

Town of Carbonear
Regular Council Meeting September 27, 2022
Minutes of a regular meeting of the Council of the Town of Carbonear held
In Council Chambers, September 27, 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
Director of Operations & Public Works Ian Farrell
Economic Development & Tourism Officer Kerri Abbott

Also Absent: Chief Administrative Officer Cynthia Davis (on vacation)
Director of Recreation Rob Button

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1. Calling of Meeting to Order
Mayor Butt welcomed everyone to the meeting and called the meeting to order at 5:30pm. The meeting is being broadcasted through YouTube.
Mayor Butt asked Council to take a moment to recognize all those in our province and other provinces as well who experienced the devastation of Hurricane Fiona.
 2. Approval of the Agenda for September 27, 2022 Regular Meeting
Motion 22-268 S. Slade / R. Noel
Resolved to adopt the agenda of the September 27, 2022 Regular Meeting of Council as presented to Council.
Favour 7; Opposed 0; **Carried**
 3. Adoption of the minutes
 - a) Regular Meeting – September 13, 2022
Motion 22-269 C. O'Grady / R. Noel
Resolved to adopt the minutes of the September 13, 2022 Regular Meeting of Council as presented.
Favour 7; Opposed 0; **Carried**
 - b) Special Meeting – September 15, 2022
Motion 22-270 M. Seymour / P. Snow
Resolved to adopt the minutes of the September 15, 2022 Special Meeting of

Council as presented.

Favour 7; Opposed 0; **Carried**

4. Business Arising from Minutes

5. Proclamations / Presentations / Delegations

a) World Breastfeeding Week, October 1-7, 2022

Proclamation to be signed.

Mayor Butt read the proclamation

Motion 22-271

S. Slade / P. Snow

Whereas Breastfeeding is recommended for optimal nutrition and healthy growth and development in the early months and years of life, and is fundamental to the well-being and prosperity of communities; and

Whereas Breastfeeding has an impact on lifelong health, with exclusive breastfeeding for the first six months, and continued breastfeeding for two years and beyond, ensuring that mothers and children receive maximum health benefits; and

Whereas Breastfeeding is one of the most cost-effective prevention strategies for many infections and chronic and acute diseases; and

Whereas Infant feeding is one of the most important decisions that a new family makes; and

Whereas Parents need the support of family, friends, regional health authorities, peer-to-peer support groups, municipalities, community groups and organizations, businesses and employers; and

Whereas World Breastfeeding Week provides an opportunity for people to celebrate and to raise public awareness about the importance of breastfeeding and the role everyone can play in normalizing breastfeeding; and

Whereas The theme for World Breastfeeding Week 2022 in Newfoundland and Labrador is "Step Up For Breastfeeding: Educate and Support". It focuses on raising awareness of the value of breastfeeding and elevate it to the level of a public health obligation by encouraging organizations and countries to develop measures to safeguard breastfeeding.

Therefore the Town of Carbonear proclaims October 1 to 7, 2022 "World Breastfeeding Week" in the Town of Carbonear, Newfoundland.

Favour 7; Opposed 0; **Carried**

6. Permits and Correspondence

6.1 Permit Listing # 10054-10073

Councillor Doyle asked Council to review the list of permits for possible conflicts.

Mayor Butt declared a conflict of interest on Permit # 10063 as this is for his sister.

Motion 22-272**D. Doyle / C. O'Grady**

Resolved to approve permits # 10054-10073 excluding 10063 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 then left the meeting and Deputy Mayor Slade assumed the position of Chair.

Motion 22-273**D. Doyle / C. O'Grady**

Resolved to approve permits # 10063 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 was called back into the meeting and assumed the position of Chair.

6.2 Correspondence, requiring Council's decision**a) Department of Transportation & Infrastructure**

RE: 17-MYCW-22-00030 - Adelaide Street Water Sewer Storm Upgrades
Approval to call public tender.

