

Town of Carbonear
Regular Council Meeting January 24, 2023
Minutes of a regular meeting of the Council of the Town of Carbonear held
In Council Chambers, January 24, 2023 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
EDTO Kerri Abbott

Absent: Chief Administrative Officer Cynthia Davis (on vacation)

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 noted that students of Carbonear Academy are on line watching.
Family Literacy Day is on Friday and the Mayor is invited to attend.
2. Approval of the Agenda for January 24, 2023 Regular Meeting
Mayor Butt asked to have Appointment of Council Liaisons under New Business.
Motion 23-014 M. Seymour / P. Snow
Resolved to add item under 12. New Business for the January 24th agenda, as 12(a) Appointment of Council Liaisons.
Favour 7; Opposed 0; **Carried**

Motion 23-015 R. Noel / C. O'Grady
Resolved to adopt the agenda of the January 24, 2023 Regular Meeting of Council with the addition of Item 12 (a) Appointment of Council Liaisons.
Favour 7; Opposed 0; **Carried**
3. Adoption of the minutes
 - a) Regular Meeting – January 11, 2023
Motion 23-016 P. Snow / R. Noel
Resolved to adopt the minutes of the January 11, 2023 Regular Meeting of Council as presented.

Favour 7; Opposed 0; **Carried**

4. Business Arising from Minutes
No business arising.

5. Proclamations / Presentations / Delegations

- a) February – Random Act of Kindness Month

Motion 23-017

S. Slade / D. Doyle

Whereas the Town of Carbonear recognizes the value of acts of kindness performed without prompting and how such acts positively impact the person offering kindness, the person receiving kindness, and those who witness it, and

Whereas during the pandemic the need for neighbours to support one another even when not meeting in person was highlighted. Connection and support are important to every community, and encouraging everyone to choose to be kind and help lift the spirits of others is important, now more than ever, and

Whereas the month of February in 2023, the Town of Carbonear will observe a monthly random acts of kindness campaign to spread intentional acts of kindness throughout the Town of Carbonear during the month of February, and

Whereas the goal is to cultivate the importance and practice of caring, kindness and compassion in all aspects of our community, including workplaces and schools, and all areas of our community and promote and encourage acts of kindness in our community; and

Whereas the Town of Carbonear encourages residents to get involved; be especially kind to someone, send a message, or in some special way thank those around them that are positively impacting our community; Therefore the Town of Carbonear, hereby proclaims the month of February in the year 2023 as Random Acts of Kindness Month in the Town of Carbonear.

Favour 7; Opposed 0; **Carried**

6. Permits and Correspondence

- 6.1 Permit Listing # 10140-10142

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

Motion 23-018

D. Doyle / P. Snow

Resolved to approve permits # 10140-10142 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
None listed.

6.3 Correspondence received and action taken
Council reviewed the following correspondence and action taken:

- a) Government of NL
Department of Municipal and Provincial Affairs
 - Approval is given to the town to borrow from the Bank of Nova Scotia an amount not exceeding \$176,923 to finance 2021 Dump Truck for the Public Works Department.
 - Approval is given to the town to borrow from the Bank of Nova Scotia an amount not exceeding \$116,973 to finance the new Fire Pumper for fire protection.
 - Approval is given to the town to borrow from the Bank of Nova Scotia an amount not exceeding \$102,070.90 to finance 2020 John Deere Backhoe for the Public Works Department.
Forwarded to the Chief Administrative Officer and the Town Clerk/Director of Financial Services.
- Digital Government and Service NL
 - January 5, 23 Issuance of a Boil Water Advisory
 - January 11, 23- Removal of the Boil Water Advisory
Copied to the Chief Administrative Officer, Director of Operations and Public Works and advertised on the radio and social media.
- Department of Environment and Climate Change
 - RE: Waste Water Workshop and Operator of the Year Award
- Department of Transportation and Infrastructure
 - RE: 17-GI-22-00012 Water Street, Water, Sewer and Street Upgrading Phase 3
Notification of extension on required documents.
Copied to the Chief Administrative Officer and the Director of Operations and Public Works.
- b) Resident request to name playground
Forwarded to Recreation, Special Events, Culture and Tourism
- c) Municipal Assessment Agency
RE: Updates from the agency
Copied to Council
- d) MP McDonald
RE: Community Services Recovery Fund
Copied to the Chief Administrative Officer and the Economic Development Officer. The EDTO forwarded to service organizations and various groups in the region.
- e) Resident request for guardrail Northcott's Lane
Forwarded to the Public Works, Waste Management and Community Services
- f) Property owner, Southside Lower Road
RE: Issue with erosion
Forwarded to the Public Works, Waste Management and Community Services

7. Committee Reports

a) Public Works, Waste Management and Community Services

Deputy Mayor Slade advised the committee met on January 12th.

