

Town of Carbonear
Regular Council Meeting, July 21, 2015

Minutes of a regular meeting of the Council of the Town of Carbonear
held in Council Chambers, July 21, 2015 at 4:00 p.m.

Members Present: Mayor George Butt Jr.
Councillors Ray Noel
Bill Bowman
Ed Goff
David Kennedy
Brenda Trickett

Members Absent: Deputy Mayor Frank Butt

Also Present: Town Administrator Cynthia Davis
Town Clerk Cathy Somers
Director of Operations and
Public Works Brian O'Grady
Director of Economic
Development & Tourism Kai Bath

Absent: Director of Recreation Rob Button

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1. Calling of Meeting to Order
Mayor Butt called the meeting to order at 4:10pm and welcomed everyone present.
 2. Adoption of Minutes
 - Regular Minutes – June 15, 2015
Motion 15-184 D. Kennedy / B. Bowman
Resolved that the minutes of the June 15, 2015 Regular meeting of Council be adopted as presented.
Favour 6; Opposed 0; **Carried**
 3. Business Arising From Minutes
 - Council inquired if the digital sign has been ordered yet for the Community Centre and Theatre.
Town Administrator advised she was waiting on Council to view the similar sign in the area and advise if it was to their satisfaction.
Council advised the Town Administrator to proceed with ordering the sign.
 4. Delegations
No delegations present.
 5. Correspondence, Permits & Development
 - a) List of Permits Issued # 6794 - 6908 (List Attached)
Councillor Noel declared a conflict of interest on permits 6795, 6796, 6804 and 6808

as these were permits for himself, his brother, his brother-in-law and sister-in-law. Councillor Goff declared a conflict of interest on permits 6795, 6796 and 6804 as these were permits for himself, his brother-in-law and his sister. Councillor Bowman declared a conflict of interest on permit #6857 as this was for his brother-in-law.

Motion 15-185

D. Kennedy / B. Trickett

Resolved to approve the list of permits #6794 - 6908, excluding permits #6795, 6796, 6804, 6808 and 6857, as per applications received, and per the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.

Favour 6; Opposed 0; **Carried**

Councillors Noel and Goff left the meeting.

Motion 15-186

D. Kennedy / B. Trickett

Resolved to approve permits #6795, 6796 and 6804, as per applications received, and per the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.

Favour 4; Opposed 0; **Carried**

Councillor Goff was called back into the meeting.

Motion 15-187

D. Kennedy / B. Bowman

Resolved to approve permit #6808, as per application received, and per the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.

Favour 5; Opposed 0; **Carried**

Councillor Noel was called back into the meeting.

Councillor Bowman left the meeting.

Motion 15-188

D. Kennedy / E. Goff

Resolved to approve permit #6857, as per application received, and per the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.

Favour 5; Opposed 0; **Carried**

Councillor Bowman was called back into the meeting.

b) Permit applications (not yet reviewed)

- 49 Pike's Lane – Sub-divide property and construct single dwelling on new lot created by sub-division of property.

The existing lot currently has a single dwelling on the property. This is being considered as backlot development creating two backlot properties, which is a discretionary use in a Residential Medium Density Zone.

Motion 15-189

D. Kennedy / R. Noel

Resolved to approve a permit to sub-divide property of 49 Pike's Lane and to construct a single dwelling on the property subject to compliance with the Back Lot Development Regulations and the Town of Carbonear Municipal Plan and Development Regulations, provided there are no objections to the discretionary use and the Fire Department has no concerns with providing Fire Protection to the area.

Favour 6; Opposed 0; **Carried**

5.1 Correspondence, requiring Council's decision

a) Airtron Canada

RE: Quote to supply and install A/C Unit at the Carbonear Pool at cost of \$12,710.00 plus HST.

Deferred to obtain pricing on other options.

- b) Property owner Forest Road
Request for exemption to noise by law for annual block party on July 25, 2015
Motion 15-190 **D. Kennedy / B. Trickett**
Resolved that the Town of Carbonear approve an exemption to the Noise By-Law for the purpose of a block party to be held at 42 and 44 Blueberry Crescent on July 25, 2015.
Favour 6; Opposed 0; **Carried**

5.2 Correspondence received and action taken

Council reviewed the following correspondence and action taken:

- a) Property owner – Water Street
RE: Operation of a theatre company
Forwarded to Development Committee
- b) Property owner – Highroad South
RE: Fence construction
Forwarded to Development Committee
- c) Property owner Dwyer’s Lane
RE: Front step construction
Forwarded to Development Committee
- d) Department of Environment & Conservation
RE: 2014 Annual Drinking Water Quality Report
Copied to Town Administrator for reviewed
- e) Department of Municipal and Intergovernmental Affairs
- RE: Capital Investment Plan Approval – Road Upgrades to Highroad South, Grassey Lane, Highroad North and Scarlett Ridge
 - Documentation required for Approval to Borrow Application
 - 2015 Municipal Long Service Awards – Elected Officials (Deadline September 15, 2015)
 - Approval to call tenders – MYCW/2014-17 Town of Carbonear, Lift Station Part B. (Generator & Fencing) – Placed on file
 - Lift Station MYCW /2014-17 Town of Carbonear, Lift Station – Part A
Tender awarded to Newfound Construction Ltd at a cost of \$533,190.50(HST included)
Approval to award required.

