

Town of Carbonear
Regular Council Meeting, June 16, 2014

Minutes of a regular meeting of the Council of the Town of Carbonear
held in Council Chambers, June 16, 2014 at 7:00 p.m.

Members Present:	Mayor Deputy Mayor Councillors	George Butt Jr. Frank Butt Ray Noel Bill Bowman David Kennedy Ed Goff Brenda Trickett
Also Present:	Town Administrator (Acting Town Clerk) Director of Operations and Public Works	Cynthia Davis Brian O'Grady
Absent:	Town Clerk	Cathy Somers (vacation)

1. Calling of Meeting to Order
Mayor Butt called the meeting to order at 7:00 pm.

2. Adoption of Minutes
Regular Minutes – June 3, 2014
Motion 14-454 **R. Noel / D. Kennedy**
Resolved that the minutes of the June 3, 2014 Regular meeting of council be adopted as presented.
Favour 7; Opposed 0; **Carried**

3. Business Arising From Minutes
 - 234 Water Street
Motion 14-455 **R. Noel / D. Kennedy**
Resolved to proceed with the hazard materials assessment of 234 Water Street by Pinchin Leblanc per the quote provided of \$2,500 to \$3,000.
Favour 7; Opposed 0; **Carried**
Once the report is received, Council will decide whether they will be proceeding with the demolition of the building at the site.
 - Fire Protection Notice – The notice has been placed in the Compass, on the Town's website and on the Facebook page. The Town Administrator will make contact with the suggested individual with the Line Road Cabin Owner's Association to inform her of Council's decision at the last meeting.

4. Delegations
RCMP
Staff Sergeant Bennett and Sergeant Hicks reviewed the Annual Performance Plan with Council and discussed issues in the area. The main issues appear to be speeding and ATV's on the municipal streets. The RCMP received complaints

from the hospital concerning excessive speed and not stopping at the crosswalk. The RCMP targeted this area and the concerns seem to have reduced. There were also complaints received of early morning traffic failing to stop at the lights. A patrol car was assigned to that area during early morning and there were 8 charges laid for failing to stop at the lights.

They reported that they have had very few calls reporting speeding on town streets and ATV's. People appear to be calling the town council and not the RCMP. Unless they receive the calls, there is no problem identified. It was suggested that councilors receiving such calls recommend that the individuals contact the RCMP to report the incidents so there is a record of the violations. The RCMP identified that they do not have finite resources and may not always be in a position to respond. The media gave the impression there was a "epidemic" of break and enters in Carbonear. They indicated that per their statistics, this is not the case. There are no more than usual. The Staff Sergeant also indicated that the town's MEO inquired about having Supernumerary Special Constable Status so he could ticket for non-moving violations. He reported that this authority is under review and don't know when this will be completed, if it can. The Town Administrator reported that the Town has forwarded traffic regulations to the province for approval which should allow the MEO to ticket for non moving violations upon approval. The RCMP advised that they understood that the Town's MEO was now licensed under the Animal Protection Act. This was confirmed and it was also identified that enforcement would be within the Carbonear Municipal Boundary only. It was noted that Powell Drive and Water Street was where speeding appeared to be most excessive. Council inquired if the RCMP could charge based on images taken with cameras throughout town. The RCMP indicated that it was fine for the town's enforcement of their regulations but not necessarily for RCMP enforcement due to expectations of privacy. The RCMP also identified that many of the ATV complaints are anonymous. The ideal situation to charge and convict would be for the complainant to report and testify but this rarely happens. The RCMP indicated that they could follow up with a plate number but would not likely lay charges. It was reiterated that people should call so there is a record. The Mayor thanked the RCMP officers for attending the meeting. They left the meeting at 7:45 pm.

5. Correspondence, Permits & Development

a) List of Permits Issued # 6188 – 6203 (List attached)

Motion 14-456

D. Kennedy / B. Bowman

Resolved to approve the list of permits #6188-6203 as per applications received subject to the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.

Favour 7; Opposed 0; **Carried**

Mayor Butt asked Councillor Kennedy if he would proceed with the Development Committee Report at this time.

The following recommendations were brought forward from the Development Committee:

Motion 14-457**D. Kennedy / B. Bowman**

Resolved to approve construction of a fence per application submitted subject to the fence meeting the Town of Carbonear Municipal Plan and Development Regulations and the Fence Regulations; where the height does not exceed the maximum fence height from the elevation of the adjacent property.

