

Town of Carbonear
Regular Council Meeting February 28, 2023
Minutes of a regular meeting of the Council of the Town of Carbonear held
In Council Chambers, February 28, 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: Chief Administrative Officer Cynthia Davis
Town Clerk / Director of Financial Operations Cathy Somers
Director of Operations and Public Works Ian Farrell
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 5:30pm. The meeting is being broadcasted through YouTube.

2. Approval of the Agenda for February 28, 2023 Regular Meeting
Request to add Proclamation for International Women's Day as Item 5(b) on the agenda.

Motion 23-053

D. Doyle / C. O'Grady

Resolved to add Proclamation for International Women's Day as Item 5(b) on the agenda for the February 28, 2023 Regular Meeting of Council.

Favour 7; Opposed 0; **Carried**

Motion 23-054

P. Snow / R. Noel

Resolved to adopt the agenda of the February 28, 2023 Regular Meeting of Council as amended and presented to Council.

Favour 7; Opposed 0; **Carried**

3. Adoption of the minutes

- a) Regular Meeting – February 15, 2023

Motion 23-055

C. O'Grady / P. Snow

Resolved to adopt the minutes of the February 15, 2023 Regular Meeting of Council as presented.

Favour 7; Opposed 0; **Carried**

4. Business Arising from Minutes
None

5. Proclamations / Presentations / Delegations

- a) March 6 is World Lymphedema Day
Proclamation to be signed.

Motion 23-056

S. Slade / R. Noel

Whereas, lymphedema is a chronic and debilitating disease, characterized by an accumulation of lymphatic fluid that causes swelling of the arms, legs or other areas of the body and which can cause disfigurement, disabilities, discomfort, pain and distress and impair quality of life;

Whereas, patients with lymphedema may struggle with pain and swelling, may have recurring severe infection cause by lymphedema, and may experience financial and psychological strains due to the difficulties of managing their disease;

Whereas, while there are cases of primary lymphedema that are inherited, most cases are secondary that developed as a result of trauma, infection, surgery, radiation therapy or removal of lymph nodes, including cancer treatment;

Whereas, gaps in research, education and effective treatments exist, and more knowledge about lymphedema is needed to achieve timely diagnosis, management and care and to develop more effective treatments;

Whereas, lymphedema is estimated to affect 2.8% of the population, or 14,600 people in the Province of Newfoundland and Labrador;

Whereas, the Lymphedema Association of Newfoundland and Labrador is a registered charity, dedicated to ensuring all lymphedema patients have access to information, support and treatment, thereby promoting healthy and hopeful living with lymphedema;

Whereas, March 6 of each year is internationally recognized as World Lymphedema Day to raise awareness about this disease and the treatment options available;

Therefore, the Town of Carbonear Council, do hereby proclaim March 6, 2023 be observed as World Lymphedema Day in the Town of Carbonear.

Favour 7; Opposed 0; **Carried**

- b)

Motion 23-057

D. Doyle / C. O'Grady

International Women's Day

Whereas, March 8th is International Women's Day, we celebrate women, who, through their acts of courage and determination, have played extraordinary roles in creating positive change in their communities and around the world.

International Women's Day provides an opportunity to remember the ongoing struggle for gender equality in compensation, representation in business and politics, education, and health, while also acknowledging improvements and progress.

The Town of Carbonear celebrates the many achievements of women in our community and worldwide while recognizing the work that still needs to be done to achieve gender equity and gender equality. Through legislation, policies, programs and services, the Town of Carbonear will continue to promote equity, human rights and safety for our employees and residents.

Now Therefore, the Town of Carbonear, do hereby proclaim March 8, 2023, as International Women's Day in the Town of Carbonear.

Favour 7; Opposed 0; **Carried**

6. Permits and Correspondence

6.1 Permit Listing # 10148-10153

Councillor Doyle asked Council to review the list of permits for possible conflicts. In regards to Permit # 10151, Deputy Mayor Slade asked if he would be in conflict of interest, as he owns a cabin and a sawmill in the Line Road.

Motion 23-058

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 matter of Permit #10151 being considered at this meeting.

Favour 6; Opposed 0; **Carried**

Councillor Noel asked if he would be in conflict of interest on Permit #10151 as he owns a cabin in Line Road.

Motion 23-059

D. Doyle / P. Snow

Under Section 6. (5) of the Municipal Conduct Act, Be it Resolved that the Town of Carbonear does not consider Councillor Noel to be in conflict of interest on the matter of Permit #10151 being considered at this meeting.

