

Town of Carbonear
Regular Council Meeting July 18, 2023
Minutes of a regular meeting of the Council of the Town of Carbonear held
In Council Chambers, July 18, 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
 & Public Works Ian Farrell
 Recreation Director Rob Button
 EDTO Kerri Abbott

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 July 18, 2023 Regular Meeting
 Motion 23-214 D. Doyle / C. O'Grady
 Resolved to adopt the agenda for the July 18, 2023 Regular Meeting of Council with the following additions:
 Correspondence Requiring Council Decision:
 - *Route 66 Diner and Pub, 180 Water Street– Request to Set up tent in Old Post Office Park and Extension of Liquor License*
 - *Harris & Associates, Adelaide Street Ph 1 – PCA Change Order #1*
 - *Harris & Associates, Water Street Ph 2 Part A -Water Sewer – Change Order #3: Cost associated with contaminated soil removal*
 - *Harris & Associates Water Street Ph 2, Part B – Estimate and Recommendation to go to tender (June 28)*
 - *Harris & Associates Water Street Ph 2, Part B – Updated Estimate (July 7)***Favour 7; Opposed 0; Carried**

3. Adoption of the minutes
 - a) Regular Meeting – June 28, 2023
 Motion 23-215 R. Noel / S. Slade
 Resolved to adopt the minutes of the June 28, 2023 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 # 10287-10303

Councillor Doyle noted that there may be a conflict on permit #10301

Motion 23-216 D. Doyle / R. Noel

Resolved to approve permits # 10287-10303 excluding permit # 10301 as per the applications received and conditional upon 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**

Deputy Mayor Slade noted that permit 10301 was for his nephew. Deputy Mayor Slade asked if he would be considered to be in conflict on that permit.

Motion 23-217 D. Doyle / R. Noel

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 # 10301 being presented at this meeting.

Favour 6; Opposed 0; **Carried**

Motion 23-218 D. Doyle / P. Snow

Resolved to approve permit # 10301 as per the application received and conditional upon 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 the town has issued 12 new house permits and 4 new businesses approved to date in 2023.

The total cost of new development to date for 2023 is \$5,374,827.

6.2 Correspondence, requiring Council's decision

a) Department of Transportation and Infrastructure, Municipal Division

RE: Approval to call tender – Adelaide Street, Water, Sewer, Storm and Street Upgrades, Phase 2 (17-GI-23-00002)

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

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

Councillor Snow declared a conflict of interest on Adelaide Street, Phase 2 as his sister owns property near that area.

Councillors O'Grady, Seymour and Snow moved the public gallery for the vote on this matter.

Motion 23-219

S. Slade / D. Doyle

Whereas the consultant has recommended to call for tenders for construction services for the Adelaide Street, Water, Sewer, Storm and Street Upgrades - Phase 2, Project #17-GI-23-00002, and whereas the project sponsors have approved the tender call, Be It Resolved to issue a tender call for construction services.

Favour 4; Opposed 0; **Carried**

Councillors O'Grady, Seymour and Snow returned to their seats at the Council table.

- b) Route 66 Diner and Pub, 180 Water Street– Request to Set up tent in Old Post Office Park and Extension of Liquor License

Motion 23-220

D. Doyle / S. Slade

Resolved to provide approval to K&P Café Route 66 Diner and Pub to make application to Newfoundland and Labrador Liquor Corporation to extend the licensed premises for July 28-30, and

Be it further resolved to provide approval to install a temporary tent at the Old Post Office Park to provide the extension to the licensed premises from July 28-30.

Favour 7; Opposed 0; **Carried**

- c) Harris & Associates, Adelaide Street Ph 1 – PCA Change Order #1
Councillor Snow declared a conflict of interest on the Adelaide Street Phase 1 project as his sister owns property in the area.

Councillor Snow moved to the public gallery for the vote on the matter.

Motion 23-221

S. Slade / R. Noel

Whereas the consultant has submitted a change order for materials testing fees for the Adelaide Street Water Sewer and Street Upgrading Phase 1, 17-MYCW-22-00030 and whereas the change order has been reviewed and is recommended for approval, Be It Resolved to approve Change Order #1 adding \$8,050.00 including HST to the Prime Consultant Agreement.

Favour 6; Opposed 0; **Carried**

Councillor Snow returned to his seat at the Council table.

- d) Harris & Associates, Water Street Ph 2 Part A -Water Sewer – Change Order #3: Cost associated with contaminated soil removal

Motion 23-222

S. Slade / D. Doyle

Whereas the consultant has submitted a change order for addition of cost associated with contaminated soil removal, disposal and remediation for the Water Street, Phase II Project #17-GI-21-00075 and whereas the change order has been reviewed and is recommended for approval, Be It Resolved to

approve Change Order #3 adding \$201,621.62 including HST to the contractor, Black Diamond Construction Ltd.

