

Town of Carbonear
Regular Council Meeting February 13, 2024
Minutes of a regular meeting of the Council of the Town of Carbonear held
In Council Chambers, February 13, 2024 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
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.
 2. Approval of the Agenda for February 13, 2024 Regular Meeting
Motion 24-029 C. O'Grady / S. Slade
Resolved to adopt the agenda for the February 13, 2024 Regular Council Meeting as presented with the addition of Proclamation for National Flag of Canada Day.
Favour 7; Opposed 0; **Carried**
 3. Adoption of the minutes
 - a) Regular Meeting – January 23, 2024
Motion 24-030 R. Noel / P. Snow
Resolved to adopt the minutes of the January 23rd, 2024 Regular Meeting of Council as presented.
Favour 7; Opposed 0; **Carried**
 4. Business Arising from Minutes
No business arising.
 5. Proclamations / Presentations / Delegations
 - a) Heritage NL – Heritage Day Proclamation February 19

Motion 24-031**S. Slade / C. O'Grady**

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 2024 the residents of Newfoundland and Labrador will celebrate our rich and diverse heritage.

THEREFORE, the Town of Carbonear, do hereby proclaim Monday, February 19, 2024 as Heritage Day and February 19-25, 2024 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**

Mayor Butt noted the Carbonear Heritage Society are holding a function at the Old Post Office Museum on February 20th.

- b) Wear Red Canada Day Proclamation
February 13

Motion 24-032**S. Slade / P. Snow**

WHEREAS, Heart disease is the number one killer of women worldwide and the leading cause of premature death for Canadian women, a fact unknown to many women and their healthcare providers; and

WHEREAS, The Canadian Women's Heart Health Alliance is an organization of volunteer health professionals and patients working hard to improve women's heart health; and

WHEREAS, Wear Red Canada Day is celebrated annually to raise awareness for all Canadians, but especially Canadian women, to be mindful, curious, and proactive in the management of their heart health and wellness; and

WHEREAS, We want to see better prevention, diagnosis, and care and fewer women dying prematurely from heart disease;

THEREFORE, the Town of Carbonear, do hereby proclaim February 13th, 2024, Wear Red Canada Day in the Town of Carbonear.

Favour 7; Opposed 0; **Carried**

- c) Proclamation for National Flag of Canada Day.

Motion 24-033**S. Slade / R. Noel**

WHEREAS, 59 years ago on February 15, 1965 our distinctive red and white maple leaf flag was first raised at ceremonies in Ottawa and throughout Canada; and

WHEREAS, in 1965, the Speaker of the Senate declared the new

flag a symbol of our nation's unity, representing all citizens of Canada without distinction of race, language, belief or opinion; and WHEREAS, the Prime Minister of Canada in 1996, declare that February 15 would be celebrated henceforth as National Flag of Canada Day; and

BE IT RESOLVED THAT ON THIS DAY, we raise our flag with great pride and acknowledge the rights and responsibilities we share as citizens. We also honour the brave men and women who have secured our rights and freedoms over the centuries through their service to our country at home and abroad.

Favour 7; Opposed 0; **Carried**

6. Permits and Correspondence

6.1 Permit Listing # 10436- 10440

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

Motion 24-034

D. Doyle / C. O'Grady

Resolved to approve permits # 10436-10440 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**

Councillor Doyle noted that it is only February and already we have a two unit housing development approved and total development over \$400,000. Hopefully this is a good sign for increased development this year.

6.2 Correspondence, requiring Council's decision

- a) *Department of Transportation and Infrastructure, 17-GI-21-00075 Water Street Water Sewer Storm Street Upgrades Phase 2, Project Amendment Request*

Motion 24-035

S. Slade / M. Seymour

Whereas the Town has encountered additional costs to Water Street Water Sewer Storm Street Upgrades Phase 2, 17-GI-21-00075; and Whereas the Town is able to provide its increased share of the project cost;

Be it resolved to submit a project amendment request to the province for the amount of \$352,162.56 to cover the shortfall; and

Be it further resolved to request an approval to borrow from the Minister of Municipal and Provincial Affairs to finance the municipal share of this project from Scotiabank for a term of 3 years, with an amortization period of 10 years, at an interest rate of 0.25% plus prime for the town's share of the project.

Favour 7; Opposed 0; **Carried**

Department of Transportation and Infrastructure. 17-GI-23-00002 –
Adelaide Street Water, Sewer, Storm and Street Upgrades, Phase 2.
Project Amendment Request

Councillor O'Grady declared a conflict of interest as he has a brother who owns property in the area.

