

Town of Carbonear
Regular Council Meeting June 21, 2022
Minutes of a regular meeting of the Council of the Town of Carbonear held
In Council Chambers, June 21, 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: Chief Administrative Officer Cynthia Davis
(Acting Town Clerk)
Director of Operations
& Public Works Ian Farrell
Director of Recreation Rob Button
Economic Development &
Tourism Officer Kerri Abbott

Absent: Town Clerk / Director
of Financial Operations Cathy Somers (on vacation)

-
1. Calling of Meeting to Order
Mayor Butt welcomed everyone to the meeting and called the meeting to order at 5:35pm. The meeting is being broadcasted through YouTube. The Mayor recognized that today is National Indigenous People's Day. He also noted that there is a Ukrainian family that is living in Carbonear and to make them feel welcome if given the opportunity.
 2. Approval of the Agenda as amended for June 21, 2022 Regular Meeting
Motion 22-171 C. O'Grady / P. Snow
Resolved to adopt the agenda of the June 21, 2022 Regular Meeting of Council as presented to Council with the following additions:
 - Section 6.1
 - b) 123 Columbus Drive to open a new coffee shop with drive-thru.
 - c) 123 Columbus Drive to relocate satellite vet clinic to another location in the building.
 - d) 123 Columbus Drive to install signage.
 - Section 6.2, Correspondence Requiring Council Decision:
 - a) Government of Newfoundland and Labrador, Justice and Public Safety, Fire Services Division RE: Reassignment of surplus firefighting vehicle to Hant's Harbour.

- b) *Harris & Associates Limited*
Water, Sewer and Street Upgrading, Valley Road, 17-GI-21-00041
Harris & Associates, Change Order # 2, PCA amendment in the amount of \$3,795.00 for additional inspection hours.
- c) *Harris & Associates Limited*
Water Street Phase 2, 17-GI-21-00075
Tract Consulting, Change Order in the amount of \$62,012.00 plus HST for architectural landscaping consultant
- d) *Harris & Associates Limited*
Water, Sewer and Street Upgrading, Valley Road, 17-GI-21-00041
Kelco Construction Inc, Change Order # 3 in the amount of \$8,015.50 to make adjustments to manholes and valve boxes.

Favour 7; Opposed 0; **Carried**

3. Adoption of the minutes

- a) Regular Meeting – May 24, 2022
Motion 22-172 **S. Slade / P. Snow**
Resolved to adopt the minutes of the May 24, 2022 Regular Meeting of Council as presented.
 Favour 7; Opposed 0; **Carried**

4. Business Arising from Minutes

- a) Inquiry – Conflict of Interest
 At the May 10 Regular Meeting of Council, there was an inquiry about whether Mayor Butt is in conflict on approving an invoice for payment to K&D Pratt for SCBA for the Fire Department.
Motion 22-173 **C. O’Grady / R. Noel**
Resolved that the Mayor is not in a conflict of interest on the approval of payment of an invoice to K & D Pratt for SCBA for the Carbonear Volunteer Fire Department.
 Favour 6; Opposed 0; **Carried**

5. Proclamations / Presentations / Delegations

6. Permits and Correspondence

- 6.1 a) Permit Listing # 9874-9929
 Councillor Doyle asked Council to review the list of permits for possible conflicts. There were conflicts identified.
Motion 22-174 **D. Doyle / C. O’Grady**
Resolved to approve permits # 9874 – 9929 except permits # 9877, 9888, 9891, 9893 and 9917 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**

Mayor Butt declared a conflict of interest as permits # 9877 and 9888 are for his brother and sister, respectively. Mayor Butt left the council chambers.

Deputy Mayor Slade temporarily chaired the meeting.

Motion 22-175

D. Doyle / R. Noel

Resolved to approve permits # 9877 and 9888 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**

Mayor Butt returned to the meeting.

Councillor Snow declared a conflict of interest on permit # 9891 as this permit was issued to himself. Councillor Snow left the council chambers.