Favour 7; Opposed 0; **Carried**

- e) Harris & Associates Water Street Ph 2, Part B – Estimate and Recommendation to go to tender (June 28)
- f) Harris & Associates Water Street Ph 2, Part B – Updated Estimate (July 7)

Motion 23-223

S. Slade / C. O'Grady

Whereas the consultant has recommended to call for tenders for construction services for the Water Street Phase 2, Part B – Project #218514, Be It

Resolved to issue a tender call for construction services for the Water Street, Phase 2 Part B project.

Favour 7; Opposed 0; **Carried**

6.3 Correspondence received and action taken

Council reviewed the following correspondence and action taken:

- a) Government of NL
 - Department of Environment and Climate Change
RE: Amendment to Island Pond / Flings Pond
Forwarded to Public Works, Waste Management and Community Service committee.
 - Department of Municipal and Provincial Affairs
RE: 2023 Municipal Long Service Awards – Elected Officials
Copied to the Town Clerk and the Chief Administrative Officer
 - Department of Transportation and Infrastructure
RE: 2023 – 2026 Multi Year Capital Works
Forwarded to the Chief Administrative Officer and the Town Clerk
- b) Newfoundland Power
Take Charge, Make the Switch LED Bulb Giveaway
Forwarded to the Chief Administrative Officer, Economic Development Officer and the Director of Operations and Public Works and the Director of Recreation
- c) Eastern Regional Service Board
RE: ERSB is transitioning to clear bags in 2024
Forwarded to the Public Works, Waste Management and Community Services committee
- d) Government of Canada
RE: Launch date – August 1 for the New Horizons for Seniors Program – community based 2023 -2024 call for proposals funding community based projects.
Forwarded to the Chief Administrative Officer, Economic Development and Tourism Officer and the Director of Recreation.
- e) Concern citizen, complaint of property on Water Street
Forwarded to Public Works, Waste Management and Community Services

- committee
- f) Property owner, Discovery Place
RE: Water Issue
Forwarded to the Director of Operations and Public Works for review.

7. Committee Reports

a) Administration and Finance

Councillor O'Grady advised of the following:

- Line Road Fire Protection – we have reached an agreement and are waiting on signature of the document.
- Fire Prevention Regulations have been sent to Municipal Affairs and forwarded to the Fire Commissioner's Office for review before Municipal Affairs approval can be given.
- Committee continues to work on the mandate/terms of reference for special citizen committees/boards.
- No bids were received on the tender for sale of 162 Water Street, the committee now recommends to list the property with a realtor.

Motion 23-224

C. O'Grady / P. Snow

Whereas there were no bids received on the tender for sale of 162 Water Street, Be It Resolved to proceed with the process to list the property of 162 Water Street for sale with a realtor.

Favour 7; Opposed 0; **Carried**

- Reviewing flag protocol policy, in regards to flag size for larger poles.

b) Development

Councillor Doyle reminded property owners to submit a development application for any development they want to completed on their property, such as fencing, sheds, extensions, general repairs, etc.

Councillor Doyle advised the Development Committee met July 13th and noted the following from the meeting:

- EDTO reported to the committee on some plans for Carbonear Days weekend
- YOLO contract – representatives were here last week to do research.
- The "What We Heard" document from the Strategic Plan has been received and will be reviewed at the next committee meeting.
- Development Applications

Motion 23-225

D. Doyle / P. Snow

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 replace deck at 39A Water Street per Section 10, Discretionary Powers of Council.*

Favour 7; Opposed 0; **Carried**

Motion 23-226

D. Doyle / R. Noel

Resolved to refuse a permit for the following application as submitted as it does not meet the requirements of the Town of Carbonear Municipal Plan and Development Regulations and other conditions as specified:

- to construct an accessory building at 5 Coral Heights.

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

- 1.) All community garden beds have been replaced.
- 2.) Scoreboards - Concrete work to be completed this week. Three weeks after pouring of tournament, the scoreboards will be erected.
- 3.) Ball Field Lights – have been ordered.

Financial & Program Analysis

	<u>2023</u>	<u>2022</u>
1.) Pool Revenue (less HST)	\$98,793.40	\$88,780.89
2.) Lesson Registration	not included	600
3.) Pool Visitation	11,756	11,345

Programs & Grants

- 1.) 3 vs 3 Street Basketball Tournament scheduled for weekend of September 9/10. Been working on registration package for online registration. Will be released next week. Based on our proposed time and layout we could host up to 100 teams.
- 2.) Summer Program is up and running and to date has been doing really well. Program is taking their first out of town field trip this week since covid, so everyone is a little excited. Laser tag field trip in St. John's this week.
- 3.) Carbonear Day Planning is well underway. Full schedule of events should be out by end of next week. We do have frontline action coming back again this year, along with Earles Riding Horses and other activities for our family day. World cup of Tiddly registration is now open and we are looking for to another great day of competition. This year we are also adding a friendly Family Mixed Team Softball Tournament. Looking forward to the addition of this event and what it will add to our weekend.