Councillor Snow declared a conflict of interest as he has a sister who owns property in the area.

Councillor Seymour declared a conflict of interest as his mother-in-law owns property in the area.

Councillors O'Grady, Seymour and Snow left their council seats and sat in the Public Gallery.

Motion 24-036

S. Slade / R. Noel

Whereas tenders for Adelaide Street Water Sewer Storm Street Upgrades Phase 2, 17-GI-23-00002, were received and a construction budget shortfall is apparent; and

Whereas the Town is able to provide its increased share of the project cost;

Be it resolved to submit a project amendment request to the province for the amount of \$497,914.04 to cover the shortfall; and

Be it further resolved to request approval to borrow from the Minister of Municipal and Provincial Affairs to finance the municipal share of this project from Scotiabank for a term of 3 years, with an amortization period of 10 years at an interest rate of 0.25% plus prime for the town's share of the project.

Favour 4; Opposed 0; **Carried**

- c) Department of Transportation and Infrastructure. 17-GI-23-00002 –
Adelaide Street Water, Sewer, Storm and Street Upgrades, Phase 2.
Approval to call public tender (re-tender)

Motion 24-037

S. Slade / D. Doyle

Whereas the Province has approved a tender call for Adelaide Street Water, Sewer, Storm, Street Upgrades Phase 2, 17-GI-23-00002;

Be it resolved to arrange for tender call with the engineering consultant when the tender documents are ready.

Favour 4; Opposed 0; **Carried**

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

6.3 Correspondence received and action taken

Council reviewed the following correspondence and action taken:

- a) Government NL
Department of Municipal and Provincial Affairs,

- Accessible Communities Grant. *Forwarded to the Recreation, Special Events, Culture and Tourism committee*
- Mandatory Orientation Training, *Forwarded to Council and Administration*

Department of Fisheries, Forestry and Agriculture

- Invitation to submit feature names for Newfoundland and Labrador Geographical Names database. *Forwarded to Public Works, Waste Management and Community Service committee*
- *Expression of Interest - Guidance for Wildlife Interactions. Forwarded to the Chief Administrative Officer.*

Department of Digital Government and Service NL

- NL Public Health Laboratory, Test results of water samples collected on November 23 at North Atlantic, Shell, Esso, Red Circle and West Side. Results marked satisfactory. Placed on file.
- NL Public Health Laboratory, Test results of water samples collected on December 19 at North Atlantic, Esso, Red Circle and the TC Square Mall. All Results marked satisfactory except the mall. Will be repeated. Copied to the Chief Administrative Officer and the Director of Operations and Public Works

Department of Industry, Energy and Technology

- Letter of Financing (amended) for Downtown Development Phase *Forwarded to Chief Administrative Officer Department of Tourism, Culture, Arts and Recreation*
- Premiers Medals for Arts, Heritage, Sports and Recreation, nominations now open. *Forwarded to the Director of Recreation, Economic Development and Tourism Officer and the Chief Administrative Officer. Placed on the website.*

Department of Justice and Public Safety

- Commissioner of Oaths certificate for staff. *Placed on file*

Department of Environment and Climate Change – Water Resources Division

- Regarding Summer 2023 – public drinking water system data report. Copied to the Director of Operations and Public Works and the Chief Administrative Officer. Placed on file.

Department of Transportation and Infrastructure

- Update to Procurement Thresholds. Copied to Administration. Placed on file.

- b) Resident inquiry on Radon Testing. *Forwarded to the Public Works, Waste Management and Community Services committee*
- c) Property owner, Marshall Drive, Issue with rodents. *Forwarded to the Public Works, Waste Management and Community Services committee*
- d) Avalon Sky High Performance Training Inc request for donation.

- Forwarded to Administration and Finance committee*
- e) Property owner, Willoughby Drive, regarding damage to garbage box. *Forwarded to Public Works, Waste Management and Community Service committee*
 - f) Property owner, request for tax adjustment. *Forwarded to Administration and Finance committee*
 - g) Property owner, request for tax adjustment. *Forwarded to Administration and Finance committee*
 - h) Property owner, regarding raised planters on Water Street. *Forwarded to Public Works, Waste Management and Community Services committee*
 - i) Conservation Corps NL regarding Green Team Proposals. *Forwarded to Public Works, Waste Management and Community Services committee*
 - j) Princess Sheila NaGeira Theatre request for operating grant. *Forwarded to Administration and Finance committee*
 - k) Business owner, Water Street regarding raised planters on Water Street. *Forwarded to Public Works, Waste Management and Community Services committee*
 - l) Department of Immigration, Population Growth and Skills is now accepting applications for 2024 Summer Employment Program for students. *Forwarded to staff.*

