

Town of Carbonear
Regular Council Meeting, January 11, 2022

Minutes of a regular meeting of the Council of the Town of Carbonear held
via Zoom webinar, January 11th, 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 Cathy Somers
Chief Administrative Officer Cynthia Davis
Director of Operations & Public Works Ian Farrell
Economic Development & Tourism Officer Kerri Abbott

-
1. Calling of Meeting to Order
Mayor Butt welcomed everyone to the meeting and called the meeting to order at 5:31pm. Several participants are registered for today's Council meeting viewing through Zoom.
 2. Approval of the Agenda for January 11, 2022 Regular Meeting
Motion 22-001 S. Slade / C. O'Grady
Resolved to adopt the agenda of the January 11, 2022 Regular Meeting of Council as presented.
Favour 7; Opposed 0; **Carried**
 3. Adoption of the minutes
 - a) Regular Meeting – December 21, 2021
Motion 22-002 P. Snow / M. Seymour
Resolved to adopt the minutes of the December 21, 2021 Regular Meeting of Council as presented.
Favour 7; Opposed 0; **Carried**
 4. Business Arising from Minutes
No business arising.
 5. Proclamations / Presentations / Delegations
 - a) Epilepsy NL
RE: Purple Day March 26. Proclamation to be signed and request to light up the Town Hall purple.
Motion 22-003 S. Slade / C. O'Grady
Whereas Purple Day is a global effort to promote Epilepsy Awareness in countries around the world; and

Whereas Purple Day was founded by nine-year-old Cassidy Megan of Nova Scotia, who wanted to let people know that if you have epilepsy you are not alone; and

Whereas Epilepsy is a chronic neurological disorder, which affects each person differently, estimated to affect more than 10,000 people in Newfoundland and Labrador, over 300,000 people in Canada, and 50 million people worldwide; and

Whereas one in ten persons will have at least one seizure during their lifetime; and

Whereas the public is often unable to recognize common seizure types, and unable to respond with appropriate first aid; and

Whereas Purple Day will be celebrated on March 26th annually to increase understanding, reduce stigma, and improve the quality of life for people living with epilepsy throughout the country and globally

Now Therefore be it resolved that the Town of Carbonear do hereby proclaim March 26th as Purple Day in an effort to raise awareness and understanding of epilepsy, and to support all those who live with seizures each day.

Favour 7; Opposed 0; **Carried**

6. Permits and Correspondence

6.1 Permit Listing # 9758-9762

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

Deputy Mayor Slade declared a conflict of interest on permit #9761 as it is for himself.

Motion 22-004

D. Doyle / R. Noel

Resolved to approve permits #9758-9762, excluding #9761, 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 22-005

D. Doyle / C. O'Grady

Resolved to approve permits #9761, 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 6; Opposed 0; **Carried**

Deputy Mayor Slade was called back into the meeting.

6.2 Correspondence, requiring Council's decision

None listed.

6.3 Correspondence received and action taken

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

- a) NL Public Health Laboratory, Test results of water samples collected on October 8, 2021 at North Atlantic, Shell, Esso, Red Circle and on November 15 and November 16, 2021 at North Atlantic, Shell, Esso, Red Circle. Results marked satisfactory. Placed on file.
- b) Property owner, Bunker Hill
RE: Sidewalk clearing
Forwarded to Public Works, Waste Management and Community Services committee.
- c) Property owner, Chapel Street
Request regarding fence construction.
- d) Resident, Concern with condition of the town's sidewalks on Water Street
Forwarded to Public Works, Waste Management and Community Services committee.
Deputy Mayor Slade inquired about item 6.3 (c)
Councillor Doyle advised it would be in the Development Committee report.

7. Committee Reports

- a) Economic Development, Planning and Land Use Development
Councillor Doyle noted the committee met on January 6th and noted the following from the meeting:
Municipal Plan Amendment No. 27, Development Regulation no. 39 –
Waiting on deadline for Public Hearing Scheduled for January 17, 2022.
Business Operation on Powell Drive – Permit conditions are required to be kept up and a notice has gone out the business owner.
Application for development at 43 Highroad North - previously reviewed by committee, has been withdrawn and the applicant will be submitting a new proposal.
MEO Report – There was no MEO report at this last meeting.
Development Applications
 - 149 Water Street – Deferred for further review
 - Domestic Harvesting in Protected Water Supply – recommended for approval.
 - 12 Leslie Street, recommend with conditionsCorrespondence, Re. Chapel Street Fence
Deferred for further investigation. Councillor Doyle noted that Council needs to be consistent with how all properties are treated. The condition of the permit was that it had to be in compliance with the Fence Regulations.
Discussed by Council.
As indicated, the Committee members will visit the site and deferred the matter for further discussion at the next committee meeting. The committee will review to determine if an alternate solution can be found in

keeping with the requirements of the regulations.

