

**Town of Carbonear
Regular Council Meeting February 15, 2023**

Minutes of a regular meeting of the Council of the Town of Carbonear held
In Council Chambers, February 15, 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 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 5:34pm. The meeting is being broadcasted through YouTube.
Mayor Butt noted that today is the 41st anniversary of the Ocean Ranger disaster and thoughts are with the families affected by the disaster.
Mayor Butt also noted today is National Flag of Canada Day.
 2. Approval of the Agenda for February 15, 2023 Regular Meeting
The CAO asked to have the following item added under New Business:
Variance of side yard for 9-11 English Hill.
Motion 23-031 S. Slade / P. Snow
Resolved to add item under
12 a) Variance of side yard for 9-11 English Hill
for the February 15th agenda.
Favour 7; Opposed 0; **Carried**

Motion 23-032 S. Slade / C. O'Grady
Resolved to adopt the agenda of the February 15, 2023 Regular Meeting of Council
with the addition of Item 12 (a) Variance of side yard for 9-11 English Hill.
Favour 7; Opposed 0; **Carried**
 3. Adoption of the minutes
 - a) Regular Meeting – January 24, 2023
Motion 23-033 S. Slade / C. O'Grady
Resolved to adopt the minutes of the January 24, 2023 Regular Meeting of

Council as presented.

Favour 7; Opposed 0; **Carried**

4. Business Arising from Minutes

5. Proclamations / Presentations / Delegations

a) Heritage NL – National Heritage Week, February 20-26, 2023

Motion 23-034

P. Snow / D. Doyle

WHEREAS, the third Monday in February is recognized nationally as Heritage Day; and

WHEREAS, Heritage Day and Heritage Week are a time to reflect on the achievements of past generations and to accept responsibility for protecting our heritage; and

WHEREAS, our citizens should be encouraged to celebrate Newfoundland and Labrador's uniqueness and to rejoice in our heritage; and

WHEREAS, in 2023 the residents of Newfoundland and Labrador will celebrate our rich and diverse heritage.

THEREFORE, the Town of Carbonear do hereby proclaim Monday, February 20, 2023 as Heritage Day and February 20-26, 2023 as Heritage Week, and call upon all citizens to celebrate the richness of our past and the promise of our future.

Favour 7; Opposed 0; **Carried**

b) Eating Disorders Awareness Week

Motion 23-035

S. Slade / C. O'Grady

Whereas: An Eating Disorder is a serious mental illness with often devastating physical implications;

Whereas: Eating Disorders affect many individuals and families in the Province of Newfoundland and Labrador;

Whereas: Recovery from an eating disorder is a journey that includes support from families and caregivers;

Whereas: The Eating Disorder Foundation of Newfoundland and Labrador is the leading advocacy group dedicated to promoting support, treatment services and providing public support services and information about matters related to eating disorders throughout the province;

Whereas: February 1-7, 2023 is dedicated across Newfoundland and Labrador and the entire country as a special time when many educational and awareness activities take place to help raise the level of understanding of Eating Disorder Prevention, Treatment and Recovery;

Whereas: The theme for Eating Disorders Awareness Week 2023 is "Transforming the Narrative from Asks to Action";

The Town of Carbonear do hereby proclaim February 1 to February 7, 2023 be

observed as Eating Disorders Awareness Week in the Town of Carbonear.
Favour 7; Opposed 0; **Carried**

- c) Epilepsy Day, (Purple Day) March 26th, 2023 light up the Town Hall in purple
Motion 23-036 **M. Seymour / R. Noel**
Whereas, Purple Day is a global effort to around the world; and
Whereas, Purple Day was founded by nine-year-old Cassidy Megan of Nova Scotia, who wanted to let people know that if you have epilepsy you are not alone; and
Whereas, Epilepsy is a chronic neurological disorder, which affects each person differently, estimated to affect more than 10,000 people in Newfoundland and Labrador, over 300,000 people in Canada, and 50 million people worldwide; and
Whereas, One in ten persons will have at least one seizure during their lifetime; and
Whereas, the public is often unable to recognize common seizure types, and unable to respond with appropriate first aid; and
Whereas, Purple Day will be celebrated on March 26th annually to increase understanding, reduce stigma, and improve the quality of life for people living with epilepsy throughout the country and globally promote Epilepsy Awareness in countries
THEREFORE, be it resolved that the Town of Carbonear do hereby proclaim March 26th as Purple Day in an effort to raise awareness and understanding of epilepsy, and to support all those who live with seizures each day.
Favour 7; Opposed 0; **Carried**