Motion 22-274**S. Slade / P. Snow**

Whereas, Approval to Call Public Tender for the Adelaide Street Water Sewer Storm Upgrades, Project #17-MYCW-22-00030 has been received from the Department of Transportation and Infrastructure, Municipal Infrastructure has been received,

Be It Resolved that the Town of Carbonear notify Harris & Associates who is the prime consultant for the project to arrange for tender call service through Tendering and Contracts Division of Transportation and Infrastructure.

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:

a) Government of NL

- Department of Fisheries, Forestry and Agriculture

RE: Circular – Real Property Tax Exemption for farm land
Copied to the Town Clerk.

b) Municipal Assessment Agency

RE: Update on the Municipal Assessment Agency
Copied to Council.

- c) Property owner, Highroad South
RE: Complaint of bushes in front of property and request for hidden driveway sign.
Forwarded to Public Works, Waste Management & Community Services committee.
- d) Request for signs - Dead End – No Exit and Slow Children at Play signs at the beginning of Forward's Lane.
Forwarded to Public Works, Waste Management & Community Services committee.
- e) Trinity Conception CBDC
RE: Business Luncheon October 20, The Old Courthouse, Harbour Grace
Copied to Council.
- f) Member of Parliament of Avalon
RE: New Horizons for Seniors Program open for application.
Copied to the Recreation, Special Events, Culture and Tourism committee.

7. Committee Reports

- a) Public Works, Waste Management, and Community Services
Deputy Mayor Slade noted that the committee met on September 14.
Council can peruse and ask any questions. Deputy Mayor Slade presented the following motions:

Motion 22-275

S. Slade / P. Snow

For Project 17-GI-20-00039 Highroad South Water and Sewer

Whereas the Contractor, Black Diamond Construction had an overrun on the construction schedule and Whereas the Consultant, Dynamic Engineering Ltd incurred additional costs related to the overrun on the schedule

Be it resolved to approve change order number 6 to deduct \$8,603.32 from the final value of the contract with Black Diamond Construction, and

Be it further resolved to approve change order number 3 to add \$10,586.59 to the Consultants Prime Consultant Agreement with Dynamic Engineering Ltd.

Favour 7; Opposed 0; **Carried**

Council was previously informed that the tenders closed for the demolition of the former residence at 47 Water Street. Two bids were received, the lowest being from Welcon Construction Ltd for the amount of \$59,616.00 HST included. A motion of Council is required to proceed with the award of the tender.

Motion 22-276

S. Slade / R. Noel

Whereas tenders were received in accordance with the Public Procurement Act for the Demolition of the Former Residence at 47 Water Street, and Whereas the tenders were reviewed and are in good order,

Be it resolved to award a contract to Welcon Construction Ltd for \$59,616.00 including HST.

Favour 7; Opposed 0; **Carried**

b.) Recreation, Special Events, Culture and Tourism

Councillor Seymour noted that the committee met on September 20. He noted the following:

- Swim to Survive program for Grade 2 students at Carbonear Academy - will be offered this year, working with school to determine the best time.
- Director of Recreation is working with the contractor on timeline for the seeding to be completed in the pergola area.
- Reviewed cost of fence around train. Committee would like to discuss further details and options with Council.
- Fall Programming
EDTO provided the committee with a list of tentative events from September to November including fall fair, friendship walk, vendors market, etc.
- The height of the basketball nets installed on Willoughby are lower. However the majority of children using this playground facility are of a younger age so it is not considered an issue at this time.
- Collapsible bollards have been ordered and will be placed at both ends of the playground.
- Completing further investigation on installation of concrete for placement of the softball scoreboards.
- Committee recommends some changes for next year for Paddy's Garden. There will be further discussion on this matter.
Recommend to complete inspection of tent pegs each year.
- Some tickets issued in no parking areas during tournament. Suggest relocating signs on town post closer to the road, rather than on the utility poles.

