations and Public Works advised the doors will be priced separately in the tender. The main entrance and the receiving door at the rear of the theatre are priority, pricing and budget will determine which ones will be completed.

- b) Administration and Finance

Councillor O'Grady advised that the committee met on February 24th and noted the following from the meeting:

- Property of 12 Hayden Heights – This was advertised for sale by tender, and there were no bids received. The CAO will research the required procedure to determine if we can proceed to list with a realtor.
- Policies and procedure training for Council. Council met last Monday and reviewed some items. Another meeting will be scheduled to review other items such as Animal Regulations, Traffic Calming Policy, Rules of Procedures, etc.
- Email Listing – Residents and property owners are encouraged to sign up through the link on the Town's website if they would like to be included on the town's email listing for news releases, etc.
- Replacement cost of buildings – committee is looking at updating the replacement cost of our buildings as listed for insurance purposes.
- Donation Listing 2022

Councillor O'Grady requested that Council review the listing for possible conflicts of interest.

Councillor Doyle declared a conflict of interest on Item 1b as this is the school where she is employed.

Deputy Mayor Slade noted that he was a member of the Legion but not an officer of the organization.

Mayor Butt noted he was a member of the Knights of Columbus and the Legion, but not an officer on either of these organizations.

Councillor O'Grady noted he is a member of the Legendary Car Club, but is not an officer of the organization.

Council previously determined that being a member is not a conflict of interest.

Councillor Doyle then left the meeting.

Motion 22-074

C. O'Grady / P. Snow

Resolved to approve Item 1b on the Donation Listing for 2022 as presented to Council.

Favour 6; Opposed 0; **Carried**

Councillor Doyle was called back into the meeting.

Motion 22-075

C. O'Grady / P. Snow

Resolved to approve the Donation Listing for 2022 excluding Item 1b) as presented to Council.

Favour 7; Opposed 0; **Carried**

➤ HR Policy

Reviewing some items in the HR Policy. Also, the town will need to have further discussion on the town's requirements after the province eases restrictions on March 14th.

➤ Fire Protection Line Road

Mayor Butt, Deputy Mayor Slade and Councillor Noel declared a conflict of interest on this matter as they or a family member have properties in Line Road.

Mayor Butt, Deputy Mayor Slade and Councillor Noel then left the meeting. Councillor Doyle assumed the position of Chair.

Councillor O'Grady advised that Council has been trying for some time to get Fire Protection Fees for Line Road. They have not been paying Fire Protection fees for a number of years now while other areas have been paying for Fire Protection including Gunner's Pond area and Freshwater. The committee does not feel it is fair to recommend continuing this service to the Line Road property owners without the Line Road Association paying the same fees as other areas.

There is an agreement with ERSB for the unincorporated areas across the highway to invoice and collect the fees for Fire Protection. The ERSB will not be entering into agreements where there is no solid waste disposal collection, so they cannot provide this service to the Line Road.

Discussed.

CAO noted that Council would have to ensure they provide proper

notification if they choose to discontinue the service to the area. Committee will follow up on the legal requirements and the notice required if the town were to decide to discontinue the service in this area. Matter deferred for further information.

Mayor Butt, Deputy Mayor Slade and Councillor Noel were called back into the meeting.

Mayor Butt assumed the position of Chair.

Councillor O'Grady reminded Council of the Strategic plan meeting scheduled for 23rd of this month.

c) Recreation, Special Events, Tourism and Culture

Councillor Seymour advised that the committee met on March 1st and noted the following from the meeting:

- The Under 20 National Softball tournament is scheduled to take place in the Town of Carbonear this year.
- The Recreation Director is getting further information concerning possible changes to rental times and fees.

If Council has any questions on any items, please feel free to ask.

- Councillor Doyle asked if there is an update on any dates for activities for the Come Home Year activities. The EDTO noted that May 16th is the start of the activities, with the Stationer's Festival, August 20th is the Special Events Concert, the 1st weekend of August is Carbonear Days weekend which will have events throughout the weekend.