Deputy Mayor Slade advised Council they could peruse the minutes, any questions can be addressed to the committee.

Deputy Mayor Slade noted there is a motion being recommended to award a contract for the consultant services for Grassey Lane Water Sewer Storm Upgrades, PN 17-GI-23-00047.

Councillor Doyle noted that she has friends who live on Grassey Lane, and asked Council if she would be considered to be in conflict of interest on the matter.

Motion 23-019

R. Noel / S. Slade

Under Section 6. (5) of the Municipal Conduct Act, Be it Resolved that the Town of Carbonear does not consider Councillor Doyle to be in conflict of interest on the matter of the capital project for Grassey Lane Water Sewer Storm Upgrades, PN 17-GI-23-00047 being considered at this meeting.

Favour 6; Opposed 0; **Carried**

Deputy Mayor Slade presented the following motion:

Motion 23-020

S. Slade / M. Seymour

Whereas the Limited Call procurement process was followed to obtain consultant services for Grassey Lane Water Sewer Storm Upgrades 17-GI-23-00047, and

Whereas the Department of Transportation and Infrastructure, Municipal Infrastructure Division, is preparing the draft PCA contract for execution,

Be it resolved to award a contract to WSP E&I Canada Limited for \$64,236.39, HST included, pending approval to award from the Department of Transportation and Infrastructure.

Favour 7; Opposed 0; **Carried**

Councillor Doyle expressed concern with the 190 Water Street property.

She noted that she would like council to actively pursue a proactive approach to get a developer to renovate the property.

Deputy Mayor Slade advised the Director of Operations and Public Works could provide information on the matter.

The Director confirmed that we did have someone who showed an interest in it some months ago. We will need to revisit the matter to determine the best approach to take on the matter to actively pursue development of the property.

Councillor Doyle noted that she would like to see improvements to our future waste management. She noted that St. John's is having great success with their proactive approach to waste management.

She asked that the Public Works Committee take a further look at this.

Deputy Mayor Slade noted that the committee would like to hear from councillors with their suggestions and the committee is in the early stages of review and will continue in the process of reviewing suggestions with MMSB,

and are looking forward to working with them.

Councillor Seymour asked that council consider utilizing the community garden for additional composting. Deputy Mayor Slade advised that would be reviewed as well.

Councillor Doyle asked that council consider improvements to the community garden to improve the beds and suggested the Recreation Committee review for suggested improvements.

b) Recreation, Special Events, Culture and Tourism Committee

Councillor Seymour noted that the committee met on January 16th

He noted the following:

- Committee is still waiting on some quotes for lighting and drainage solutions.
- EDTO Master Plan meeting went well.
- Special Events Committee is proceeding with planning of the Winter Carnival
- Hoping to have additional events for our 75th Anniversary
- We will have a Downhome booth for the Town of Carbonear
- Planning some family events

Any questions can be addressed to the committee.

- Councillor Noel thanked our Director of Operations and Public Works for volunteering as a volleyball coach with Carbonear Collegiate.
- Councillor Doyle noted that Jasmine Wheadon from Carbonear attended a National Figure Skating competition and congratulated her on her achievement.

Councillor Seymour then presented the following motion:

Motion 23-021

M. Seymour / R. Noel

Resolved to purchase a 40 foot sea container from Oceanex at a cost of \$8,000 plus HST.

Favour 7; Opposed 0; **Carried**

c) Development

Councillor Doyle noted the Committee met on January 19th.

Councillor Doyle noted the following:

- Resident, application for shed/playhouse on their property. It could be located on the property but requires a discretionary advertisement. It can be permitted subject to no objections to the discretionary use ad, however, the resident did not agree to pay the discretionary advertisement fee.
Councillor Snow asked for the property owner to be contacted and this be explained to them. Councillor Doyle noted that this information is explained and relayed to the applicant.
- Councillor Doyle noted that the Development Committee does their due diligence and works with the applicants, however we have to maintain our regulations and can not recommend or vote against them.

