

**Town of Carbonear
Regular Council Meeting April 12, 2022**

Minutes of a regular meeting of the Council of the Town of Carbonear held
In Council Chambers, April 12, 2022 at 5:30pm

Members Present: Mayor Frank Butt
 Deputy Mayor Sam Slade
 Councillor 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
 5:33pm. The meeting is being broadcasted through Youtube.

 Mayor Butt reminded all council members and those present not to use cell
 phones during the meeting.
 2. Approval of the Agenda for April 12, 2022 Regular Meeting
 Motion 22-106 R. Noel / C. O'Grady
 Resolved to adopt the agenda of the April 12, 2022 Regular Meeting of
 Council as presented to Council.
 Favour 7; Opposed 0; **Carried**
 3. Adoption of the minutes
 a) Regular Meeting – March 22, 2022
 Motion 22-107 S. Slade / P. Snow
 Resolved to adopt the minutes of the March 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
None listed.

6. Permits and Correspondence

- 6.1 Permit Listing # 9788-9798

Councillor Doyle asked Council to review the list of permits.

Motion 22-108

D. Doyle / P. Snow

Resolved to approve permits #9788-9798 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

- a) Atlantic Canada's Opportunities Agency

RE: Funding approved in the amount of \$849,732 to implement Phase II of the downtown and waterfront development plan.

Motion 22-109

S. Slade / P. Snow

Resolved that the Town of Carbonear enter into an agreement with the Atlantic Canada Opportunities Agency (ACOA) and accept the Offer of Assistance under the ACOA Innovative Communities Fund to implement Phase II of the downtown and waterfront development plan for the area from Bannerman Street to P.F. Street totaling \$1,307,279 with contributors as follows: ACOA \$849,732, Government of NL Department of Industry, Energy and Technology \$326,820 and Town of Carbonear \$130,727; and Be It Further resolved that the Mayor and/or Deputy Mayor and the Town Clerk/Director of Financial Operations and Chief Administrative Officer are authorized signing authorities to sign the agreement with ACOA on behalf of the Council of Carbonear.

Favour 7; Opposed 0; **Carried**

Councillor Doyle inquired if we know a start date for the project or a date when it is going to tender.

CAO advised later in the meeting there is a motion to proceed to tender in the Director's Report.

- b) Department of Industry, Energy and Technology

RE: Funding approved in the amount of \$326,820 for Phase II Downtown Development.

Motion 22-110

S. Slade / C. O'Grady

Resolved that the Town of Carbonear enter into an agreement with the

Department of Industry, Energy and Technology and accept the Letter of Financing from the Department of Industry, Energy and Technology Regional Development Fund for the Downtown Development Phase 2, Project #30-08812-031 in the amount of \$326,820.00 and agree to the terms and conditions of the Letter of Financing.
Favour 7; Opposed 0; **Carried**

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 Environment & Climate Change
Spring / Summer 2022 Operator Education Seminar
Copied to the Director of Operations and Public Works
 - Department of Municipal and Provincial Affairs
Capital Investment Plan Approval. The Canada Community Building Fund has accepted the project listed on the Town's Capital Investment Plan as Road and Storm Sewer Upgrades – Powell Drive Phase 2. Approved funding in the amount of \$679,527.00. Placed on file.
 - Department of Transportation and Infrastructure
Highroad South Water and Sewer (Project # 17-GI-20-00039) Request to modify the scope of the work has been approved. Placed on file.
 - Department of Tourism, Culture, Arts and Recreation
Come Home Year 2022 Cultural Funding (30-08812-033 (Stationers' Summer Festival). Funding approved in the amount of \$12,000. Placed on file.
Active NL Fund – Funding approved in the amount of \$7,500 for Trail upgrades. Placed on file.
- b) NL Public Health Laboratory, Test results of water samples collected on March 2, 2022 at North Atlantic, Shell, Esso, Red Circle. Results marked satisfactory. Placed on file.
Deputy Mayor Slade inquired about results and if this can be brought back for review to Council. CAO advised that the report is marked satisfactory and there are no further details to be reviewed. She noted the Department of Environment provides another report for the water supply periodically each year and in that report if any levels are identified as unsatisfactory, it would be reported to Council. In the past we did have some notation on the Ph levels, but this was not a concern as it is considered an aesthetic factor.
- c) Avalon North Wolverines SAR
RE: Thank you for donation. Placed on file.
- d) Kiwanis Club of Carbonear

RE: Request to complete lawn maintenance at the Princess Sheila Nageira Park.