A notice will be put out regarding all the events. We have already received notification of various events from community groups as well.

- Deputy Mayor Slade noted that there is a plaque in the lobby for a property contest. The last winner on the plaque was in 2013. It seems as though this contest is no longer being done and he asked if it could be reactivated.

Councillor Doyle noted that the Special Events have had events such as this for the past 4 years. If that plaque is for the same type of event, then we can get it updated.

Councillor Seymour noted this is the year of the Garden. EDTO noted that the Town is participating the Communities in Bloom competition this year.

Councillor Seymour noted he will add this item to the next Committee agenda for further investigation.

- Councillor Doyle requested that the Committee look into whether or not we can host a triathlon this year with the lifting of Covid restrictions. She noted that this may be the 30th anniversary of the triathlon. CAO noted that the Recreation Director deals with the provincial Triathlon organization on this matter.

Councillor Seymour noted he will add this item to the next Committee agenda.

- d) Economic Development, Planning and Land Use Planning
Councillor Doyle advised that the committee met on March 3rd and noted the following from the meeting:
- There are ongoing items relating to permits.
 - There is ongoing discussion on Fence Regulations. The CAO is following up on a matter and will provide more information to clarify the issue.
 - Development applications are on the rise, and building permits should increase this year. There are several new construction development applications currently being reviewed and the sub-division of property.

The following motions are presented.

Motion 22-077

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:

- *To renovate and change the use of a building at 56-58 LeMarchant Street for a 4 unit, 55 + apartment building, conditional upon the following: no objections to the discretionary use notice; obtaining approvals from Service NL and/or other applicable government departments and agencies and the application being referred back to committee and council for further review if objections are received in response to the discretionary notice;*
- *To construct a 5-unit, 55+ row housing complex at 102-104 Highroad South conditional upon the following: no objections to the discretionary use notice; obtaining approvals from Service NL and/or other applicable government departments and agencies and the application being referred back to committee and council for further review if objections are received in response to the discretionary notice;*
- *To operate a new business (Metaphysical shop and Tattoo Parlor) at 52 Powell Drive conditional upon approval from Service NL and/or other applicable approvals from other government department and agencies;*
- *To construct a garage at 117 Forest Road conditional upon no objections or representations being received from the discretionary use advertisement; 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.*

Favour 7; Opposed 0; **Carried**

Motion 22-078

D. Doyle / P. Snow

Resolved to refuse the following applications:

- *To refuse the application to construct a garage at 82 Adelaide Street as the proposed accessory building will project in front of the dwelling contrary to the Town of Carbonear Municipal Plan and Development Regulations.*

Favour 7; Opposed 0; **Carried**

Deputy Mayor Slade asked if an apartment complex is being considered in a residential area, are the neighbouring property owners notified. CAO noted that as a discretionary use, a discretionary notice is advertised and in addition to that the Town also delivers a copy of the notice to the neighbouring property owners.

Deputy Mayor Slade asked if it is noted in the advertisement if the development is for seniors (55+) housing units.

CAO noted that the notification identifies what a person would have to do to file an objection to the application.

Deputy Mayor Slade noted that if the notice provides what type of housing units are being considered, seniors units or other type of units, this information would be helpful to those considering an objection to the development.

8. Reports of Chief Administrative Officer and Department Heads

a) CAO Report

Due to a pending sale of property in the area, the Town is being requested to provide a Deed of Confirmation/Release regarding an abandoned right of way in the Blueberry Crescent and Forest Road area confirming that "the right of way is no longer in use and/or has been extinguished and/or abandoned by the Town and is no longer dedicated for public use".

This location of the abandoned right of way was reviewed with Council prior to the meeting.

If Council is in agreement, a motion of Council is required to confirm this.