- There are a number of development applications being recommended, a couple of sawmills, etc. that can be renewed as no complaints are on file for these operations, however the permits need to be reviewed annually.
- There are another couple of applications waiting on Service NL approvals. The committee did discuss some difficulties with the process for getting Service NL approval. The EDTO is helping by sending along the full package on behalf of the applicant.
- There were some issues with property owners building without a permit, in this situation the property owner would be sent a letter advising a permit for development is required. If the property owner proceeds with submitting an application, and the development meets the Municipal Plan and Development Regulations, then a permit can be issued. However, if the applicant does not have ownership of a property, a permit can not be issued.
- Municipal Plan Review and consultations and the timing of the Strategic Plan launch, and the Recreation Master Plan consultations are all ongoing. It was suggested to work out a schedule to encourage residents to participate in each of the public consultations for both the Municipal Plan Review and the Recreation Master Plan.
- Some properties are being recommended to proceed with court action.

Councillor Doyle presented the following motions:

Motion 23-022

D. Doyle / C. O'Grady

Resolved to refuse the following applications:

- *To construct an accessory building 126 Valley Road since the proposed accessory building exceeds the maximum lot coverage in the Residential Rural Zone.*

Favour 7; Opposed 0; **Carried**

Deputy Mayor Slade noted that he operates a saw mill in the Line Road and asked if he would be considered to be in conflict of interest in voting on the saw mill permits being presented in the proposed motion.

Motion 23-023

R. Noel / D. Doyle

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 matter of the domestic saw mills for personal use renewal applications being considered by council in this meeting.

Favour 6; Opposed 0; **Carried**

Mayor Butt noted that he owns a property next to 223 Water Street and asked if he would be considered to be in conflict of interest on the permit for 223 Water Street.

Motion 23-024

D. Doyle / R. Noel

Under Section 6. (5) of the Municipal Conduct Act, Be it Resolved that the Town of Carbonear does consider Mayor Butt to be in conflict of interest on the permit application for 223 Water Street as he owns the neighbouring property.

Favour 6; Opposed 0; **Carried**

Motion 23-025**D. Doyle / S. Slade**

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 permit to operate a domestic saw mill for personal use at 66 Long's Hill, subject to operation and maintenance of sawmill in accordance with provincial guidelines and regulations; sawmill to be operated within the accessory building on the property to reduce noise during operation; and subject to annual renewal at Council's discretion;*
- *To renew permit to operate a domestic saw mill for personal use at 110 White's Road, subject to operation and maintenance of sawmill in accordance with provincial guidelines and regulations; sawmill to be operated within the accessory building on the property to reduce noise during operation; and subject to annual renewal at Council's discretion;*
- *To operate a new business (Vape Shop) at 52 Powell Drive conditional upon obtaining approvals from Service NL and/or other applicable government departments and agencies;*

Favour 7; Opposed 0; **Carried**

Mayor Butt left the meeting and Deputy Mayor Slade assumed the position of Chair.

Councillor Doyle presented the following motion:

Motion 23-026**D. Doyle / R. Noel**

Resolved to approve the following application in accordance with application submitted, the Town of Carbonear Municipal Plan and Development Regulations and other conditions as specified:

- *To complete exterior renovations to the building at 223 Water Street, conditional upon requirements of the Heritage zone;*

Favour 6; Opposed 0; **Carried**

Mayor Butt was called back into the meeting and assumed the position of Chair.

Councillor Doyle presented the following motion:

Motion 23-027**D. Doyle / C. O'Grady**

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

- *To remove the deck at 54 Southside Lower Road;*
- *To remove the shed at 26 Remembrance Loop;*
- *To remove the cat enclosure at 31 O'Driscoll's Lane;*
- *To remove the extension to the shed at 46 Crowdy Street;*
- *To remove the Motorhome at Battery Rock;*
- *To remove the shed at 16 Cotter's Street*

Favour 7; Opposed 0; **Carried**

It was suggested to check the status of the 46 Crowdy Street item, as this may already be changed so that it complies to the regulations. If it is confirmed to be in compliance, the order will not be issued.

Councillor Doyle reminded property owners to submit a development application for a any type of development including decks, buildings, fences, etc. as a permit is required for any type of development within the Town.

