

**Town of Carbonear**  
**Regular Council Meeting November 22, 2022**  
Minutes of a regular meeting of the Council of the Town of Carbonear held  
In Council Chambers, November 22, 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  
Town Clerk / Director of Financial Operations Cathy Somers  
Director of Operations & Public Works Ian Farrell  
Director of Recreation Rob Button  
EDTO 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 5:35pm. The meeting is being broadcasted through YouTube.  
Mayor Butt offered condolences to Councillor O'Grady and his family on the recent passing of his mother.
2. Approval of the Agenda for November 22, 2022 Regular Meeting  
**Motion 22-342 R. Noel / C. O'Grady**  
*Resolved to adopt the agenda of the November 22, 2022 Regular Meeting of Council as presented to Council.*  
Favour 7; Opposed 0; **Carried**
3. Adoption of the minutes
  - a) Regular Meeting – November 8, 2022  
**Motion 22-343 D. Doyle / P. Snow**  
*Resolved to adopt the minutes of the November 8, 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 # 10117-10125

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

**Motion 22-344** **D. Doyle / P. Snow**

*Resolved to approve permits # 10117-10125 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) Department of Transportation and Infrastructure

RE: 17-GI-23-00047, Grassey Lane Water Sewer Storm Upgrades  
Funding approved. Motion required to accept the funding.

**Motion 22-345** **S. Slade / M. Seymour**

*Be it resolved that, we the Town of Carbonear, Ultimate Recipient accept cost-shared funding as outlined in the Department of Transportation and Infrastructure project approval letter dated 21<sup>st</sup> day of October, 2022, Project number 17-GI-23-00047, Project name Grassey Lane Water Sewer Storm Upgrades with a total project value of \$360,000.*

*This council agrees to provide the Ultimate Recipient share value of \$65,292 in funding for this project and authorizes the Mayor and Town Clerk to enter into a funding agreement with the Department of Transportation and Infrastructure on behalf of the Town of Carbonear.*

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 Industry, Energy and Technology  
RE: Changes to Mineral Exploration Permitting  
Forwarded to the Director of Operations and Public Works and the Chief Administrative Officer
- Department of Environment and Climate Change  
RE: Winter 2022 Drinking Water Quality  
Forwarded to the Chief Administrative Officer and the Director of Operations and Public Works.
- Department of Municipal Affairs  
RE: Virtual Orientation – Mandatory Training

- Forwarded to Council and Administration.
- b) Property owner, Valley Road  
RE: Condition of Valley Road  
Forwarded to the Director of Operations and Public Works and the Chief Administrative Officer.
- c) Ms. Newfoundland and Labrador Pageant committee  
RE: Request for donation.  
Forwarded to Finance and Administration committee
- d) Association for New Canadians  
RE: Roundtable discussion and luncheon, November 17 at the Best Western  
The Economic Development and Tourism Officer attended the session.
- e) Legendary Coasts  
RE: Invitation to attend session – Baccalieu Coastal Drive at Legge's Restaurant on Monday, November 28.  
Forwarded to the Economic Development and Tourism Officer and the Chief Administrative Officer.
- f) Property owner, Quarter's Lane  
RE: Asphalt concern  
Forwarded to the Director of Operations and Public Works for review.

## 7. Committee Reports

- a) Public Works, Waste Management, and Community Services  
Deputy Mayor Slade noted that the committee met on November 15<sup>th</sup>.  
Council can peruse and ask any questions.  
Deputy Mayor Slade noted the following:
  - Waste Management, re-cycling has been volunteer, we are paying \$87 per tonne for regular garbage and \$27 per tonne for recycling. He noted that the committee will be looking into a plan to implement mandatory recycling. This will include an education component and public consultation. The committee will work with the Marketing and Public Education Officer with MMSB on the matter.  
Councillor Doyle noted that because the recycling is only picked up every second week, it is a deterrent to our residents. She noted she would like to see it changed to have recycling picked up every week. Deputy Mayor Slade noted that Council suggestions can be relayed to the committee.
  - The Fire Department is requesting to purchase two sets of bunker gear. Deputy Mayor Slade advised he is an honorary member of the Carbonear Volunteer Fire Department and asked Council if he would be considered to be in conflict of interest on any matter relating to the Carbonear Volunteer Fire Department. Discussed.  
It was determined that each matter relating to the CVFD would have to

be considered on an individual basis.