Councillor Seymour presented the following motion:

Motion 22-277

M. Seymour / R. Noel

Resolved to purchase 5 inground mounted picnic tables and 3 canopies from U-Line at a cost of \$9,071.00 plus HST and shipping.

Favour 7; Opposed 0; **Carried**

Councillor Doyle inquired where these are being placed. Councillor Seymour advised throughout the playgrounds in the town.

The canopies being ordered are stronger than those used in the past.

Councillor Doyle asked if Council could consider labeling our parking lots A, B, C and have signs designating parking areas.

Councillor Seymour noted that the Town has sufficient parking, but people want to park as close as possible.

Discussed some suggestions.

Committee to review in further detail with the Recreation Director.

- c) Economic Development, Planning and Land Use Development
Councillor Doyle noted the committee met on September 22 and noted the following:

- Harvest Festival / Fall Campaign - There will be promotional items to give out for Hub of the Bay Harvest Festival.
- Town Plan review has been awarded, waiting on kick off session.
- Some development applications are coming in without the appropriate information required to process the application
- Reminder to property owners to obtain permits before completing construction or developing a property.

Councillor Doyle presented the following motions:

Motion 22-278

D. Doyle / P. Snow

Whereas one piece of correspondence was received as a result of the discretionary use ad published on the application and

Whereas the committee has reviewed this correspondence,

Be it Resolved to approve a permit to operate a Professional Accounting Service from 18 Willoughby Drive.

Favour 7; Opposed 0; **Carried**

Mayor Butt and Deputy Mayor Slade noted they are members of the Royal Canadian Legion, and asked if they would be considered to be in conflict on the permit to construct a shed at 2 Bannerman Street which is the RCL property. Mayor Butt and Deputy Mayor Slade do not hold Executive positions with the RCL.

With the new conflict of interest legislation, they requested if they would be considered in conflict on the matter.

Motion 22-279

R. Noel / M. Seymour

Under Section 6.(5) of the Municipal Conduct Act, Be it Resolved that the Town of Carbonear does not consider Mayor Butt and Deputy Mayor Slade to be in conflict of interest on the matter of the permit application to construct a shed at 2 Bannerman Street being presented at this meeting.

Favour 5; Opposed 0; **Carried**

Mayor Butt and Deputy Mayor Slade did not vote on the motion.

Motion 22-280

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 relocate existing business, East Coast Massage Therapy, to 195 Water Street conditional upon approval from the Department of Digital Government and Service NL;*
- *To operate a new business Nail and Spa from 110 Columbus Drive conditional upon approval from the Department of Digital Government and Service NL;*
- *To construct a shed at 2 Bannerman Street conditional upon requirements of the Heritage zone.*

Favour 7; Opposed 0; **Carried**

Motion 22-281

D. Doyle / C. O'Grady

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

- *To remove the shed at 26 Remembrance Loop.*

Favour 7; Opposed 0; **Carried**

Deputy Mayor Slade advised the property at Lot 42, Line Road is his cousin, and he is not sure if he would be in conflict of interest on the matter with the new legislation.

Deputy Mayor Slade then declared a conflict of interest on the matter and left the meeting.

Motion 22-282

D. Doyle / M. Seymour

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

- *To remove the shed at Lot 42, Line Road.*

Favour 6; Opposed 0; **Carried**

Deputy Mayor Slade was called back into the meeting.

Councillor Doyle noted that more clarification and training is needed for Council and staff on the new Municipal Conduct Act relating to conflict of interest guidelines. There are sessions being offered but they are weekdays from 9-5. Councillor Doyle asked if we could inquire to set up a training session on a Saturday for our Council members and staff. Town Clerk will inquire about that possibility.

Councillor Doyle noted an application was reviewed after the last Development Committee meeting and information was relayed to Council on the matter. Councillor Doyle presented the following motion:

Motion 22-283

D. Doyle / P. Snow

Whereas the neighbouring property to the west has a higher elevation than the property of 117 Forest Road,

Be it resolved to approve the application to construct three retaining walls at 117 Forest Road, as per the application submitted with the retaining wall on the west side of the property, in excess of 42 inches high in front of the building line to improve the grade of the property per Section 7(c) of the Fence Regulations, Discretionary Power of Council.