Verbal request to renew domestic sawmill permit - Written application is required.

Septic System – Harbour Authority

Deputy Mayor Slade declared conflict and left the meeting on this matter as he is a member of the Harbour Authority.

The regulations require properties within 60 m of the sewer system connect to the system. The committee recommends that the building be connected unless they can justify why that is not possible.

Director of Operations and Public Works will be checking with DFO to determine if there are any extenuating circumstances.

There was an inquiry from Council as to whether there are any lift stations in town that are owned by residents.

It was noted that a property owner can have a lift station in their home.

If a sub-division development required a lift station to obtain approval from the Town for the sub-division, then it would have to be installed to standard and then when accepted by the Town would then be maintained by the Town.

CAO advised that there is one owned by a business within the Town because it is required to lift sewer to town sewer system.

Deputy Mayor Slade was called back into the meeting.

Motions recommended by Committee

Motion 22-006

D. Doyle / M. Seymour

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:

- 12 Leslie Street to replace existing step and construct retaining wall conditional upon the town not being responsible for damages incurred in the street reservation due to snow clearing efforts or street maintenance.

Favour 7; Opposed 0; **Carried**

Motion 22-007

D. Doyle / C. O'Grady

Resolved to provide municipal approval to the Department of Fisheries, Forestry and Agriculture to issue domestic cutting licenses within the Island Pond / Flings Long Pond Protected Water Supply Area for 2022-2026 in accordance with the application received.

Favour 7; Opposed 0; **Carried**

Question:

Deputy Mayor Slade inquired about this application.

Councillor Doyle advised that this has been ongoing for a number of years and this is a renewal. The Department can continue to give out permits for domestic wood cutting permits within the water shed area. Councillor

Doyle asked the CAO to advise on this as well. CAO advised the Department of Fisheries, Forestry and Agriculture request a renewal for

several years at a time. The areas were reviewed by the Director of Operations and Public Works. The map showing the locations are available if any Council member would like to review it. Mayor Butt asked that the map be sent out to Council.

8. Reports of Chief Administrative Officer and Department Heads

a) Chief Administrative Officer

CAO advised her report was previously sent out to Council.

CAO reviewed the following from her report with Council:

Financial Report

Tax Revenue budgeted for 2021 is \$5,564,382. Tax revenue levied is \$5,583,492. This is \$19,110 above tax revenue budgeted.

Other Revenue from Own Sources is also identified.

Expenses are listed in a table by Department, with Budget, Actual YTD and % Spent showing by department. All departments are within budget. There will be more invoices to be keyed for 2021. There will be an overall surplus for 2021 and this will be brought forward to be spent in 2022.

CAO advised that if Council has any questions or require clarification on the report, they can contact her on the matter.

Approval to Borrow-Various

There are a number of projects completed or equipment received that will require an approval to borrow from the province before the bank will advance the funds. The items are listed in the report and two required motions are provided for your consideration.

Motion 22-008

C. O'Grady / R. Noel

Resolved that the Town of Carbonear request an approval to borrow from the Minister of Municipal and Provincial Affairs to finance the purchase of a new backhoe for the Public Works Department in the amount of \$143,784 (net of HST rebate) from Scotiabank at a rate of prime + 0.25% for a term of 5 years and an amortization period of 5 years.

Favour 7; Opposed 0; **Carried**

Councillor Noel declared a conflict of interest on the motion requiring approval to borrow for the Valley Road Phase 3 project as his parents own property in that area. Councillor Noel then left the meeting.

Motion 22-009

C. O'Grady / S. Slade

Resolved that the Town of Carbonear request an approval to borrow from the Minister of Municipal and Provincial Affairs to finance the Town of Carbonear's share of the following projects:

Valley Road W/S & St. Upgrading, Phase 3

Highroad South W/S & St. Upgrading

Marshall Drive W/S & St. Upgrading

in the amount of \$406,428 (net of HST rebate) from Scotiabank at a

rate of prime + 0.25% for a term of 5 years and an amortization period of 10 years.

Favour 6; Opposed 0; **Carried**

Councillor Noel was called back into the meeting.