**Motion 22-346**

**D. Doyle / P. Snow**

*Under Section 6. (5) of the Municipal Conduct Act, Be it Resolved that the Town of Carbonear does not consider Deputy Mayor Slade to be in conflict of interest on the purchase of two new sets of bunker gear for the Carbonear Volunteer Fire Department.*

Favour 6; Opposed 0; **Carried**

Deputy Mayor Slade did not vote on the matter.

Mayor Butt noted he is an active member of the Fire Department but not a member of the executive and noted that he does not know which fire fighters the two new sets of bunker gear are intended for and asked Council if he would be considered to be in conflict of interest on the purchase of two new sets of bunker gear for the Carbonear Volunteer Fire Department.

Deputy Mayor Slade assumed the position of Chair.

**Motion 22-347**

**D. Doyle / C. O'Grady**

*Under Section 6. (5) of the Municipal Conduct Act, Be it Resolved that the Town of Carbonear does not consider Mayor Butt to be in conflict of interest on the purchase of two new sets of bunker gear for the Carbonear Volunteer Fire Department.*

Favour 6; Opposed 0; **Carried**

Mayor Butt did not vote on the matter.

Mayor Butt assumed the position of Chair.

Deputy Mayor Slade then presented the following motions:

**Motion 22-348**

**S. Slade / C. O'Grady**

*Resolved to purchase 2 sets of Bunker Gear at a cost of \$4,450 plus HST from Martin's Fire Safety.*

Favour 7; Opposed 0; **Carried**

**Motion 22-349**

**S. Slade / D. Doyle**

*Resolved to approve Change Order (1) for Harris & Associates in the amount of \$500.25 including HST for additional inspection and contract administration for the basketball court.*

Favour 7; Opposed 0; **Carried**

**Motion 22-350**

**S. Slade / R. Noel**

*Whereas the public tender call for the 2022 Paving Program was closed on 14 November 2022, and*

*Whereas the low bid is in good order and a recommendation to award has been received from our engineering consultant,*

*Be it resolved to award a contract to Concord Paving in the amount of \$498,277.75*

Favour 7; Opposed 0; **Carried**

**Motion 22-351****S. Slade / P. Snow**

*Whereas funding has been approved for Project 17-GI-23-00047 – Grassey Lane Water Sewer Storm Upgrades, and*

*Whereas an engineering consultant will be required for design and project management,*

*Be it resolved to issue a limited call for bids per the public procurement legislation and policy.*

Favour 7; Opposed 0; **Carried**

*Project 17-GI-23-00002 – Adelaide Street Water Sewer Storm Street Upgrades Phase 2*

Council inquired about the location of the planned work for this project.

The Director of Operations and Public Works advised that Phase 1 ended at Crossroads. Phase 2 goes from Crossroads to Water Street.

Councillor Seymour declared a conflict of interest on the Adelaide Street Phase 2 project as his mother-in-law owns property in the area.

Councillor Snow declared a conflict of interest on the Adelaide Street Phase 2 project as his sister-in-law owns property in close proximity to the area.

Councillor O'Grady declared a conflict of interest on the Adelaide Street Phase 2 project as his brother owns property in the area.

Councillors Seymour, Snow and O'Grady left the meeting.

**Motion 22-352****S. Slade / D. Doyle**

*Whereas funding has been approved for Project 17-GI-23-00002 – Adelaide Street Water Sewer Storm Street Upgrades Phase 2, and*

*Whereas an engineering consultant will be required for design and project management,*

*Be it resolved to issue a limited call for bids per the public procurement legislation and policy.*

Favour 4; Opposed 0; **Carried**

Councillor O'Grady, Seymour and Snow were called back into the meeting.

**Motion 22-353****S. Slade / R. Noel**

*Whereas funding has been approved for Project 17-GI-22-00012 Water Street Water, Sewer and Street Upgrading Phase 3, and*

*Whereas an engineering consultant will be required to provide a team for design and project management,*

*Be it resolved to issue a Request for Proposals per the public procurement legislation and policy.*

Favour 7; Opposed 0; **Carried**

There was an inquiry on the buildings on Water Street that were damaged by fire. Deputy Mayor Slade advised this matter is being forwarded to our lawyer for court action for non-compliance to Council's demolition order on the buildings.

b) Recreation, Special Events, Culture and Tourism

Councillor Seymour noted that the committee met on November 15<sup>th</sup>.

Council can review the minutes and ask any questions.

Councillor Seymour asked Councillor Noel to present the motions being recommended from the committee meeting.