*Forwarded to Recreation, Special Events, Culture and Tourism committee
Deputy Mayor Slade inquired about this item and noted he does not see any problem with providing that service. The CAO noted that this has been referred to the Recreation Committee and a recommendation on the matter will be provided from that committee.*

e) Young Canada Works

RE: Approval of funding to hire two positions under the Canadian Museums Association for Young Canada Works. Placed on file.

f) Municipal Assessment Agency

RE: Meet and Great Breakfast Meeting, Friday April 29 at Bay Roberts
Copied to Council.

g) Property owner, Powell Drive

RE: Culvert repair
Forwarded to the Public Works, Waste Management, and Community Services committee

h) Carbonear Trinity Bay De Verde PC District Association

RE: Invitation to attend discuss concerns and ideas. Knights of Columbus,
April 28 @ 7:30 pm
Copied to Council.

i) Individual request for arrow signage

Forwarded to Chief Administrative Officer, Economic Development and Tourism Officer and the Director of Operations and Public Works.

j) Fibromyalgia Association of Canada

May 12 is the 30th Anniversary of the recognition of Fibromyalgia Awareness Day. Request the Town light up purple on May 12 in recognition of the 5% of Canadians living with Fibromyalgia.
Forwarded to the Council. Staff to place lights.

7. Committee Reports

a) Public Works, Waste Management and Community Services

Deputy Mayor Slade advised that the committee met on March 23rd and noted the following from the meeting:

- Under the MEO's report to the committee, there was some discussion on several properties the MEO is monitoring.
- Committee is continuing discussion on a pilot program for snow clearing our sidewalks on Water Street. This is being reviewed to determine if we can improve the clearing of the sidewalks during the winter season. CAO noted that the focus is on the spring work right now and we will review the sidewalk clearing before the next snow clearing season. Council has some further discussion on the matter

of sidewalk clearing. Councillor Doyle suggested to consider this item in more detail in a separate meeting of Council.

The CAO noted that the Director of Operations and Public Works will provide information on a possible solution to advise of the procedure and what additional staff would be required for the committee consideration and then relay this to Council. However, work has to be done on the pilot in order to present same to Committee / Council.

Deputy Mayor Slade advised a motion is required for the Re-assignment of our Fire Truck Pumper that has been replaced by the new Fire Truck Pumper

Motion 22-111

S. Slade / P. Snow

Whereas the Fire Chief has informed the town that training has been completed on the new pumper and this pumper has the required equipment and is fully operational; and

Whereas the funding agreement for the new pumper requires that the former pumper that is surplus be re-assigned to another municipality for \$1; Be It Resolved that the Town inform the Fire Services Division of the Department of Justice and Public Safety that the surplus pumper is now available for re-assignment.

Favour 7; Opposed 0; **Carried**

b) Administration and Finance

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

- Fire protection Line Road – CAO will prepare a public notice for advertisement in the local paper and town website for the discontinuation of services and an email will be sent to the association as well.
- 2021 Audit will start next week.
- RFP on Bankers Pub building, subsequently closed, but no proposals were received. Council will need to consider other options.

Deputy Mayor Slade inquired about the first item under Ongoing Matters in the Committee minutes. This will be reviewed further in a privileged meeting.

Councillor Doyle asked if the budget request forms are for Department Heads or groups. CAO advised these are forms to be completed by each Department Head when submitting their budget requests for the upcoming year.

- c) Recreation, Special Events, Tourism and Culture
Councillor Seymour advised that the committee met on March 29th and noted the following from the meeting:
- Quotes for UTV were reviewed. SEE NOTES
Motion 22-112 **M. Seymour / R. Noel**
Resolved to purchase the following rough terrain vehicle for the Parks and Recreation Department: Kubota RTV X900, at a cost of \$18,999 plus HST.
Favour 7; Opposed 0; **Carried**
 - Come Home Year Update
Community groups and organizations have contacted the EDTO to help with planning their events. There is now a web page on the Town's website – volunteer application and event registration are available there.
 - Request for wedding at Rorke Museum – response has been provided.
 - Notification of Pool closures are provided on the Pool's Facebook page.
 - Lights on the basketball and ball hockey rink are on the one switch. These courts will be utilized more in the spring.
 - Festival of lights scheduled for after Easter
- Deputy Mayor Slade noted the problems with water from the showers.
Councillor Seymour noted that we are waiting on a price to complete work to correct the matter and this will be provided as soon as it's received.
Councillor Doyle noted that this was raised before in the fall of the year and the quotes should have been obtained before now.
Councillor Doyle noted that the Davis Earle trail is not usable in sections because of the water. She asked that this be moved from Ongoing Items to an active item to be discussed by the committee.
Councillor Doyle also asked that the Willoughby Playground basketball nets be added back to an active item as well, along with landscaping and lots for sale in that area.
Councillor Seymour advised these items will be addressed in the next Committee meeting.
CAO also noted that the Recreation seasonal staff will be recalled within the next few weeks.
Deputy Mayor Slade noted there is some debris spilling on to the Nell's Trail. CAO advised that the Director of Operations and Public Works has a

work order out for investigation on this matter.