Councillor Noel asked if he would be in conflict of interest on this matter as he owns property on Blueberry Crescent.

Motion 22-079

D. Doyle / 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 request for a Deed of Confirmation/Release regarding an abandoned right of way confirming that "the right of way is no longer in use and/or has been extinguished and/or abandoned by the Town and is no longer dedicated for public use" in the Blueberry Crescent and Forest Road area.

Favour 6; Opposed 0; **Carried**

Motion 22-080

C. O'Grady / S. Slade

Whereas the right of way between Blueberry Crescent (former slide path) and Forest Road (former London Road) per survey provided on March 4, 2022, is no longer in use and/or has been extinguished and/or abandoned by the Town; and

Whereas this right of way is no longer dedicated for public use;

Be it Resolved that the Town of Carbonear provide a Deed of Confirmation/Release of this right of way;

And Be It Further Resolved that the Town of Carbonear accepts no responsibility for any costs associated with providing this Deed of

Confirmation/Release.

Favour 7; Opposed 0; **Carried**

- b) Director of Operations and Public Works
Director of Operations & Public Works reviewed the following from his report with Council:

Two tenders were called last week

- o Service Contract for Garage Door Maintenance and Miscellaneous Work
 - o Service Contract for Electrical Services Miscellaneous Work
- Mayor Butt asked when this was last done.*

Director advised the service contract for garage door maintenance was not previously done. The electrical services was last called several years ago. CAO advised this is being done now to meet the requirements of PPA.

Deputy Mayor Slade asked about the contract for the HVAC units at the pool. If we have a contractor here in the town, it should be less expensive than someone who has to travel from outside the town. CAO advised there was a contract put in place some time ago, these will all be going out again now for bids.

CAO advised that RFPs will go out for all our service contracts.

When the RFP goes out, then anyone can bid on it.

This is the whole point of the PPA. We don't know what the bids will be until the RFP goes out.

CAO noted that preference is on a provincial basis not on a municipal basis. Best value would be the priority.

Councillor Noel suggested, a master list of all service contracts should be completed. Director of Operations and Public Works advised that a listing can be completed and shared with the Public Works Committee. The details can be provided later.

9. Finances

- a) Operating Invoices over \$2,000.00 in the amount of.....\$ 256,489.05

Motion 22-081

C. O'Grady / M. Seymour

Resolved that the Town of Carbonear approve for payment the list of operating invoices over \$2,000 totaling \$256,489.05 as submitted to Council.

Favour 7; Opposed 0; **Carried**

- b) Capital Invoices

Conception Bay Regional Community Centre Extension

Eastern Contracting, CP #13.....\$ 12,448.54

Motion 22-082

C. O'Grady / P. Snow

Resolved that the Town of Carbonear approve payment the following capital invoice as submitted to Council:

Conception Bay Regional Community Centre Extension project

Eastern Contracting, CP #13.....\$ 12,448.54

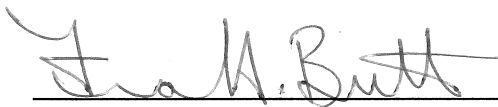
Favour 7; Opposed 0; **Carried**

Mayor Butt asked if there is an estimated time when the extension will be opened for use. CAO advised it is substantially complete, and we need to get the order of capacity before it is put in use.

10. Regulations for Adoption
None listed.
11. Notices of Motion
No notices of motions were presented.
12. New Business
No new business.

Mayor Butt noted that the Mayor for a Day contest deadline is extended to March 11. He encouraged students to submit essays. The contest is open to students in Grades 4-8.

13. Adjournment
Motion 22-083 **S. Slade / C. O'Grady**
Resolved that the meeting adjourn at 6:42pm and that Council meet again for a Regular Council Meeting on Tuesday, March 22, 2022 at 5:30pm will be in person in Council Chambers.
Favour 7; Opposed 0; **Carried**



Mayor Frank Butt



Cathy Somers, Town Clerk