- d) Fibromyalgia Association, Request that the Town of Carbonear light up the Town Hall in purple on May 12, 2023 the 31st anniversary of Fibromyalgia Awareness Day.
Motion 23-037 **S. Slade / C. O'Grady**
WHEREAS: Fibromyalgia Awareness Day aims to raise awareness and end the stigma and discrimination that accompany this chronic illness.
WHEREAS: Fibromyalgia Association Canada is the only national organization in Canada that supports only fibromyalgia; and
WHEREAS: Fibromyalgia affects about 5% of Canada's population — over 2,000,000 men, women and children of all ages and races in Canada are afflicted with this chronic illness; and WHEREAS: Fibromyalgia often takes an average of three (3) to five (5) years to diagnosis; and
WHEREAS: there is no known cause of, prevention of, or cure of fibromyalgia; and
WHEREAS: Fibromyalgia (FM) is a complex illness whose symptoms vary widely and may include debilitating chronic pain, overwhelming fatigue, and

cognitive impairment; and

WHEREAS: patients with Fibromyalgia often have a number of co-existing conditions, which may include chronic myofascial pain, irritable bowel syndrome (IBS), temporomandibular joint disorder (TMJ), environmental sensitivities, anxiety and depression; and

WHEREAS: Fibromyalgia (FM) greatly reduces quality of life, can cause total disability and also affect families, friends and employers. Living with chronic pain and fatigue on a daily basis can lead to social isolation, so it is important for sufferers and their families, friends, and caregivers to know that they are not alone.; and

WHEREAS: people with Fibromyalgia (FM) have a right to be treated with dignity and have a right to pain relief; and

WHEREAS: together we will find ways to enhance the quality of lives for people affected by fibromyalgia and together find a cure.

NOW THEREFORE, the Town of Carbonear Council do hereby proclaim May 12, 2023 as "Fibromyalgia Awareness Day" in the Town of Carbonear and call this observance to the attention of all our citizens.

Favour 7; Opposed 0; **Carried**

6. Permits and Correspondence

6.1 Permit Listing # 10143 – 10147

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

Motion 23-038

D. Doyle / P. Snow

Resolved to approve permits # 10143-10147 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

Project 17-GI-21-00075 – Water Street Water, Sewer, and Street Upgrading

Approval to award contract to Black Diamond Construction Limited

Motion to award is required.

Motion 23-039

S. Slade / P. Snow

With respect to Water Street Water Sewer Storm Street Upgrades Ph2 – 17-GI-21-00075,

Whereas a tender call was advertised and bids received, and

Whereas the engineering consultant has verified that the preferred bidder's documents are in good order and recommends to award,

Be it resolved to award a contract to Black Diamond Construction Limited for

\$1,396,098.03 including HST.
Favour 7; Opposed 0; **Carried**

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 and Provincial Affairs
 - Department of Transportation and Infrastructure
Project 17-GI-23-00047 – Grassey lane Water Sewer Storm Upgrades
Approval to enter into contract with Prime Consultant WSP E&I Canada
Motion to award was obtained at the January 24th regular meeting subject to receipt of approval from Department of Transportation & Infrastructure. Contract has been signed and awarded.
 - Project 17- MYCW-22-00030 – Adelaide Street Water Sewer Storm Upgrades
Approval to award contract to Cougar Engineering & Construction
Motion to award was previously obtained on January 11, 2023 subject to approval from government. Forwarded to the Director of Operations and Public Works and the CAO to arrange for contract award.
 - Project 17-GI-22-00012 Water Street Phase 3 – Water, Sewer, & Roads and Downtown Revitalization
Approval to Call Public Tender (RFP)
Forwarded to the Director Operations and Public Works for arrangement of tender call.
- b) Government of NL
Department of Environment and Climate Change, Office of the Minister
Release of Climate Change Flood Risk Mapping Study for Placentia, Carbonear, Victoria and Salmon Cove
Forwarded to CAO and Director of Operations and Public Works. Placed on file.
- c) Government of NL
Municipal and Provincial Affairs, Office of the Deputy Minister
Circular to Municipalities on Municipal Conduct Code of Conduct, Reminders and Compliance Form for completion.
Forwarded to Finance and Administration Committee, CAO, Town Clerk.
- d) Government of NL
Water Resources Management
Reminder of February 28, 2023 Deadline for nominations for the Operator of the Year Awards. *Forwarded to the Director of Operations and Public Works.*
- e) Property Owner, request for reimbursement of cost incurred.
Forwarded to the Public Works Committee, CAO and Director of Operations and Public Works.