Motion 22-176

D. Doyle / S. Slade

Resolved to approve permit # 9891 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**

Councillor Snow returned to the meeting.

Councillor Noel declared a conflict of interest on permit # 9893 as this permit was issued to his brother-in-law. Councillor Noel left the council chambers.

Motion 22-177

D. Doyle / C. O'Grady

Resolved to approve permit # 9893 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**

Councillor Noel returned to the meeting.

Councillor Seymour declared a conflict of interest on permit # 9917 as this permit was issued to his brother-in-law. Councillor Seymour left the council chambers.

Motion 22-178

D. Doyle / P. Snow

Resolved to approve permit # 9917 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**

Councillor Seymour returned to the meeting.

- b) 123 Columbus Drive to open a new coffee shop with drive-thru.
- c) 123 Columbus Drive to relocate satellite vet clinic to another location in the building.
- d) 123 Columbus Drive to install signage.

Motion 22-179

D. Doyle / R. Noel

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:

- 123 Columbus Drive to operate a coffee shop and drive-thru conditional upon obtaining approvals from Service NL and/or other applicable government departments and agencies;
- 123 Columbus Drive to install signage conditional upon the Town of Carbonear Signage Regulations;
- 123 Columbus Drive to complete interior renovations to relocate satellite vet clinic in the building conditional upon obtaining approvals from Service NL and/or other applicable government departments and agencies.

Favour 7; Opposed 0; **Carried**

6.2 Correspondence, requiring Council's decision

- a) Government of Newfoundland and Labrador, Justice and Public Safety, Fire Services Division RE: Reassignment of surplus firefighting vehicle to Hant's Harbour.

Motion 22-180

S. Slade / M. Seymour

*Whereas the Town of Carbonear received funding for a new pumper; and
Whereas the agreement for funding for a new pumper requires transfer of surplus equipment to another fire department in need for \$1; and
Whereas the Government of Newfoundland and Labrador, Department of Justice and Public Safety, Fire Services Division has approved the reassignment of the Town of Carbonear surplus fire fighting vehicle (pumper) to Hants Harbour;*

Be it resolved to transfer ownership of the surplus pumper to the Town of Hant's Harbour in the amount of \$1 in accordance with provincial policy.

Favour 7; Opposed 0; **Carried**

- b) Harris & Associates Limited
Water, Sewer and Street Upgrading, Valley Road, 17-GI-21-00041
Harris & Associates, Change Order # 2, PCA amendment in the amount of \$3,795.00 for additional inspection hours.
Councillor Noel declared a conflict of interest on this change order as his parents and sister have property within the contract area. Councillor

Noel left the council chambers.

Motion 22-181

S. Slade / C. O'Grady

Whereas a change order had been approved for the contractor to adjust manhole and valve tops during construction on Valley Road Phase 3; and
Whereas the consultant encountered extra effort for supervision of this work;
Be it resolved to approve the proposed PCA Amendment #2 for \$3,795 including HST to Harris & Associates Ltd.

Favour 6; Opposed 0; **Carried**

Moved to item d) while Councillor Noel was not in the chambers.

d) **Harris & Associates Limited**

Water, Sewer and Street Upgrading, Valley Road, 17-GI-21-00041

Kelco Construction Inc, Change Order # 3 in the amount of \$8,015.50 to make adjustments to manholes and valve boxes.

Motion 22-182

S. Slade / M. Seymour

Whereas the contractor for Valley Road Phase 3 has to adjust the height of manholes and valve tops prior to paving the final lift of asphalt; and
Whereas this work was not contemplated during the tender call to be included in the original contract; and

Whereas the consultant has recommended approval of the change order request from the contractor;

Be it resolved to approve the proposed change order #3 for \$8,015.50 including HST to Harris & Associates Ltd.

Favour 6; Opposed 0; **Carried**

Councillor Noel returned to the meeting.

c) **Harris & Associates Limited**

Water Street Phase 2, 17-GI-21-00075

Tract Consulting, Change Order in the amount of \$62,012.00 plus HST for architectural landscaping consultant.