Councillor Seymour noted that notice has been given to the property owner to have the properties cleaned up. Review will continue on this matter.

- d) Economic Development, Planning and Land Use Planning
Councillor Doyle advised that the committee met on April 7th and noted the following from the meeting:
- There is development taking place without permits, important to obtain permit before completing any development.
Councillor Doyle reminded residents and property owners not to erect fences, patios, decks, greenhouses, signs or any other development without first obtaining a permit for the development from the Town.
 - Municipal Plan Review
Working through a number of items on this. A motion will be coming forward in this regard.
Business Arising
 - There are a number of development applications still pending, further work is being done on the applications before they can be approved.

Development Applications

The following motions are recommended:

Motion 22-113

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 renew a permit to operate domestic saw mills for personal use at 66 Long's Hill and 8 London Road, conditional upon the following: the operation and maintenance of the sawmill being in accordance with provincial guidelines and regulations; the sawmill to be operated within the accessory building on the property to reduce noise during operation; the renewal being for a maximum period of 1 year and then it will be subject to further review and renewal at Council's discretion and Council reserves the right to revoke the permit at Council's discretion if Council deems its operation a nuisance;*
- *49 O'Keefe Plains Road to operate a domestic saw mill for personal use, subject to operation and maintenance of sawmill in accordance with provincial guidelines and regulations.*

Favour 7; Opposed 0; **Carried**

Motion 22-114

D. Doyle / C. O'Grady

Resolved to refuse the following applications:

- *81 Forest Road - to construct a double dwelling on the property as*

the development does not comply with the Town of Carbonear Development Regulations;

- *6 Adelaide Street – to construct a portable shelter as the development does not meet the 1.5 m rear yard requirement of the Town of Carbonear Development Regulations.*

Favour 7; Opposed 0; **Carried**

Municipal Plan Review

Motion 22-115

D. Doyle / M. Seymour

Resolved to hire a planning consultant to complete an RFP for the review of the Carbonear Municipal Plan and Development Regulations at a cost not to exceed \$1,600 plus HST; and

Be it Further Resolved to have the consultant review and evaluate the RFP's received at a cost not to exceed \$2,400 plus HST.

Favour 7; Opposed 0; **Carried**

Orders to Cease Business Operations for businesses operating without a permit or in contradiction to the conditions of their permit.

The following motion is being recommended:

Resolved to send an order to cease business operations at the following properties that are operating contrary to the Town of Carbonear Municipal Plan and Development Regulations:

- *9 Leslie Street (Service Garage);*
- *6 Irishtown Road (Barbershop);*
- *49 Irishtown Road (Nail Salon);*
- *57 The Gap Road (Service Technician)*

Council asked if these could be separated and voted on individually.

Some points of clarification were made on the items:

The MEO has investigated these properties:

- *9 Leslie Street (Service Garage)*
Business operating, service garage business is not a permitted use in a residential zone.
- *6 Irishtown Road (Barbershop)*
6 Irishtown does not meet the requirements of a Home Based business. CAO advised the permit was issued for a home-based business. There are a variety of conditions for home based business and these conditions are not being met.
- *49 Irishtown Road (Nail Salon)*
Business operating without a permit
- *57 The Gap Road (Service Technician)*
Business operating without a permit

It was also noted that previous reports from the MEO and the previous Development Committee Minutes provide further details to Council on each of the matters.

CAO noted that it is the MEO's responsibility to enforce the Town's Regulations. Council has been dealing with these since the fall, and no progress has been made with the verbal notifications and written reminders. The Town is not telling people to shut down their business entirely, it can be relocated to a business area where it would be permissible. CAO noted that once an order has been given, anyone has a right to appeal a decision of Council. If information is provided, and the concerns are met, then a permit could be issued.

Motion 22-116

D. Doyle / M. Seymour

Resolved to send an order to cease business operations at the following property that is operating contrary to the Town of Carbonear Municipal Plan and Development Regulations:

- 9 Leslie Street (Service Garage)

Favour 7; Opposed 0; **Carried**

Motion 22-117

D. Doyle / C. O'Grady

Resolved to send an order to cease business operations at the following property that is operating contrary to the Town of Carbonear Municipal Plan and Development Regulations:

- 6 Irishtown Road (Barbershop)

Favour 4; Opposed 3; **Carried**

Councillors Doyle, O'Grady, Noel, and Snow were in favour of the motion. Mayor Butt, Deputy Mayor Slade and Councillor Seymour opposed the motion.