7. Committee Reports

- a) Public Works, Waste Management and Community Services
Deputy Mayor Slade advised the committee met on January 24, 2024.
Council can peruse the minutes.
There are not motions being recommended by the committee at this time.
Deputy Mayor Slade read the following update to Council:
The committee has investigated concerns related to snow clearing of sidewalks and blue zone parking, specifically, those in the Heritage Waterfront District. This area has a significant number of store fronts along the sidewalks that depend on the sidewalks to access the buildings where these businesses are located and accessible parking for its customers. There have been operational amendments made by the Director of Operations and Public Works that does not impact snow clearing priorities but has improved the timeliness of the snow clearing of the sidewalks and accessible parking spaces in the Heritage Waterfront District. Town Streets are still the snow clearing priority. Businesses are required to maintain and complete snow clearing of accesses to its businesses. Snow clearing of a portion of the sidewalk may also be required to allow customer access until town staff have completed snow clearing of the town streets and are available to complete snow clearing of sidewalks. The sidewalks in the vicinity of the Carbonear General Hospital/Long Term Care Facility and the two schools on Valley Road are priority as well.

A Winter Maintenance Plan is being completed and a draft plan to be recommended by the committee is expected to be ready for Council's review and approval prior to the next Council meeting. This will provide specific guidance on winter maintenance operations.

Councillor Snow thanked the committee for their work on this matter.

b) Administration and Finance

Councillor O'Grady advised the Finance Committee met on January 25, 2024. The following motions were presented.

Motion 24-038

C. O'Grady P. SNow

Resolved that the Town of Carbonear approve the operating grant to be paid to the Princess Sheila NaGeira Theatre in the amount of \$13,000 for 2024.

Favour 7; Opposed 0; **Carried**

Motion 24-039

C. O'Grady / D. Doyle

*Resolved that the Town of Carbonear adjust the Water & Sewer Tax to \$1,000 on account number FO**A003 for taxation year 2024 and future years while the building continues to be vacant upon receipt of request from the property owner each year.*

Favour 7; Opposed 0; **Carried**

Motion 24-040

C. O'Grady / P. Snow

Resolved to make application to the Department of Municipal and Provincial Affairs for the Accessible Communities Grant in the amount of \$20,000 to replace the wheelchair lift at the Princess Sheila NaGeira Theatre with an estimated cost of \$80,000.

Favour 7; Opposed 0; **Carried**

CAO noted that the EDTO is also looking at other sources of funding as well.

c) Recreation, Special Events, Culture and Tourism

Councillor Seymour advised the committee met on January 31, 2024.

Several matters were reviewed.

He encouraged residents to come out and enjoy events planned by Special Events Committee and thanked the Special Events Committee for their work.

Councillor Doyle inquired about the cancelling of Water Aerobics when there is only a small number of people who show up.

She felt that one of the people who came drove 30 minutes only to find out it was cancelled. She felt that more notice needed to be given.

Councillor Seymour noted that this was discussed by committee and the Recreation Director clarified the matter. Even if there are less than 3

participants, they will be given the option to proceed with the program. The

Director will monitor the program and if there are very few participants during particular months, other programming can be considered during this time.

- d) Economic Development, Planning and Land Use Development
Councillor Doyle advised the committee met on Feb. 8, 2024
The following motions are recommended.

Motion 24-041

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 operate a new business (Bed and Breakfast – Restaurant) at 152 Water Street conditional upon receipt of approval from Service NL and other applicable government departments and agencies;*
- *to renew permit to operate a domestic saw mill for personal use at 49 O'Keefe Plains, conditional upon the following: 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 annual renewal at Council's discretion;*
- *To vary the total floor area of a two-storey accessory building at 35 Hoyles Road from 50 m² to 102.7 m² conditional upon no objections to the discretionary notice; and
To vary the height of the two-storey accessory building from 6.1 m to 6.7 m conditional upon no objections to the variance notice; and
Further conditional upon the application being referred back to committee and council for further review if objections are received.*

Favour 7; Opposed 0; **Carried**

Motion 24-042

D. Doyle / M. Seymour

Whereas there is a need for more affordable housing in the Town of Carbonear; and