- f) Resident, Request for consideration of road work and street lighting.
Forwarded to Public Works Committee.
- g) Princess Sheila NaGeira Theatre, Request for release of 2023 budget allocation.
Forwarded to the Administration and Finance Committee.
- h) Resident, request for additional snow clearing of side walks, track and boardwalk
Forwarded to the Director of Operations and Public Works and the Public Works Committee.
- i) Request for donation in support of the Junction Trail Blazers event Veterans Snowmobile Run.
Forwarded to the Administration and Finance Committee.

7. Committee Reports

- a) Public Works, Waste Management and Community Services
Deputy Mayor Slade advised the Committee met on January 30th. Council can peruse through the minutes and feel free to ask any questions.

Councillor Doyle commended the Public Works staff in regards to the snow clearing and clean up after the major snow fall.

Deputy Mayor Slade agreed and commended the staff for their work in the harsh weather conditions.

Deputy Mayor Slade also asked residents to adopt a hydrant if there is one near their home and keep the hydrant clear of snow.

Mayor Butt asked for an update on the burnt out buildings on Water Street.

CAO advised we have sought legal advice on the matter, but that would not be discussed in a public meeting

- b) Recreation, Special Events, Culture and Tourism
Councillor Seymour advised the committee met on January 31.
Councillor Seymour noted that several things are still being investigated and we are waiting on some additional information.
The Director of Recreation will review the Winter Carnival events in his report.
- c) Development
Councillor Doyle noted that the committee met on February 9.
Councillor Doyle noted the following:
 - There was some discussion on a business in contravention of conditions of their permit to operate. The CAO is following up with legal advice on the matter.
 - The Municipal Plan Review is in the initial phase.

*the discretionary use advertisement for the garage; 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;*

- *To construct a double dwelling at Lot #1 The Gap Road conditional
upon no objections to a variance to the minimum rear yard of 9 m to 8.1
metres;*
- *To construct a double dwelling at Lot #2 The Gap Road conditional
upon no objections to a variance to the minimum frontage requirement
of 26 m to 24.8 metres;*
- *To construct a double dwelling at Lot #3 The Gap Road conditional
upon no objections to a variance to the minimum frontage requirement
of 26 m to 23.9 metres;*
- *To operate a home-based carpentry business where the business
operates from no fixed address from 14 Gladstone Road 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;*
- *To subdivide property at 33 Crowdy Street; and
To construct a double dwelling on the new sub-divided lot accessed
from Rocky Lane; and
Further conditional upon no objections to a variance to the minimum lot
area of 780 m² to 763 m².*

Favour 7; Opposed 0; **Carried**

Deputy Mayor Slade and Councillor Noel declared a conflict and left meeting on the next motion being presented as they both own properties in that area in the Line Road.

Motion 23-044

D. Doyle / C. O'Grady

Resolved to approve Crown Land application in the Line Road for farming, hay and vegetable fields upon receipt of applicable approvals from the Department of Environment and Climate Change (Water Resources Division), Digital Government and Service NL.

Favour 5; Opposed 0; **Carried**

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

d) Finance and Administration

Councillor O'Grady advised the committee met on January 26 and noted the following:

- The committee will recommend new Fire Prevention Regulations when they are finalized and these will need to be sent to the province for

review.

- Town Clerk updated the committee on the 2022 tax collection; Property Tax 95% collected, Water/Sewer Tax 95% collected and Business Tax 98% collected.
- Donations listing for 2023
There may be some conflicts on some donations.
Councillor Doyle declared a conflict of interest on Donation #1(b) as this is the school where she is employed.
Councillor Doyle then left the meeting.

Motion 23-045

C. O'Grady / R. Noel

Resolved to approve Item 1(b) on the Donation Listing for 2023 as presented to Council.

Favour 6; Opposed 0; **Carried**

Councillor Doyle was called back into the meeting.

Councillor Seymour declared a conflict of interest on Donation #9 due to his relationship with the TCP Health Foundation in his employment with Eastern Health.

Councillor Seymour then left the meeting.

Motion 23-046

C. O'Grady / R. Noel

Resolved to approve Item 9 on the Donation Listing for 2023 as presented to Council.