It was suggested to notify attendees regarding parking in the area.

b) Director of Operations and Public Works

The Director reviewed the following from his report with Council
Infrastructure and Public Works

- Two new traffic radars arrived yesterday and scheduled to be installed this week.

Municipal Enforcement

- Offer being made for MEO position

Capital Projects

Water Street Phase 3

- Scheduling project kickoff meeting. This week.

Valley Road Phase 4

- Kickoff meeting was held, and construction is scheduled to start on or about 24 July 2023.

Adelaide Street Water Sewer and Road Upgrades Phase 2

- Tender call is issued and scheduled to close on 27 July 2023.

9. Finances

- a) Operating Invoices over \$2,000.00 in the amount of..... \$109,831.58

Motion 23-227

C. O'Grady / R. Noel

Resolved that the Town of Carbonear approve for payment the list of operating invoices over \$2,000 totaling \$109,831.58 as submitted to Council.

Favour 7; Opposed 0; **Carried**

- b) Capital Invoices:

Councillor Snow declared a conflict of interest on the Adelaide Street Phase 1 project as his sister owns property in the area.

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

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

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

Water, Sewer, & Storm Upgrades Adelaide Street – Phase 1, PN 21-134 (MA 17- MYCW-22-00030).

Harris & Associates, Invoice # 7042.....\$7,779.75

Harris & Associates, Invoice # 7046.....\$20,240.00

Cougar Engineering & Construction Ltd, Claim 2..... \$455,263.79

\$483,283.54

Water, Sewer & Street Upgrading, Water Street Phase 2, PN 20-101 (MA 17-GI-21-00075)

Harris & Associates, Invoice # 7047.....\$22,716.81

Black Diamond Construction Ltd, Claim 3.....\$217,507.83
\$240,244.64

Adelaide Street, Phase 2

Meridian Engineering Inc., Invoice # CC107281..... \$9,490.38

Councillor Snow moved to the public gallery for the vote on the motion for Adelaide Street, Phase 1 Invoices.

Motion 23-228

C. O'Grady / D. Doyle

Resolved that the Town of Carbonear approve for payment the following capital project invoices totaling \$483,283.54 as presented to Council:

Water, Sewer, & Storm Upgrades Adelaide Street – Phase 1, PN 21-134 (MA 17- MYCW-22-00030).

Harris & Associates, Invoice # 7042.....\$7,779.75

Harris & Associates, Invoice # 7046.....\$20,240.00

Cougar Engineering & Construction Ltd, Claim 2..... \$455,263.79

Favour 6; Opposed 0; **Carried**

Councillor Snow returned to the council table.

Motion 23-229

C. O'Grady / M. Seymour

Resolved that the Town of Carbonear approve for payment the following capital project invoices totaling \$240,244.64 as presented to Council:

Water, Sewer & Street Upgrading, Water Street Phase 2, PN 20-101 (MA 17-GI-21-00075)

Harris & Associates, Invoice # 7047.....\$22,716.81

Black Diamond Construction Ltd, Claim 3.....\$217,507.83

Favour 7; Opposed 0; **Carried**

Councillors O'Grady, Seymour and Snow moved to the public gallery for the vote on the motion for Adelaide Street, Phase 2 Invoices.

Motion 23-230

D. Doyle / S. Slade

Resolved that the Town of Carbonear approve for payment the following capital project invoice as presented to Council:

Adelaide Street, Phase 2

Meridian Engineering Inc., Invoice # CC107281..... \$9,490.38

Favour 4; Opposed 0; **Carried**

Councillors O'Grady, Seymour and Snow returned to the council table.

10. Regulations for Adoption
No regulations listed

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

12. New Business

a) Announcements

Mayor Butt thanked Deputy Mayor Slade for chairing the last meeting.
Mayor Butt advised he attended the opening ceremonies at Camp Delight.
Mayor Butt thanked the staff for designing and constructing the 75th
Anniversary sign placed in the pergola park.

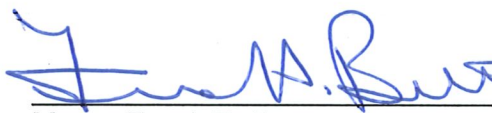
13. Adjournment

Motion 23-231

S. Slade / R. Noel

*Resolved that the meeting adjourn at 6:00pm and that Council meet again for a
Regular Council Meeting on Tuesday, August 15th, 2023 at 5:30pm.*

Favour 7; Opposed 0; **Carried**



Mayor Frank Butt



Cathy Somers, Town Clerk