Motion 22-183

S. Slade / C. O'Grady

Whereas an architectural landscaping consultant is required for engineering services for Water Street Phase 2 (17-GI-21-00075); and

Whereas it has been determined that these services will be managed and coordinated by the prime consultant Harris & Associates;

Be it resolved to approve a change order in the amount of \$71,313.80 including HST for landscape architectural consultant services for Tract Consulting.

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 Municipal and Provincial Affairs
RE: Support for Regionalization
Copied to the Chief Administrative Officer and the Town Clerk
RE: Community Sustainability Partnership Accountability Measures and Exemptions
Forwarded to the Chief Administrative Officer and the Town Clerk
 - Department of Industry, Energy and Technology
RE: Development inquiry
Forwarded to Development committee
 - Department of Environment and Climate Change
RE: Spring / Summer 2022 Operator Education Seminars
Forwarded to the Director of Operations and Public Works and the Chief Administrative Officer
 - Department of Transportation and Infrastructure
RE: Cost Adjustments risks for budgets
Copied to the Chief Administrative Officer and the Town Clerk
 - Department of Tourism, Culture, Arts and Recreation
RE: Funding application under the Come Home Year Cultural Funding program was not approved.
Copied to the Chief Administrative Officer and the Economic Development and Tourism Officer
- b) Property owner, Bunker Hill
RE: Garbage collection
Forwarded to the Public Works, Waste Management & Community Services committee
- c) Property owner, Mahaney's Lane
RE: Issue with sediment in drinking water
Forwarded to the Public Works, Waste Management & Community Services committee
- d) Property owner Southside Lower Road
RE: Inquiry regarding development Southside Lower Road
Forwarded to Development committee
- e) Individual inquiry on taking wedding photos at the Rorke store
Forwarded to the Recreation, Special Events, Culture and Tourism committee
- f) Royal Canadian Legion
RE: Request for meeting to discuss upgrades to Water Street
Forwarded to the Development committee
- g) Newfoundland and Labrador Irish Connection
RE: Expression of interest to help organize community concern.
Forwarded to the Recreation, Special Events, Culture and Tourism committee
- h) Property owner, Blueberry Crescent
RE: Safety concern near the access to the playground

- Forwarded to Recreation, Special Events, Culture and Tourism committee
- i) NL Public Health Laboratory, Test results of water samples collected on January 12, 2022 at North Atlantic, Shell, Esso, Red Circle. Results marked satisfactory. Placed on file.
 - j) Participation Canada
RE: Grant for Community Better Challenge has been approved in the amount of \$500.
Copied to the Chief Administrative Officer, Director of Recreation. To be advertised on social media.

7. Committee Reports

- a) Public Works, Waste Management and Community Services
Deputy Mayor Slade advised that the committee met on June 7th. Council can review the minutes and address any questions to him, the CAO or the Director of Operations and Public Works.
Deputy Mayor Slade reported that the Director of Operations and Public Works is working on the contract documents for the tender for removal of the building at Water Street east.

A copy of the 2022 Asphalt list has been distributed to Council. Council was satisfied with the recommendation of the committee with the removal of the access to the Claude Garland Memorial Playground and Dog Park.

Motion 22-184

S. Slade / R. Noel

Resolved to approve the following streets for asphalt resurfacing in accordance with information provided to be completed with the allocation in the 2022 budget for asphalt:

- 300m on Saddle Hill
- 240 m on South Side Lower Road
- 115 m on Chapel Hill
- 30 m on Baker's Lane
- 70 m on Captain Seth Osmond's Lane

Favour 7; Opposed 0; **Carried**

There was an inquiry about the status of removal of the building that recently burned on Water Street. The CAO informed Council that it was reported to her that the owners are working with the insurance company on building removal. She will follow up with the MEO who will have further information on the status of building removal. It was noted that the building should be removed as soon as possible due to its condition, the safety of the public and the parking spaces that are currently not available.