Favour 6; Opposed 0; **Carried**

Councillor Seymour was called back into the meeting.

Council inquired about being members of various organizations, but not an officer of the organization.

In previous years, Council determined that being a member of an organization is not a conflict of interest.

The legislation has changed since last year. The CAO read the applicable sections of the new legislation. It was noted that as members and not executive members there would be no conflict only if you felt you could not act impartially.

Motion 22-047

C. O'Grady / P. Snow

Resolved to approve the Donation Listing for 2023 excluding Item 1(b) and Item 9 as presented to Council.

Favour 7; Opposed 0; **Carried**

8. Reports of Chief Administrative Officer and Department Heads

a) Director of Recreation

The Director reviewed the following from his report with Council.

Pool & Rec Maintenance

Exterior Siding at rear of Pool to be started soon.

Financial & Program Analysis

	<u>2023</u>	<u>2022</u>
Pool Revenue (less HST)	\$14,592.28	\$10,062.95
Lesson Registration	249	126
Pool Visitation	2,742	1,199

Programs & Grants

1. Winter Carnival starts Thursday, February 16th. Great schedule of events over the next 10 days. Programs and events for all ages. Some of the events include:
Friday – family movie night, followed with fireworks.
Painting, crafting, breakfast, sliding,
Dance on February 25th at the Knights of Columbus.
Encourage everyone to participate.
Check out the full schedule on our facebook page and website.
2. Training for the new online system at the pool/recreation department has been ongoing. Schedule to be released and ready for use as of March 1st. Lesson registration is tentatively scheduled for March 6 & 7 provided no hiccups.
3. Recreation Master Plan is ongoing. Thanks for all public and stakeholder input. Draft presentation is scheduled to be presented by the end of February/first of March.

Deputy Mayor Slade thanked the Special Events Committee for their work in organizing the Winter Carnival activities.

Councillor O'Grady asked if the pool revenues and statistics are getting close to the pre-covid. Director advised that the revenues and statistics are now pretty close to pre-covid.

9 Finances

- a) Operating Invoices over \$2,000.00 in the amount of..... \$75,141.17

Motion 23-048

C. O'Grady / R. Noel

Resolved that the Town of Carbonear approve for payment the list of operating invoices over \$2,000 totaling \$75,141.17 as submitted to Council.

Favour 7; Opposed 0; **Carried**

- b) Capital Invoices:
2022 Paving Program
Harbourside Transportation Consultants – Invoice #2694....\$6,319.25
Adelaide Street Phase I Project (MA 17-MYCW-22-00030)
Harris & Associates, Consultant Fees Invoice #7024.....\$3,680.00
Councillor Snow declared a conflict of interest on the Adelaide Street Phase 1 Project invoice as his sister owns property in the area.

Motion 23-049

C. O’Grady / D. Doyle

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

2022 Paving Program

Harbourside Transportation Consultants – Invoice #2694....\$6,319.25

Favour 7; Opposed 0; **Carried**

Councillor Snow then left the meeting.

Motion 23-050

C. O’Grady / M. Seymour

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

Adelaide Street Phase I Project (MA 17-MYCW-22-00030)

Harris & Associates, Consultant Fees Invoice #7024.....\$3,680.00

Favour 6; Opposed 0; **Carried**

10. Regulations for Adoption
None listed.

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

12. New Business

- a) Variance of side yard for 9-11 English Hill
CAO noted that a draft resolution has been provided for this item.

Motion 23-051

D. Doyle / C. O’Grady

Whereas request has been received to vary the side yard width of a shed from 1.5 m to 1.364 m at 9-11 English Hill; and

Whereas the requested variance is within the 10% allowable by Council; and if no objections are received by the neighbouring property owner(s) by the deadline provided;

Be It Resolved to approve the requested variance.

Favour 7; Opposed 0; **Carried**

b) Announcements

Mayor Butt advised the Carbonear Volunteer Fire Department held their AGM and election of officers last week.

He congratulated all of them.

Fireman Ron Garland retired from the CVFD after 35 years of service.

CVFD had AGM and election of officers

A letter of congratulations will be sent to the executive and those recognized for their years of service.

13. Adjournment

Motion 23-052

S. Slade / M. Seymour

Resolved that the meeting adjourn at 6:21pm and that Council meet again for a Regular Council Meeting on Tuesday, February 28, 2023 at 5:30pm.

Favour 7; Opposed 0; **Carried**

Mayor Frank Butt

Cathy Somers, Town Clerk