Motion 15-191 **R. Noel / B. Trickett**
Resolved to award the Pike’s Lane Lift Station Part A, Project # 17-MYCW – 15-00064 to Newfound Construction Ltd. in the amount of \$533,190.50.

Favour 6; Opposed 0; **Carried**

Motion 15-192 **R. Noel / B. Trickett**
Resolved to request an approval to borrow from the Department of Municipal and Intergovernmental Affairs to borrow the Town’s 20% share of the Pike’s Lane Lift Station Project # 17-MYCW – 15-00064 from Scotiabank at a rate of prime plus 0.25% for a 10 year term.

Favour 6; Opposed 0; **Carried**

- 2014-2017 Multi Year Capital Works Program
Request to reallocate funding within the 2014-2017 Multi Year allocation.
(Pike's Lane Lift Station and LeMarchant Street –Water & Sewer Upgrading and Paving Phase II)
- Allocation of the Federal Gas Tax Program in the amount of \$198,825.00 to be paid in two installments of \$99,412.50 (Year 9A and 9B)
- g) Department of Business, Tourism, Culture and Rural Development
 - Reference # 30-08812-024-01, funding application (placed on file)
 - Reference # 30-08812-025 (Legacy musical drama) funding approved in the amount of \$5400 to host musical drama.
Referred to Recreation, Tourism and Culture committee
Placed on file.
- h) Vehicle owner
RE: Damage to vehicle due to hitting a pothole
Forwarded to Public Works, Waste Management & Community Services Committee
- i) NL Public Health Laboratory, Service NL - Test results of water samples collected on May 27, 2015 @ Department of Justice, Fong's Restaurant, Town Office and the TC Square Mall and also collected on June 10, 2015 @ Dept of Justice, Fong's Restaurant and 9 Bemister's Hill. Results marked satisfactory. Placed on file.
- j) Business Owner – Janes Avenue
Promotion of business
Forwarded to Council and staff and Special Events Committee
- k) The Conception Bay Kennel Club
Request for donation
Forwarded to Finance, Human Resources and Administration committee
- l) Keyin College
Invitation for the Mayor to attend graduation ceremonies on July 31, 2015 @ 2:30
Copied to the Mayor
- m) Trinity Conception Relay for Life
Invitation for the Mayor to attend opening ceremonies on September 12, 2015 at Upper Island Cove @ 11 am.
Copied to the Mayor.
- n) Property owner Butt's Road
RE: clean up of property
Forwarded to Public Works, Waste Management and Community Services Committee
- o) Property owner Earle's Lane
Complaint of water runoff from neighbouring property
Forwarded to Public Works, Waste Management and Community Services Committee
- p) James Moore Reunion Committee
RE: List of activities being held from July 17-19th for high school reunion.
Copied to council
- q) Product Care Association – Paint Recycle Program
Request to set up both for Carbonear Days Weekend to distribute educational material
Copied to Special Events Committee, placed on file

- r) Property Owner LeMarchant Street
RE: Complaint of neighbouring property
Forwarded to Public Works, Waste Management and Community Services Committee
- s) Property owner Water Street
RE: Complaint of tree in road reservation.
Forwarded to Public Works, Waste Management and Community Services Committee
- t) Trinity Conception Placentia Health Foundation
RE: Thank you for donation to Annual Auction
Placed on file
- u) U-Turn Drop In Center
RE: Invitation for Mayor and Council to attend 4th Annual BBQ on Sunday, August 8th from 1 - 4 pm.
Copied to Mayor and Council.
- v) Eastern Health
Funding application for a Community Development Grant for the Carbonear Recreation Commission has not been approved.
Copied to the Director of Recreation and Tourism. Placed on file.
- w) Wooden Boat Museum
RE: 8th Annual Wooden Boat Conference, September 11th -12th, 2015
Request to become a corporate sponsor.
Forwarded to Finance, Human Resources and Administration Committee
- x) Business owner
RE: Lease agreement
Forwarded to Finance, Human Resources and Administration Committee

6. Committee Reports

a) Development Committee

Motion 15-193

D. Kennedy / R. Noel

Resolved to approve a permit to construct an extension to an existing cabin situate at the Lot 14 Line Road per the application submitted, per the Town of Carbonear Municipal Plan and Development Regulations and upon receipt of applicable approvals from the Department of Environment and Conservation and other applicable government departments and agencies.