The Deputy Mayor presented the following recommendations on behalf of the committee:

Motion 22-185

S. Slade / P. Snow

Whereas the tender call for replacing the exterior doors of the civic centre

closed on 25 May 2022; and

Whereas the low bidder, Atlantic Enterprises, appears to be in good order;
Be it resolved to award a contract to Atlantic Enterprises in the amount of \$80,023.90 including HST.

Favour 7; Opposed 0; **Carried**

Councillor Noel declared a conflict of interest on the proposed amendment as his parents and sister have property within the contract area. Councillor Noel left the council chambers.

Motion 22-186

S. Slade / D. Doyle

Whereas a change order had been approved for the contractor to widen a section of Valley Road during construction on Valley Road Phase 3; and
Whereas the consultant performed work regarding the intersection at Adelaide and Valley Road that was outside the original contract; and
Whereas the consultant encountered extra effort for these items;
Be it resolved to approve proposed PCA Amendment #1 for Harris & Associates in the amount of \$4,226.25 including HST.

Favour 6; Opposed 0; **Carried**

Councillor Noel returned to the meeting.

There was an inquiry about the light pole that was damaged by a car if it could be cleaned up. The Director of Operations and Public Works reported that the replacement pole has been ordered and it will be installed when received. The Director will have staff do clean up in the interim. No additional poles have been ordered at this time as there will be new poles ordered with the next phase of the project.

b) Administration and Finance

Councillor O'Grady advised that the committee met on May 26th and reported on the following from the meeting:

Recommended Blue Chip Reality as the listing agent for 12 Hayden Heights in response to the request for quotes.

Motion 22-187

C. O'Grady / M. Seymour

Resolved to approve Blue Chip Reality as the listing agent for 12 Hayden Heights in response to the Request for Proposals advertised.

Favour 7; Opposed 0; **Carried**

Recommended adoption of the Asset Management Policy as distributed to Council.

Motion 22-188

C. O'Grady / M. Seymour

Resolved to adopt the Town of Carbonear Asset Management Policy as presented to Council.

Favour 7; Opposed 0; **Carried**

The Municipal Assessment Agency has completed the 2023 municipal assessments and the new assessments have been sent out to property owners. The notices of assessment include information on appeals.

The Public Procurement Agency completed a procurement audit on the Town. There were recommendations made by the agency. Investigating an electronic purchase order add on to address some of the recommendations in the audit and to provide documentation required.

There was an inquiry about complaint from resident on electronic payments only accepted from certain banks. The CAO reported that she will have to discuss further with the Town Clerk as she was not aware of the situation but she recommended that anyone with questions on their tax payments should contact the Town Clerk at the Town Office.

c) Economic Development, Planning and Land Use Planning

Councillor Doyle advised that the committee met on June 6th and reported on the following from the meeting:

The Municipal Plan RFP is moving forward.

There are several applications in various stages of the review process. There were several home-based businesses identified that do not have approval to operate. Home-based businesses are required to make application to the town.

She reminded property owners that all development requires a permit as development shall be completed in accordance with the development regulations.

There were a couple of inquiries that were responded to by staff related to zoning including a bee farm.

The committee proceeded to bring forward recommendations from the committee. She noted that the Mayor may be in conflict on the first application recommended for approval. The Mayor decided to remove himself from the meeting as he did not know if his brother-in-law was a director of the company submitting the application.

Motion 22-189 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 construct an attached two bay garage at 9 Sutton's Hill.

Favour 7; Opposed 0; **Carried**

Mayor Butt left the meeting due to a possible conflict as he was aware that his nephew was the owner of the business making application but did not know if there were any directors that were relatives per the conflict-of-interest legislation.

Motion 22-190 D. Doyle / R. Noel

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 operate a used car sales business at 64 Columbus Drive 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 6; Opposed 0; **Carried**

Mayor Butt returned to the meeting.