Whereas there have been several housing developments approved for the Town of Carbonear; and

Whereas affordable housing close to community amenities, physically accessible and welcoming to people of all abilities will make the Town of Carbonear more accessible and inclusive; and

Whereas the Carbonear Council is supportive of these new housing initiatives; and

Whereas changes are required to the Municipal Plan and Development Regulations to allow for more affordable housing; and

Whereas the Municipal Plan and Development Regulations review will not be completed before the changes are required to proceed with the

housing developments proposed;

Be It Resolved to proceed with the Municipal Plan and Development Regulations Amendment required to allow the town to develop required housing initiatives by amending land use areas to Residential and amending the development standards in the Residential Medium Density Zone in accordance with the recommendation of the planner.

Favour 7; Opposed 0; **Carried**

This motion is in relation to three approvals that have been granted by the provincial government for multi-unit housing developments in Carbonear.

Motion 24-043

D. Doyle / R. Noel

Resolved to send a Removal Order to the property owner of 56 Adelaide Street to remove the accessory building constructed on the property without a permit of Council.

Favour 7; Opposed 0; **Carried**

8. Reports of Chief Administrative Officer and Department Heads

a) Director of Operations and Public Works

The Director reviewed the following from his report:

Infrastructure and Public Works

- Temperatures are hovering around zero Celsius. Crews are working to stay ahead of potholes. WE have cold patch trying to stay ahead of it.

Facilities

- Lights upgraded in council chambers.

Capital Projects

ICIP Beach Road Sewer Upgrading

- Preliminary survey completed. Awaiting IFR documents

ICIP Cross Roads Water Sewer Street Upgrading

- Preliminary survey completed. Awaiting IFR documents.

Adelaide Street Water Sewer and Road Upgrades Phase 2

- Approval from the Province received to tender again.

Mayor Butt inquired about the status of the Grassey Lane Project. The Director advised we are waiting on changes from the consultant. The Director will follow up with the consultant on the matter.

9. Finances

a) Operating Invoices over \$2,000.00 in the amount of..... \$152,491.83

Motion 24-044

C. O'Grady / R. Noel

Resolved that the Town of Carbonear approve for payment the list of operating invoices over \$2,000 totaling \$152,491.83 as submitted to Council.

Favour 7; Opposed 0; **Carried**

b) Capital Invoices:

Water Street Phase II - Landscaping PN 20-105, Part B

Black Diamond Construction Ltd. Claim 2\$115,812.79

Valley Road, Phase 4, Water, Sewer and Street Upgrading

Cougar Engineering & Construction Ltd, Claim 4.....\$245,768.62

Cougar Engineering & Construction Ltd, Claim 5 Holdback...\$116,055.82

Mayor Butt declared a conflict of interest on the Valley Road, Phase 4 Project as he has a brother who owns property in the area.

Councillor Noel declared a conflict of interest on the Valley Road, Phase 4 Project as he has a brother and sister who own property in the area.

Motion 24-045

C. O'Grady / P. SNow

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

Water Street Phase II - Landscaping PN 20-105, Part B

Black Diamond Construction Ltd. Claim 2\$115,812.79

Favour 7; Opposed 0; **Carried**

Mayor Butt and Councillor Noel left their seats at the Council table and moved to the public gallery.

Deputy Mayor Slade assumed the position of Chair

Motion 24-046

C. O'Grady / P. Snow

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

Valley Road, Phase 4, Water, Sewer and Street Upgrading

Cougar Engineering & Construction Ltd, Claim 4.....\$245,768.62

Cougar Engineering & Construction Ltd, Claim 5 Holdback...\$116,055.82

Favour 5; Opposed 0; **Carried**

Mayor Butt and Councillor Noel returned to their seats at the Council table.

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

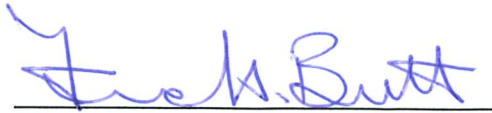
13. Adjournment

Motion 24-048

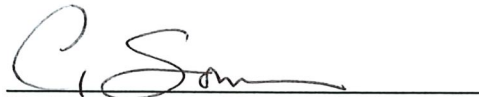
S. Slade / M. Seymour

Resolved that the meeting adjourn at 6:07pm and that Council meet again for a Regular Council Meeting on Tuesday, February 27th at 5:30pm

Favour 7; Opposed 0; **Carried**



Mayor Frank Butt



Cathy Somers, Town Clerk