Councillor Noel presented the following motions:

**Motion 22-354** **R. Noel / S. Slade**

*Whereas the town has exhausted all efforts to obtain funding to restore the train, and*

*Whereas the condition of the train has become a safety concern,*

*Be It Resolved to approve removal of the train by an approved metal recycling company.*

Favour 7; Opposed 0; **Carried**

Councillor Noel noted that this has been communicated with the Heritage Society as well.

**Motion 22-355** **R. Noel / S. Slade**

*Resolved to amend the policy of closing the playgrounds during the winter months to allow year round access; and*

*Be it further resolved to place signage at the playgrounds identifying that the Town does not inspect or maintain playgrounds during the winter months and use of the playgrounds is at the users own risk.*

Favour 6; Opposed 1; **Carried**

Councillor O'Grady opposed the motion.

Discussion on the motion to allow year round access to the playgrounds:

The playgrounds are designed for minors, and all minors should be accompanied by an adult.

Possibility of increased liability on Council

Only difference is we are now leaving the swings up in the playground, before we would take them down for the winters season. Playgrounds previously has signs placed for the winter season indicating the playground was closed for the season, but some people still entered the playgrounds.

CSA notes that shock absorbent materials get frozen in the winter and when frozen is no longer shock absorbent. Freezing ice on playground fixtures make it more dangerous, why would we risk the possibility of additional increase for injuries.

**Motion 22-356** **R. Noel / S. Slade**

*Resolved to purchase Book King's Recreation Management Software to setup an online registration system at the Carbonear Pool and Recreation Facility at a cost of \$1,799.95 setup fee and monthly fee of \$425.48.*

Favour 7; Opposed 0; **Carried**

Discussion on the motion proposed to purchase Recreation Management Software to setup an online registration system at the Carbonear Pool.

*Consideration to wait until the Recreation Master Plan is completed.*

*Director of Recreation advised this is the quickest and most effective way to start the online registration system.*

*Cost recovery can be achieved by a minimum increase to lesson registration, approximately \$5.00 per lesson registration.*

*It was confirmed there is an allocation in the 2022 budget for this item. Parents are looking for an online registration system, and we have exhausted many different options for in person registration.*

Councillor Doyle asked that the Community Garden be moved back up on the agenda for the next Recreation Committee meeting.

It was noted there were some problems with maintenance of the beds this year and some new beds are needed, however there was no one turned down for a bed this year. Since Covid, more people are growing vegetables in their own gardens, and not as many using the community garden.

Director of Recreation advised that he and the EDTO will be reviewing the matter this winter so that a new plan can be put in place for the spring community garden. A recommendation will be brought forward by the Recreation Committee.

- c) Economic Development, Planning and Land Use Development  
Councillor Doyle noted that the committee met on November 17<sup>th</sup>.  
Councillor Doyle noted the following:

- Town met with the Legion, CAO and Director of Operations & Public Works. There are a couple of points to review with designer.
- Request for signage, no portable signs permitted in the road allowance as per provincial legislation.
- Committee had discussion on some development proposals, variety of different phases of their proposals, some being given feedback.
- Crown land application review, CAO will complete to advise of permitted uses for the area in question.
- Some business development application still pending.

Councillor Doyle presented the following motions:

**Motion 22-357**

**D. Doyle / C. O'Grady**

*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 a garage at 32 Furey's Lane 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;*
- *To utilize the building at 35 Goff Avenue for office space and warehouse conditional upon applicable approvals from Digital Government and Service NL and/or other applicable government departments and agencies;*
- *To place fill on the property 7 Fox Farm Road conditional upon the fill being clean fill in accordance with environmental guidelines and further conditional upon fill being levelled across property;*
- *To place portable shelter at 172 Water Street;*
- *To construct an overhang at 33 Crowdy Street;*

Favour 7; Opposed 0; **Carried**

#### **Motion 22-358**

**D. Doyle / C. O'Grady**

*Resolved to refuse the following applications:*

- *To place a portable sign on Columbus Drive since the proposed development does not comply with the Town of Carbonear Signage Regulations;*
- *To place billboard signage on the façade of the building at 196 Water Street since the building is in the Heritage Zone and the Sign Regulations do not permit billboard advertising in this zone;*
- *To complete an extension to an existing garage at 25 Across the Doors since the proposed extension exceeds the maximum lot coverage in the RMD Zone.*

Favour 7; Opposed 0; **Carried**

Discussion on the above motion:

Councillor Noel asked what is a billboard advertisement. Councillor Doyle advised a billboard advertisement advertises other businesses not located on the property. An example of a billboard sign is the advertisement sign you see when driving through Tim Horton's drive through. A wall sign is advertising for the business located in the building on the property.