Favour 7; Opposed 0; **Carried**

Motion 14-458**D. Kennedy / R. Noel**

Resolved to approve construction of a fence per application submitted subject to the fence meeting the Town of Carbonear Municipal Plan and Development Regulations and subject to meeting the requirements of the Fence Regulations and exception per section 8(a) of the Fence Regulations.

Favour 7; Opposed 0; **Carried**

Motion 14-459**D. Kennedy / F. Butt**

Resolved to approve the construction of a fence per application submitted subject to the fence meeting the Town of Carbonear Municipal Plan and Development Regulations and subject to meeting the requirements of the Fence Regulations per exception made per section 8(a) of the Fence Regulations.

Favour 7; Opposed 0; **Carried**

Motion 14-460**D. Kennedy / B. Bowman**

Resolved to approve construction of a fence subject to the fence meeting the Town of Carbonear Municipal Plan and Development Regulations and subject to meeting the requirements of the Fence Regulations and per exception made per section 8(a) of the Fence Regulations.

Favour 7; Opposed 0; **Carried**

Councillor Noel declared a conflict on the next item and left the meeting.

Motion 14-461**D. Kennedy / B. Trickett**

Resolved to approve application to subdivide property and construct a new dwelling at 55 Valley Road subject to meeting the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies.

Favour 6; Opposed 0; **Carried**

Councillor Noel returned to the meeting.

Motion 14-462**D. Kennedy / F. Butt**

Resolved that the Town of Carbonear approve the application to construct a garage at 50 The Gap Road subject to no objections or representations received from the variance advertisement in the local paper and further subject to the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies.

Favour 7; Opposed 0; **Carried**

Motion 14-463**D. Kennedy / R. Noel**

Resolved that the Town of Carbonear approve the application open a Dog Grooming Business at 4A Lemarchant Street subject to no objections or representations received from the discretionary use advertisement in the local paper and further subject to the application meeting the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies.

Favour 7; Opposed 0; **Carried**

Motion 14-464 **D. Kennedy / B. Bowman**

Resolved to proceed with the tender for the sale of land at the corner of Gap Road and Janes Avenue specifying a minimum bid of \$35,000.

Favour 7; Opposed 0; **Carried**

Motion 14-465 **D. Kennedy / B. Bowman**

Resolved to approve the application for a vacation home at 183-189 Water Street subject to the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies and subject to other required approvals from other government departments and agencies.

Favour 7; Opposed 0; **Carried**

Motion 14-466 **D. Kennedy / E. Goff**

Resolved to approve the application to complete renovations to the building situate at 179 Water Street and the use of an art gallery and coffee shop per the application submitted and subject to the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies and subject to other required approvals from other government departments and agencies.

Favour 7; Opposed 0; **Carried**

5.1 Correspondence, requiring Council's decision

- a) Request for exemption of noise bylaw / Forest Road on August 2, 2014

Motion 14-467 **F. Butt / D. Kennedy**

Resolved to approve an exemption to the Nuisance Regulations for August 2, 2014 for the Forest Road Neighbourhood Block Party.

Favour 7; Opposed 0; **Carried**

- b) MHA – George Murphy – Petition – Permanent ban on the use of Tordon 101 within the province. *Council approved the placement of the petition in the front lobby.*

- c) Petition presented on behalf of pool patrons regarding an issue with parking at the Recreation Complex. *The issue is being investigated by the Carbonear Academy School Council and the Eastern Regional School District. A notice is to be placed at the pool advising patrons that the problem is being investigated for a solution. School will be out next week and there should be a solution before school opens in the fall.*

Deputy Mayor Butt and Councillor Noel declared a conflict of interest on the next item on the agenda and left the meeting.

- d) Collective Agreement (January 1, 2014 – December 31, 2016)

Motion 14-468 **B. Bowman / E. Goff**

Resolved to approve the Collective Agreement January 1, 2014 – December 31, 2016 as negotiated between the Town of Carbonear and Transport and Allied Worker's Union, Teamsters Union Local 855.

Favour 5; Opposed 0; **Carried**

Councillors Noel, Kennedy and Trickett declared a conflict of interest on the next item and left the meeting.

- e) Street Repairs 2014

Motion 14-469 **B. Bowman / E. Goff**

Resolved to go to tender to complete asphalt repairs on the following

sections of street: London Road (325 m), Water Street (110 m), White's Road (150 m), South side Lower Road (50 m), O'Donovan's Lane (50 m), Bond St. (30 m), Valley Road (150 m), Powell Dr. (300 m) and CHVO Drive (15 m).