Motion 22-118

D. Doyle / R. Noel

Resolved to send an order to cease business operations at the following property that is operating contrary to the Town of Carbonear Municipal Plan and Development Regulations:

- 49 Irishtown Road (Nail Salon)

Favour 6; Opposed 1; **Carried**

Deputy Mayor Slade, Councillors Doyle, O'Grady, Noel, Seymour and Snow were in favour of the motion. Mayor Butt opposed the motion.

Mayor Butt noted his concern is whether it should be considered a business or a hobby.

Motion 22-119

D. Doyle / C. O'Grady

Resolved to send an order to cease business operations at the following

property that is operating contrary to the Town of Carbonear Municipal Plan and Development Regulations:

➤ *57 The Gap Road (Service Technician)*

Favour 7; Opposed 0; **Carried**

8. Reports of Chief Administrative Officer and Department Heads

a) Chief Administrative Officer

CAO reviewed the following from her report with Council:

There is a computer generated report in your Dropbox up to the end of February and a summary report. Council can review and ask any questions they have on the report.

b) Director of Operations and Public Works

Director of Operations and Public Works reviewed the following from his report with Council:

Infrastructure and Public Works

Public Works seasonal labourers coming back next week, likely.

Reinstating shoulders and cleaning out catch basins

Comprehensive hazard assessment is updated, and all workers will be trained. Other safety training will take place on an on-going basis. Currently working to formalize maintenance programs for better efficiency and reporting including hydrant flushing, catch basin clean outs.

Facilities

Planning to proceed with tender call for replacing doors in civic centre this week.

Other Items

Capital Works

Draft resolution:

Whereas the Engineering Consultant for Water Street Phase 2 – Water, Sewer, Storm, and Street Upgrading – Project number 17-GI-21-00075, has provided draft tender documents issued for approval,

Be it resolved to move forward with the tender call for construction services for Water Street Phase 2.

Motion 22-120

S. Slade / C. O'Grady

Whereas the Engineering Consultant for Water Street Phase 2 – Water, Sewer, Storm, and Street Upgrading – Project number 17-GI-21-00075, has provided draft tender documents issued for approval,

Be it resolved to move forward with the tender call for construction services for Water Street Phase 2.

Favour 7; Opposed 0; **Carried**

CAO advised this will be submitted to Municipal Affairs as well, and when approval is received from MA, the tender will be issued.

Deputy Mayor Slade asked what the turn around procedure is for this,

CAO advise 1st we have to obtain approval to go to tender from the Dept of Municipal Affairs, then the tender is advertised.

Bids are then reviewed by Municipal Affairs and a recommendation to award the tender would be provided, then the contract is awarded and the contractor is allowed a period of time for the start of the project.

Mayor Butt asked for an update on the hazard assessment report. Director of Operations and Public Works advised he just heard back today with some information. The contractor is reviewing the testing reports now and recommendation report will be forthcoming.

9. Finances

- a) Operating Invoices over \$2,000.00 in the amount of.....\$ 129,005.06

Motion 22-121

C. O'Grady / P. Snow

Resolved that the Town of Carbonear approve for payment the list of operating invoices over \$2,000 totaling \$129,005.06 as submitted to Council.

Favour 7; Opposed 0; **Carried**

- b) Capital Invoices:

Conception Bay Regional Community Center Extension

Eastern Contracting Ltd, Holdback, Invoice # 20024-14.....\$107,803.48

Motion 22-122

C. O'Grady / P. Snow

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

Conception Bay Regional Community Center Extension project

Eastern Contracting Ltd, Holdback, Invoice # 20024-14.....\$107,803.48

Favour 7; Opposed 0; **Carried**

10. Regulations for Adoption
None listed.

11. Notices of Motion
No notices of motions were presented.

12. New Business
None listed.

Mayor Butt wished all council, staff and residents a Happy Easter and reminded everyone to remember the meaning of the season.

Councillor Seymour noted we received a great response on our new banners downtown.

Mayor Butt asked if Council could set up a meeting with the Legion regarding their banners.

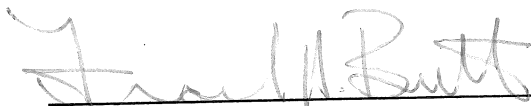
13. Adjournment

Motion 22-123


S. Slade/ P. Snow

Resolved that the meeting adjourn at 7:04pm and that Council meet again for a Regular Council Meeting on Tuesday, April 26, 2022 at 5:30pm.

Favour 7; Opposed 0; **Carried**



Mayor Frank Butt



Cathy Somers, Town Clerk