#### **Motion 22-359**

**D. Doyle / R. Noel**

*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 cat enclosure at 31 O'Driscoll's Lane;*
- *To remove the shed at 127 Valley Road;*



Favour 7; Opposed 0; **Carried**

**Motion 22-360**

**D. Doyle / O'Grady**

*Resolved to send removal order to remove the travel trailers on the following property in the Line Road as they are not in compliance with the Carbonear Municipal Plan & Development Regulations and the town's Travel Trailer Policy:*

- Lat. 474338.27 Long. 531914.63
- Lat. 474347.04 Long. 532014.94
- Lat. 474341.40 Long. 531940.41
- Lat. 474348.48 Long. 532024.71
- Lat. 474339.58 Long. 532015.56

Favour 2; Opposed 5; **Failed**

In Favour: Councillor Doyle, Councillor O'Grady

Opposed: Mayor Butt, Deputy Mayor Slade, Councillor Noel, Councillor Seymour and Councillor Snow.

Discussion on the above motion:

*Councillor Noel inquired about whether just owning property in Line Road constitutes a conflict of interest on this matter. Council noted that they did not feel that alone would constitute a conflict of interest.*

*Question was raised as to why these travel trailers are identified for removal.*

*CAO advised that the placement of these travel trailers is considered development and these are all located in the Watershed area. All of them have been placed there without a permit from Council. This type of development is not permitted in the Watershed area. Any development in the Watershed area also requires approval from the Department of Environment. These also do not comply with the Town's Travel Trailer Policy.*

*These are being used as cabins in the Watershed area.*

*A cabin can continue to exist, but no additional cabins or trailers can be placed. These are being utilized as cabins, which makes more than one cabin on a lot, so they are not permitted.*

*Travel Trailers may be permitted, if they meet certain conditions, but that is only for the period from the May 24<sup>th</sup> weekend to the Labour Day weekend of the year.*

*An inquiry was made if there are others in there that also need to be removed.*

*CAO advised these have been identified by the MEO.*

*CAO advised that Council has to adhere to their regulations.*

*Council inquired when the Town started enforcing this. CAO advised the Development Regulations were implemented since 1989.*

*An inquiry was made as to whether this was provincial regulations or the Town's regulations. CAO advised that the Department of Environment considers the density of cottages, it was determined that no additional cottage*

*development would be permitted in our Watershed area. This area is also in the Town's Development area and the town's Development Regulations apply as well. The Municipal Plan and Development Regulations is adopted under the Urban and Rural Planning Act. Council does not have the authority to approve anything that the Municipal Plan identifies is not permitted. Council member identified that this is happening in other neighboring towns. CAO noted that all Towns must follow provincial regulations and have no authority to go against those regulations. Some other points raised by council members during discussion include that it is felt that:*

- *Trailers are being used for increased sleeping accommodations in the summer and not being used in the winter,*
- *Leaving the trailers there through the winter should have no more adverse effects than having them there in summer, why should they be required to bring them out from the cabin lot to store them on their property in the Town during the winter.*
- *It is assumed that bathroom usage occurs in the cabins, not in the trailers.*

**Motion 22-361**

**D. Doyle / R. Noel**

*Resolved to send an order to the property 41 Crossroads that have completed development contrary to the Town of Carbonear Municipal Plan and Development Regulations*

Favour 7; Opposed 0; **Carried**

The reason for this order is because the development was completed without a permit from Council.

8. Reports of Chief Administrative Officer and Department Heads

a) Chief Administrative Officer

The CAO reviewed the following from her report with Council:

**Revenue**

**Taxes:** Budgeted Tax Revenue is \$5,483,819. Tax revenue levied is \$5,436,981. This is \$46,838 below tax revenue budgeted. There is not much change expected between now and end of year; therefore, tax revenue will be in the vicinity of \$45,000 less than the \$5,483,819 budgeted. This is a difference of 0.8%.

If expenses were spent equally throughout the year, there would be 75% spent to date. All departments are within budget.