9. Finances

- a) Operating Invoices over \$2,000.00 in the amount of...\$322,946.53

Motion 22-010

C. O'Grady / S. Slade

Resolved that the Town of Carbonear approve for payment the list of operating invoices over \$2,000 totaling \$322,946.53 as submitted to Council.

Favour 7; Opposed 0; **Carried**

- b) Capital Invoices

2021 Street Paving, PN 21-109

(Nicholl Place, Pondside Hill, Winter Place, Osmond's Lane, Bottom of Burnt Head Road, King's Hill, Bottom of Bunker's Hill, Saddle Hill, Forest Road to Fortune Road)

Harris & Associates, Invoice # 6892.....\$13,024.90

Deputy Mayor Slade declared a conflict of interest on the project as Bunker's Hill is included in this project and Deputy Mayor Slade owns property on Bunker's Hill.

Deputy Mayor Slade then left the meeting.

Motion 22-011

C. O'Grady / P. Snow

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

Harris & Associates, Invoice # 6892.....\$13,024.90

Favour 6; Opposed 0; **Carried**

Deputy Mayor Slade was called back into the meeting.

Storm Sewer / Paving – White's Road, PN 20-126

Harris & Associates, Invoice # 6893.....\$1,616.61

Mayor Butt declared a conflict of interest on the White's Road project as his sister owns property in the area.

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

Mayor Butt and Councillor Noel then left the meeting.

Deputy Mayor Slade assumed the position of Chair.

Motion 22-012

C. O'Grady / M. Seymour

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

Storm Sewer / Paving – White's Road, PN 20-126

Harris & Associates, Invoice # 6893.....\$1,616.61

Favour 5; Opposed 0; **Carried**

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

Mayor Butt assumed the position of Chair.

Powell Drive Upgrading, Phase 2, PN 20-111

Harris & Associates, Invoice # 6894.....\$7,498.00

Conception Bay Regional Community Centre Ext. PN: 8050-11

Eastern Contracting Ltd, CP # 11.....\$46,339.18

Motion 22-013

C. O'Grady / S. Slade

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

Powell Drive Upgrading, Phase 2, PN 20-111

Harris & Associates, Invoice # 6894.....\$7,498.00

Conception Bay Regional Community Centre Ext. PN: 8050-11

Eastern Contracting Ltd, CP # 11.....\$46,339.18

Favour 7; Opposed 0; **Carried**

10. Regulations for Adoption
None listed.

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

12. New Business

- a) Project Amendment Request for Highroad South Project
Council asked for clarification on the matter. Director of Operations and Public Works confirmed that when the application was originally submitted, some items weren't contemplated. The consultant hired included these items, but it wasn't included in the original project description. The work has been completed, however, the project description was not updated to include curb, gutter, ditch leads and sidewalk to the project description.

Motion 22-014

S. Slade / M. Seymour

Whereas the detailed design for the Highroad South project (17-GI-20-00039) includes curb, gutter, catch basins, ditch leads, and sidewalk that had not been contemplated during the application phase, And whereas the provincial government and Infrastructure Canada requires a formal request to include this work in the cost-sharing arrangement,

Be it resolved to submit a Project Amendment Request to the provincial government to request to add curb, gutter, ditch leads, and sidewalk to the Project Description.

Favour 7; Opposed 0; **Carried**

It was noted that the design work is not done until project is approved, then the Town hires a consultant to design it. In the future, it will be discussed with the consultants to ensure that the description is all inclusive.

- b) Mayor Butt noted that there was a homeless person discovered over on the southside near the hospital. A hotel was found for the person after reaching out to several entities. Mayor Butt noted that homelessness is

an issue, and would like to have clear concise way as to how to deal with this type of thing in the future.

Discussed.

CAO noted that it is not the town's mandate to provide shelter for homeless people.

There are government policies and procedures for this and there are other organizations that address this issue.

Mayor Butt noted Fire Department will have a virtual meeting tomorrow night.

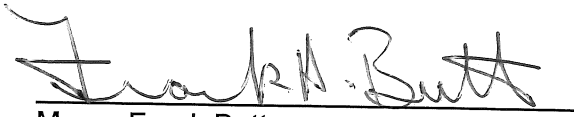
Deputy Mayor Slade wished all council, staff and residents a Happy New Year with health and happiness in the new year.

13. Adjournment

Motion 22-015

S. Slade / C. O'Grady

Resolved that the meeting adjourn at 6:23pm and that Council meet again for a Regular Council Meeting on Tuesday, January 25, 2022 at 5:30pm.



Mayor Frank Butt



Cathy Somers, Town Clerk