Discussion took place among Council members regarding their concerns with enforcing the town's Municipal Plan and Development Regulations and concerns with Council voting in contradiction of their Municipal Plan and Development Regulations.

The Town is currently in the process of a Municipal Plan and Development Regulations review. Council will be involved with the process.

8. Reports of Chief Administrative Officer and Department Heads

a) Director of Operations and Public Works

The Director of Operations and Public Works reported the following:

Infrastructure & Public Works

- Crews are on winter schedule and snow and ice control activities are underway as needed.
- When weather cooperates we are addressing potholes.
- Addressing drainage on an ongoing basis, due to mild temperatures.

Capital Projects

- Water Street, Phase 3
RFP documents for consultant services have been drafted and forwarded January 20th to Transportation and Infrastructure for review. Will be advertised and posted to MERX when approved.
- 2022 Paving Program
Contract has been awarded. Spring 2023 start is anticipated.
- Replace Exterior Doors at Civic Centre
Contractor started yesterday; one door replaced yesterday.
- Valley Road Phase 4
Consultant is currently working on design development.
- Water Street, Phase 2
Tender call closed on January 19, 2023. Awaiting review and recommendations from consultant.
- Adelaide Street, Phase 1
Will award to contractor when we receive approval from Transportation & Infrastructure. Planning on spring start.
- Adelaide Street, Phase 2
RFP is called and is scheduled to close on February 10, 2023.

- Water System Vulnerability Study
Anticipate sending out RFP in coming weeks.
- Grassey Lane
Expecting approval to award from the province within a week or so.

Deputy Mayor Slade noted that last year, we didn't get much done with our asphalt and would like to see the recommendations for asphalt projects for 2023, so that this work can get done earlier in 2023.

Director advised he will bring forward a new list for asphalt projects for consideration to be completed in 2023.

Councillor Doyle asked about the road leading to the Dog Park.

It was confirmed that we do plow down to the entrance to the playground area.

Director to check if it is done with the schedule for other side roads.

9 Finances

- a) **Operating Invoices** over \$2,000.00 in the amount of..... \$50,611.16

Motion 23-028 **C. O'Grady / P. Snow**

Resolved that the Town of Carbonear approve for payment the list of operating invoices over \$2,000 totaling \$50,611.16 as submitted to Council.

Favour 7; Opposed 0; **Carried**

- b) **Capital Invoices:**

Conception Bay Regional Community Centre Extension

Eastern Contracting Ltd, CP # 15..... \$6,440.00

Powell Drive Upgrading – Phase 2, Gas Tax Project

Harbourside Transportation Consultant, Invoice # 2637.....\$9,729.00

Motion 23-029

C. O'Grady / R. Noel

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

Conception Bay Regional Community Centre Extension

Eastern Contracting Ltd, CP # 15..... \$6,440.00

Powell Drive Upgrading – Phase 2, Gas Tax Project

Harbourside Transportation Consultant, Invoice # 2637.....\$9,729.00

Favour 7; Opposed 0; **Carried**

10. Regulations for Adoption
None listed.

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

12. New Business

a) Appointment of Council Liaisons

Mayor Butt noted that he would like council to consider the following

Harbour Authority – Councillor Noel

Theatre Board – Councillor O’Grady

Special Events Committee – Deputy Mayor Slade

Heritage Committee – Councillor Doyle

Councillor Doyle noted that she would like to stay on as council liaison for the Special Events Committee. She is heavily involved with the Special Events Committee at this time and has attended all committee meetings and events and would like to stay on in the role of liaison. She noted that she does not feel that she would be a great asset to the Heritage Society at this time.

Deputy Mayor Slade noted that he recalled that we used to have movement throughout committees during the term of council and he would be satisfied to have it changed up and expressed an interest in the Special Events Committee. Councillor O’Grady noted that during the last term of Council, the liaisons were appointed and stayed in place for the full term of that Council.

Councillors Snow and Seymour offered to be the council liaison for the Heritage Society.

Discussion continued and it was then suggested that this discussion was better suited for an informal discussion meeting with council before making a decision in a Regular Council meeting.

13. Adjournment

Motion 23-030

R. Noel / P. Snow

Resolved that the meeting adjourn at 7:05pm and that Council meet again for a Regular Council Meeting on Tuesday, February 14, 2023 at 5:30pm.

Favour 7; Opposed 0; **Carried**



Mayor Frank Butt



Cathy Somers, Town Clerk