Motion 22-191 **D. Doyle / C. O'Grady**

Resolved to refuse the following applications since the development does not comply with the Town of Carbonear Development Regulations:

- *to construct a garage at 66 A Forest*
- *to place a portable shelter on the property at 2 Penney's Lane*
- *to place a portable shelter on the property at 22 London Road*

Favour 7; Opposed 0; **Carried**

Motion 22-192 **D. Doyle / R. Noel**

Resolved to send a removal order to the property 23 Crossroads that have completed development contrary to the Town of Carbonear Municipal Plan and Development Regulations.

Favour 7; Opposed 0; **Carried**

Motion 22-193 **D. Doyle / P. Snow**

Resolved to take over Canada Place as a Highway per Section 164 of The Municipalities Act, 1999 and the Deed of Conveyance provided.

Favour 7; Opposed 0; **Carried**

d) Recreation, Special Events, Culture and Tourism

Councillor Seymour advised that the committee met on May 2nd and reported on the following from the meeting:

The Director is waiting on quotes for improvements to the drainage in the changerooms.

Triathlon organization is ongoing. Volunteers welcome.

The Town is participating in the Communities in Bloom.

Signs will be placed for the ATV Route.

The EDTO is still working on the Come Home Year events.

Concerns were expressed with the condition of the train and further measures to improve its safety. The Town has not been successful in obtaining funding to restore the train. It was suggested that a fence be erected around the train. There was a cost inquiry but staff had not researched the cost and could not provide an estimate.

Motion 22-194 **M. Seymour / R. Noel**

Resolved to erect a fence around the train.

Favour 7; Opposed 0; **Carried**

8. Reports of Chief Administrative Officer and Department Heads

a) Chief Administrative Officer

A Financial Report to the end of April was distributed to Council. Revenue is under budget by less than 1% to date. There will be supplementary assessments that will likely bring the revenues closer to or in line with budget. Expenditures are on target as well. General Government is just over the 33% for 4 months but the total cost for insurance has been expensed. Council can feel free to contact the CAO if there are any questions.

b) Director of Recreation

The Director of Recreation reported on the following:

Parks and recreation spring playground preparation and maintenance is ongoing.

There were some sewer issues at the pool that have been repaired.

Maintenance and plantings in greenspaces is ongoing.

Pool revenue, lesson registration and pool visitation are all up from 2021.

Program participation is double this year.

Summer session swimming registration is in progress, summer camp registration is almost full, and 75 children registered for the ball hockey program.

Canada Day activities have been planned.

Athlete of the Year ceremony will be hosted during Carbonear Day Weekend.

The Deputy Mayor inquired about an accessible washroom at the Recreation Complex. This will be one of the inclusions in the Recreation Master Plan but currently there is an accessible washroom at the pool.

There was an inquiry about whether there could be a temporary accessible washroom but accessible washrooms have a lot of criteria and require provincial approval for accessibility.

9. Finances

- a) **Operating Invoices** over \$2,000.00 in the amount of..... \$ 295,155.32
Motion 22-195 C. O'Grady / R. Noel

Resolved that the Town of Carbonear approve for payment the list of operating invoices over \$2,000 totaling \$295,155.32 as submitted to Council.

Favour 7; Opposed 0; **Carried**

10. Regulations for Adoption
None listed.

11. Notices of Motion

The following Notice of Motion was presented to be voted on at the next scheduled Regular Council Meeting

Mover: Councillor O'Grady Second: Councillor Snow
Resolved to approve the amendments to the Rules of Procedure as recommended by the Administration and Finance Committee and distributed to Council.

12. New Business

Mayor Butt informed Council that he attended various functions since the last meeting including the Bay Roberts Tulip Festival, the opening of the Princess Sheila NaGeira Theatre Extension opening, Town of Carbonear Community Clean Up, and the Fire Department completed the Household Hazardous Waste Collection


13. Adjournment

Motion 22-196


S. Slade / C. O'Grady

Resolved that the meeting adjourn at 7:15 pm and that Council meet again for a Regular Council Meeting on Tuesday, June 28, 2022 at 5:30pm.

Favour 7; Opposed 0; **Carried**



Mayor Frank Butt



Cynthia Davis, Acting Town Clerk/CAO