If Councillors have any questions or require clarification on the Financial Report, please feel free to contact me.

b) Director of Operations and Public Works

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

**Infrastructure and Public Works**

Site Specific Health and Safety Plan for the pick up of Ice Control Materials. A motion of Council is required:

**Motion 22-362**

**S. Slade / M. Seymour**

*Whereas the Department of Transportation and Infrastructure will allow municipalities to pick up ice control materials ordered by the municipality; and Whereas the Department of Transportation and Infrastructure requires a municipal endorsement passed by council which indicates all measures are in place to meet Occupational Health and Safety compliance standards related to the pick up of ice control materials;*

*Be It Resolved that the Carbonear Council adopts the Site Specific Health and Safety Plan for the pick up of ice control materials at the Transportation and Works Depot at Route 70, Birch Hills, Bay Roberts.*

Favour 7; Opposed 0; **Carried**

**Capital Projects**

**2022 Paving Program**

- Consultant has provided recommendation to award.
- Demolition of 47 Water Street
  - Work is completed.
- Powell Drive Street Upgrading Phase 2
  - Construction has been suspended until Spring 2023 due to weather.
- Replace Exterior Doors at Civic Centre
  - Doors and frames arrived; however the thresholds have not arrived. Contractor has revised anticipated delivery date to mid-December.
  - Some issue with the hardware as well.
- Valley Road Phase 4
  - Consultant has been to site to perform preliminary engineering activities. Awaiting initial design documents.
- Water Street Phase 2
  - Consultant is re-working design and preparing to call for tenders.
  - Getting ready to call tender again now, for work to begin in spring.
- Adelaide Street Water Sewer and Road Upgrades
  - Awaiting tender call information and recommendation to award from consultant.
- Adelaide Street Water Sewer and Road Upgrades Phase 2
  - Next step is to determine procurement method for hiring a consultant. Would like to start soon and be able to advertise tender call during Summer 2023.

Councillor Doyle asked if we can have the problem with driveway access on Valley Road to be addressed.  
 Director of Operations and Public Works advise he will put this in the service request system for action.

- c) Director of Recreation  
 The Director of Recreation reviewed the following from his report with Council:

Pool & Rec Maintenance

- 1.) All outdoor facilities have been winterized. Seasonal staff have finished for year.
- 2.) Remove and Replace 2305 square feet of exterior siding at rear of Swimming Pool. Will have quotes this week.

Financial & Program Analysis

	<u>2022</u>	<u>2021</u>
1.) Pool Revenue (less HST)	\$164,000	not updated
2.) Lesson Registration	1252	791
3.) Pool Visitation	18,778	12,254

Programs & Grants

- 1.) Fall Programming is continuing. (Youth Basketball program, Kids in Kitchen and paint/craft nights youth & adult)
- 2.) Swim to Survive for the Grade 2 classes at Carbonear Academy are on going. Students will receive their 3<sup>rd</sup> of 4 sessions this week.
- 3.) Recreation Master Plan is ongoing. Advertisement has been done and meetings with stakeholders will begin early in the new year, preferably the 1<sup>st</sup> week of January.
- 4.) We do have our Bright nights, tree lighting Dec 1, Starting I Theatre and parade of lights to pergola where we will light the pergola area

9 Finances

- a) Operating Invoices over \$2,000.00 in the amount of..... \$91,965.05  
**Motion 22-363 C. O'Grady / R. Noel**  
*Resolved that the Town of Carbonear approve for payment the list of operating invoices over \$2,000 totaling \$91,965.05 as submitted to Council.*  
 Favour 7; Opposed 0; **Carried**
- b) Capital Invoices:  
Highroad South Water & Sewer  
 Dynamic Engineering Ltd, Invoice 1502.....\$10,586.59  
Powell Drive Street Upgrading Phase II  
 Harbourside Transportation Consultants, Invoice # 2605.....\$12,742.00  
2022 Paving Program  
 Harbourside Transportation Consultants, Invoice #2608.....\$10,787.00

**Motion 22-364**

**C. O'Grady / P. Snow**

*Resolved that the Town of Carbonear approve for payment the following capital invoices:*

Highroad South Water & Sewer

Dynamic Engineering Ltd, Invoice 1502.....\$10,586.59

Powell Drive Street Upgrading Phase II

Harbourside Transportation Consultants, Invoice # 2605.....\$12,742.00

2022 Paving Program

Harbourside Transportation Consultants, Invoice #2608.....\$10,787.00

Favour 7; Opposed 0; **Carried**

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

Garbage moved ahead one day this week due to the weather.

13. Adjournment

**Motion 22-365**

**S. Slade / R. Noel**

*Resolved that the meeting adjourn at 7:28pm and that Council meet again for a Regular Council Meeting on Tuesday, December 13, 2022 at 5:30pm.*

Favour 7; Opposed 0; **Carried**



Mayor Frank Butt



Cathy Somers, Town Clerk