Favour 7; Opposed 0; **Carried**

d) Administration and Finance

Councillor O'Grady advised the committee met on September 15 and presented the following:

Flatrock Fire Protection - The notices have been delivered and the CAO has received some feedback.

Human Resource Policy - There was some feedback from council on the proposed policy. The committee will have further discussion on the policy when the CAO returns from vacation.

Accounts Receivable Update – Still collections coming in, it has slowed at this time of year. Staff to follow up on notice of water disconnections.

Town acquired property – The town acquired a vacant piece of commercial land on Water Street. An appraisal is being done on the property, so that the Town can consider selling the property.

Councillor Noel inquired about the list of service contract with the Town and asked if the HVAC service contract is on the list to be reviewed. The Director of Operations and Public Works advised that the current service provider was asked to quote the replacement of one of our units which is no longer operating. They were asked to provide quotes on several different units to ensure best value is being obtained. Director also advised he has a list of various service contracts that he will be preparing Request For Proposals on. These will be completed in the coming months. The HVAC service contract is on the list of RFPs remaining to be completed.

8. Reports of Chief Administrative Officer and Department Heads
None listed.

9. Finances

- a) **Operating Invoices** over \$2,000.00 in the amount of..... \$69,652.44
Motion 22-284 C. O'Grady / P. Snow

Resolved that the Town of Carbonear approve for payment the list of operating invoices over \$2,000 totaling \$69,652.44 as submitted to Council.

Favour 7; Opposed 0; **Carried**

b) **Capital Invoices:**

Powell Drive Street Upgrading Phase II

Harbourside Transportation Consultant, Invoice # 2547.....\$10,279.56

Motion 22-285

C. O'Grady / R. Noel

Resolved that the Town of Carbonear approve for payment the following Capital Project Invoice:

Powell Drive Street Upgrading Phase II

Harbourside Transportation Consultant, Invoice # 2547.....\$10,279.56

Favour 7; Opposed 0; **Carried**

10. Regulations for Adoption
None listed

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

12. New Business

- Deputy Mayor Slade noted that sometimes things come up in a committee meeting that are identified. He noted that he understands that masks and hand sanitizer are still not available to the workers at the Works Depot, which was identified in a previous Works Committee meeting. Director of Operations and Public Works confirmed that these items were supplied the following day after the committee meeting.

Mayor Butt noted the following:

- September 30 – National holiday on Friday, September 30 for the National Day for Truth and Reconciliation. The Town is also recognizing this holiday, we will have social media post throughout the day
- Fall Festival is starting. Mums will be placed outside for the Fall Festival
- This past weekend, the Junior Miss Newfoundland & Labrador Pageant and the Miss Teen Trinity Conception Pageants were held. Mayor Butt congratulated all the participants and award winners of the pageants.
- Deputy Mayor Slade attended the Sam Jeffers Ride on behalf of Council. Next year will be the 20th anniversary of the event. Council may want to consider something special for the 20th anniversary of the event.
- Deputy Mayor Slade welcomed the International Students on behalf of Council, at a welcome event held at the Fire Hall.
- Mayor Butt attended the UMC in Grand Falls Windsor – Report will be forthcoming from the UMC.

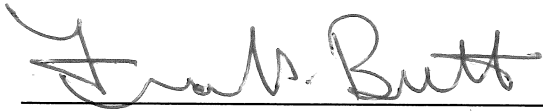
13. Adjournment

Motion 22-286

S. Slade / R. Noel

Resolved that the meeting adjourn at 6:26 pm and that Council meet again for a Regular Council Meeting on Tuesday, October 11, 2022 at 5:30pm.

Favour 7; Opposed 0; **Carried**



Mayor Frank Butt



Cathy Somers, Town Clerk