Favour 4; Opposed 0; **Carried**

It was noted that if curb was required in areas to maintain the pavement where it is prone to washouts, this should be completed.

Motion 14-470 **E. Goff / B. Bowman**

Resolved to enter into an engineering agreement with Harris & Associates to complete pre design, design, contract documents and tendering for Street Repairs 2014 in the amount of \$8,100 plus HST.

Favour 4; Opposed 0; **Carried**

5.2 Correspondence received and action taken

Council was asked to review the following correspondence and action taken and refer any questions or concerns to the Town Administrator or appropriate committee:

- a) Department of Municipal and Intergovernmental Affairs (Engineering Branch)
RE: Changes to Department of Municipal & Intergovernmental Affairs, Water, Sewer and Roads Master Specifications
Copied to the Director of Operations and Public Works and the Town Administrator
Placed on file
- b) Forestry and Agrifoods Agency
RE: 10 Provincial Ticketing Centre Batch Documents
Copied to the Public Works Committee and Municipal Enforcement Officer
- c) Property owner, Valley Road
Water concerns
Forwarded to Director of Operations and Public Works & Public Works Committee
- d) Municipalities NL
RE: News Release - Memorial University -Survey conducted on planning and economic development for Atlantic Canada)
Copied to Council, placed on file
- e) National Communities in Bloom
Newsletter
Copied to the Director of Recreation and Tourism, Town Administrator and Recreation Committee
- f) Property owner, D'Iberville Street
RE: Request to purchase land
Forwarded to Development Committee
- g) NL Public Health Laboratory, Test results of water samples collected on May 26, 2014 @ the Dept of Justice and 13-15 Bemister's Hill. Results marked satisfactory. Placed on file
- h) Department of Innovation, Business and Rural Development
RE: Carbonear Island Research and Exploration Project grant approval in

the amount of \$34,153.00

Placed on file

- i) Canada Mortgage and Housing Corporation
RE: Mini-conference taking place in Grand Falls and Clarenville, June 18
-19, 2014
Copied to council. Placed on file
- j) Business owner Water Street
Request for wheelchair ramp in front of the building
Forwarded to Public Works committee

6. Committee Reports

- a) Finance, Human Resources and Administration Committee
Committee Chair Ray Noel presented the following recommendations from
the committee meeting.

Motion 14-471 R. Noel / B. Bowman

*Resolved to approve for payment the list of operating invoices in the
amount of \$62,555.74 as submitted to council.*

Favour 7; Opposed 0; **Carried**

Motion 14-472 R. Noel / B. Trickett

*Resolved that the town approve a maintenance grant in the amount of
\$10,000 from the NL Heritage Foundation to complete exterior repairs to
the East Side of the Old Post Office and the trim where the Heritage
Foundation agrees to pay 50% of the total project cost to a maximum of
\$5000.*

Favour 7; Opposed 0; **Carried**

*It was raised whether Deputy Mayor Butt would be in conflict where he is a
member of the Volunteer Fire Department. Council felt that since this is an
arm of Council and there is no monetary benefit to him in this situation that
he was not in conflict.*

Motion 14-473 R. Noel / F. Butt

*Resolved that the Town of Carbonear on behalf of the Carbonear
Volunteer Fire Department apply to the provincial government for funding
to be cost shared 80/20 to cover the cost of new equipment where the
20% is to be provided from the Fire Department's operating budget or
fundraising funds.*

Favour 7; Opposed 0; **Carried**

Motion 14-474 R. Noel / B. Bowman

*Resolved to amend Policy Number: A.11 – Flags to be Flown at Half Mast.
To include "Any other circumstances as decided by the Mayor, Deputy
Mayor & Town Administrator."*

Favour 7; Opposed 0; **Carried**

- b) Development Committee
*Recommendations from the Committee were completed earlier in the
agenda.*