Favour 6; Opposed 0; **Carried**

Motion 23-060

D. Doyle / R. Noel

Resolved to approve permits # 10148-10153 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**

Councillor Doyle noted that there is a total of over \$1.2million in development recommended for approval to date this year, which is great to see this early in the year.

6.2 Correspondence, requiring Council's decision
None listed.

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

- a) Government of NL
 Department of Municipal Affairs,
RE: Building Age Friendly Communities Grant
 Forwarded to the Chief Administrative Officer, Economic Development and Tourism Officer, Director of Recreation and the Director of Operations and Public Works.
RE: International Women's Day – March 8, Request to submit an individual to be showcased on social media during the week of March 6-10
 Copied to Administration and Council.
- b) Individual complaint of neighbourhood traffic
 Forwarded to the Chief Administrative Officer and the Municipal Enforcement Officer for investigation.
- c) CBN Joint Council - Meeting package
 Copied to Council.
Deputy Mayor Slade noted that he attended the meeting last week.
Councillor Doyle and O'Grady also attend regularly.
Mayor Butt noted that Deputy Mayor Slade is now Vice Chair of the CBN Joint Council.

7. Committee Reports

- a) Public Works, Waste Management and Community Services
 Deputy Mayor Slade advised the committee met on February 22, 2023.
 Council can peruse the minutes and any questions can be addressed to the committee.
 Deputy Mayor Slade presented the following motions:
Motion 23-061 **D. Doyle / P. Snow**
Resolved that the Town of Carbonear purchase a new John Deere 624P loader through Canoe Procurement, supplied through Brandt Tractor for the sum of \$501,350 + HST including additional 6 year warranty, less trade in value of \$85,000 plus HST which results in a net cost of \$416,350 + HST.
 Favour 7; Opposed 0; **Carried**
Motion 23-062 **S. Slade / R. Noel**
Resolved that the Town of Carbonear issue an open call for bids for HVAC services.
 Favour 7; Opposed 0; **Carried**
Motion 23-063 **S. Slade / M. Seymour**
Resolved that the Town of Carbonear submit a request to the Department of Municipal Affairs for an approval to borrow to finance the purchase of a John Deere 624P loader for the Public Works Department in the amount of \$434,198.92 (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 7; Opposed 0; **Carried**

- b) Recreation, Special Events, Culture and Tourism
Councillor Seymour noted the committee met on February 22, 2023.
No new developments, many things deferred for the spring.
Thanked the Special Events Committee for the great planning of the Winter Carnival activities.
Any questions can be addressed to the committee.
- c) Development
Councillor Doyle advised the committee met on February 23, 2023.
- CAO to contact legal counsel regarding a business not keeping up with the conditions of their permit.
 - There was an application withdrawn, no action required
 - There is a refusal order being recommended on an application.
 - Moving a business requires a permit
 - Other applications still being reviewed as further information is required for processing.

Councillor Doyle presented the motions being recommended/
Deputy Mayor Slade and Councillor Noel declared a conflict of interest on the first motion being recommended as they both own property in very close proximity to the location in the Line Road.

Deputy Mayor Slade and Councillor Noel then left the meeting.

Motion 23-064

D. Doyle / C. O'Grady

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 use a parcel of land in the Line Road for an agricultural operation including hay fields and farming of vegetables, conditional upon no objections or representations being received from the discretionary use advertisement; and
Further conditional upon the application being referred to committee and council for further review if objections are received in response to the discretionary notice; and further conditional upon receipt of applicable approvals from the Department of Environment and Climate Change (Water Resources Division) and other applicable government departments and agencies.*

Favour 5; Opposed 0; **Carried**

Deputy Mayor Slade and Councillor Noel were called back into the meeting.

Councillor Seymour asked if he would be considered in conflict of interest on the motion to refuse the application for 113 Water Street as his son owns property in close proximity to the location.

Motion 23-065

D. Doyle / S. Slade

Under Section 6. (5) of the Municipal Conduct Act, Be it Resolved that the Town of Carbonear does not consider Councillor Seymour to be in conflict of interest on the matter of the development application for 113 Water Street being considered at this meeting.