7. Reports of Town Administrator and Department Heads

- c) Director of Recreation and Tourism
- The Director reported that general maintenance is ongoing and the sauna door has been replaced.
 - The electrician has been contacted and advised to install a timer for exterior lighting.
 - The Replacement sign Harbour Rock Hill Park has been ordered.
 - It has been difficult to keep on top of grass maintenance with the installation of the new playground in Crocker's Cove. Students have not started yet so they are not available to assist. Council suggested that a couple of students be hired for a few days to catch up on mowing and trimming. The Director to follow up on hiring a couple of students as required.
 - The play structure has been installed in Crocker's Cove; however, landscaping work is still remaining for completion.
 - Limited maintenance is required at Paddy's Garden to prepare for the concert. This work will be completed prior to the concert.
 - The brick work has been completed on the dugout. Town staff will be completing the roof installation. It was identified that this should be completed as soon as possible due to the tournament that has been scheduled.
 - Visitation numbers to the pool are up over last year. It is anticipated that pool revenue should be on par once lesson registration has been completed.
 - Summer students have been hired.
 - The Canada Day Concert is scheduled for June 28 and the Family Day Activities are scheduled for July 1. It was agreed to maintain the portable sign for advertising summer events until the end of August. There are a number of events that can be advertised including Celtic Roots Festival, opening dates for the museum, Triathlon, Car Show, Relic Riders Event and World Cup of Tiddley Tournament.
 - The Swim to Survive Program is completed for this year. It included 5 schools and nearly 200 participants.
 - The Good Ole Carbonear Opry was a great success. There are still two shows remaining. The first is a tribute to Irish and traditional music and the second is to honour those who have fought in the wars.
 - The St. Patrick's Community Garden is open.
 - The Recreation Commission Annual Awards Ceremony has not taken place to date but a date should be scheduled in the near future.
 - Summer Program information will be released this week with registration beginning next week and the program starting on July 6.
 - The grand opening of the Lions Skateboard Park is scheduled for Friday at 2:15 pm.

8. Finance

- a) **Operating Invoices:** over \$2,000.00 totaling \$39,509.92

The motion to approve was made during the Finance, Administration and Human Resources Committee Report.

9. Regulations
None

10. General Business

- Update – 71 Southside Lower Road – The demolition is completed, however, there is still clean up of debris required. A letter to be sent to the owner advising that clean up of the property is required as soon as possible.
- Corner of Crowdy Street and Chapel Hill – The property owner was sent a letter advising that he was in violation of the Municipalities Act by completing work with the road side ditch without approval of Council. The owner requested a meeting which was approved; however, he was not available for the meeting date. The property owner continued with completing work on the ditch on town property. Another attempt to be made to arrange a meeting with the property owner before removing the culvert installed without appropriate curb and gutter.
- Earle's Lane – There has not been compliance with the Clean Up order for the Earle's Lane property. It was felt this has been ongoing for over two years and ample opportunity has been provided to the property owner. The town to proceed with the next step in the process which is court action.
- Tract Consulting – The quote to complete a concept plan for upgrades to the sidewalks, building facades and other improvements was emailed to Council for their information. It was suggested that the development officer with ACOA be contacted to discuss the possibility of funding for such plans.
- Irishtown Road Property – There have been numerous complaints about this property over the years. Clean up has been completed in the past and the property owner was taken to court. It was felt that the town should proceed with clean up. Staff to forward appropriate correspondence to the property owner advising that the town will be completing clean up of the property.

Motion 14-475

D. Kennedy / R. Noel

Whereas the property owner has not completed clean up of the property per order of Council;

Be it resolved that the Town of Carbonear complete clean up of the property situate at 38 Irishtown Road.

Favour 7; Opposed 0; **Carried**

Clean Up to commence upon the return of the Director of Operations and Public Works from vacation who will supervise the cleanup operation.

- There was a complaint of a resident with an open fire that was causing a nuisance for the neighbouring property. The MEO to address this issue with the resident.
- There was an inquiry about the status of the installation of speed signs on London Road. The Town Administrator will follow up with staff.
- Cross walk painting has started but not completed. Work is still ongoing and should be completed in the near future.
- Property owners on Lemarchant St. whose property is adjacent to a drainage

ditch is concerned about property erosion. The Town Administrator to discuss the issue further with the Director of Operations and Public Works on his return to schedule appropriate upgrades to the property to correct the problem.

- Council inquired on when the sods on London Road were to be installed. It was noted that the topsoil was installed; however, the sod still has not been placed. The Town Administrator will follow up with the engineer on the status.
- It was noted that three sidewalks in the London Road Project Phase II had cracks, therefore a deficiency that should be repaired prior to payout of the holdback on the project.
- It was noted that a water repair completed on Scarlet Ridge Road still has not been patched with asphalt. The Town Administrator reported that she would have to follow up with works staff on the status.
- There was a complaint from a resident about the location of a hydrant being too close to their driveway. The Town Administrator would have the issue investigated and report back to the Public Works Committee on the issue.

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

12. Adjournment
Motion 14-476
F. Butt / R. Noel
Resolved that the meeting adjourn at 9:45 p.m.

Mayor George Butt Jr.

Cynthia Davis, Town Administrator