Favour 6; Opposed 0; **Carried**

Motion 23-066

D. Doyle / C. O'Grady

Resolved to refuse the following application:

- *To operate a home-based business from 113 Water Street since the proposed business operation is not a permitted or discretionary use in a Residential Medium Density Zone.*

Favour 7; Opposed 0; **Carried**

Motion 23-067

D. Doyle / R. Noel

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

- *To construct a one storey accessory building at 10 Canada Place conditional upon no objections to a variance to the maximum height requirement from 4.5 to 4.88 metres and conditional upon no objections being received by the neighbouring property owner(s) by the deadline provided; and
Further conditional upon the application being referred to committee and council for further review if objections are received in response to the variance notice.*

Favour 7; Opposed 0; **Carried**

d) **Finance and Administration**

Councillor O'Grady noted the committee met on Feb. 16, 2023 and noted the following:

- Still working on Terms of Reference for Theatre Board
- Draft of Fire Regulations will be forthcoming within the next few weeks
- Committee is proposing a change to the Remote Attendance Policy (c.7) to allow for council to attend meetings remotely for reasons due to sickness. This was circulated to Council.

Motion 23-068

C. O'Grady / P. Snow

Resolved to adopt the Amended Remote Attendance Policy (C.7) – as presented to Council.

Favour 7; Opposed 0; **Carried**

Mayor Butt inquired if we could consider an additional change for reasons of work purposes as well. Councillor O'Grady noted the committee can

review, however Council may need to change the meeting time if a councillor's work schedule changes, as we previously took into consideration councillors work schedules, when setting the time for Regular Council meetings.

➤ Tax Recovery Plan

Motion 23-069

C. O'Grady / P. Snow

Resolved that the Town of Carbonear adopt the 2022 Tax Recovery Plan and Tax Recovery Actions & Plans for the Municipal Fiscal Year 2023.

Favour 7; Opposed 0; **Carried**

Deputy Mayor O'Grady noted that the Town Clerk reports to the Committee regularly on tax collection, and the Town's tax collection meets the Tax Recovery Plan each year. Town Clerk advised that a Tax Recovery Plan is required to be submitted to the Department of Municipal and Provincial Affairs each year.

➤ Princess Sheila NaGeira Theatre, 2023 operation grant

Motion 23-070

C. O'Grady / D. Doyle

Resolved that the Town of Carbonear approve the operating grant to be paid to the Princess Sheila NaGeira Theatre in the amount of \$10,000 for 2023.

Favour 7; Opposed 0; **Carried**

8. Reports of Chief Administrative Officer and Department Heads

a) Chief Administrative Officer

Report on 2022 as of Feb 2023.

CAO noted expenses are well within budget. There may be additional invoices to be keyed in to the system. Any questions can be addressed to the CAO.

b) Director of Operations and Public Works

Director reported on the following:

Capital Projects

- Water Street Phase 3
RFP closed on 24 February 2023. Evaluation to begin this week. 8 bidders.
- Valley Road Phase 4
Consultant is currently working on design development.
- Replace Exterior Doors at Civic Centre
Construction is nearly complete.
- Water Street Phase 2
Consultant currently reviewing budget and will then award to low bidder.
- Adelaide Street Water Sewer and Road Upgrades Phase 2
Finalizing proposal evaluations today. Will report to PW Committee.
- Water System Vulnerability Study

- Anticipate sending out RFP in coming weeks.
- Grassey Lane Water Sewer Storm Upgrades
Awarded to WSP and kickoff meeting held. Consultant to begin preliminary engineering activities as weather permits.
- Adelaide Street Water Sewer and Road Upgrades (Phase 1)
Project awarded to Cougar Construction.

9 Finances

- a) Operating Invoices over \$2,000.00 in the amount of..... \$179,371.67

Motion 23-071

C. O'Grady / R. Noel

Resolved that the Town of Carbonear approve for payment the list of operating invoices over \$2,000 totaling \$179,371.67 as submitted to Council.

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

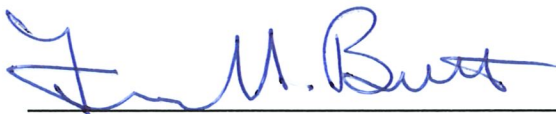
13. Adjournment

Motion 23-072


S. Slade / R. Noel

Resolved that the meeting adjourn at 6:14pm and that Council meet again for a Regular Council Meeting on Tuesday, March 14, 2023 at 5:30pm.

Favour 7; Opposed 0; **Carried**



Mayor Frank Butt



Cathy Somers, Town Clerk