Favour 6; Opposed 0; **Carried**

Motion 15-194

D. Kennedy / B. Bowman

Resolved to approve a permit to install a sign situate at 155 Columbus Drive per the application submitted.

Favour 6; Opposed 0; **Carried**

Motion 15-195

D. Kennedy / B. Bowman

Resolved to approve a permit to construct a fence situate at the 2 Burnt Head Road in accordance with the Town of Carbonear Fence Regulations and the Carbonear Municipal Plan and Development Regulations.

Favour 6; Opposed 0; **Carried**

Motion 15-196

D. Kennedy / B. Trickett

Resolved to send removal order to property situate at 77 London Road to remove shed built in non-compliance to the Town of Carbonear Municipal Plan and Development Regulations.

Favour 6; Opposed 0; **Carried**

Motion 15-197

D. Kennedy / R. Noel

Resolved to approve a permit to construct a new cabin to replace existing cabin situate at Lot # 31 Line Road per the application submitted, per the Town of Carbonear Municipal Plan and Development Regulations and upon receipt of applicable approvals from the Department of Environment and Conservation and other required government departments and agencies and subject to the existing cabin being demolished within 12 months of completion of the new cabin.

Favour 6; Opposed 0; **Carried**

Motion 15-198

D. Kennedy / R. Noel

Resolved to approve a permit to replace the existing deck and install a new septic system situate at the Line Road per the application submitted, per the Town of Carbonear Municipal Plan and Development Regulations and upon receipt of applicable approvals from the Department of Environment and Conservation and Service NL and other applicable government departments and agencies.

Favour 6; Opposed 0; **Carried**

Motion 15-199

D. Kennedy / B. Bowman

Resolved to approve placement of signs situate at 195 Water Street (to be placed on the building) and 198 Water Street (portable sign) as per the Town of Carbonear Municipal Plan and Development Regulations.

Favour 6; Opposed 0; **Carried**

- b) Recreation, Tourism & Culture Committee
Councillor Goff provided an update on the following items:
Train – Director of Recreation and Tourism is researching funding criteria to make application for funding under the Canada 150 Community Infrastructure Program.
Dog Park - Sods have been installed, along with 2 play hydrants, and the Director of Recreation and Tourism is also researching other plastic play structures for the dog park. An official opening will be scheduled when fully completed.
Musical ride – Planning is underway, event will be on August 19, 2015. Tickets are on sale for \$10 each at the Carbonear and Hr. Grace Council Offices.
Poseidon Swim Club, Request for display case - Director of Recreation and Tourism has been speaking with the Swim Team Executive to make arrangements to have a sign placed across the bulkhead in the pool, and will be investigating changes in the main lobby area, that will allow room for a display case.
Communities in Bloom – Judging went well. Director of Recreation and Tourism to send in reports by deadline by August 15, 2015.
Tri-athlon, Car show, Butterfly Release, Celtic Roots, softball tournament - All these events were well attended. Council congratulated all volunteers.
Walking trails are progressing - Councillor Bowman noted that we need some signage on both trails, while they are under construction.
- c) Public Works, Waste Management & Community Services Committee
Councillor Noel presented the following recommendations from the Committee:
Motion 15-200 **R. Noel / D. Kennedy**
Resolved to approved the amended Fire Department By-Laws as presented to

Council.

Favour 6; Opposed 0; **Carried**

Council raised the issue of relocation of business to 42 Powell Drive. Discussed. Town Administrator to have the progress monitored and proceed with further action if the work has not been carried out within the required timeline. Town Administrator to advise developer of the requirement to install privacy lattice on the fence as well.

Councillor Trickett inquired about the car that has been abandoned on the side of Powell Drive for several days.

Town Administrator advised that our Enforcement Officer is dealing with this matter.

7. Reports of Town Administrator and Department Heads

a) Director of Operations and Public Works

Director of Operations and Public Works reviewed the following with Council:

- Pikes Lane / Beach effluent station. The tender has been awarded to Newfound Construction. I have not yet been informed of the expected delivery date of the equipment.
- Pikes Lane effluent station pre-project work:
 - a) We have completed the installation of the sewer by-pass at the beach effluent station. This was done to help elevate a major sewer problem in the event of a catastrophic failure of the existing system.
 - b) The above ground pump has been delivered. This unit will temporarily replace the failed submersible pump.
- We have blocked the flow of sewage into the station (using the sewer by-pass we installed) and are in the process of cleaning the station to allow modifications of the piping. These modifications are required to hook up the above ground temporary pump we purchased. The by-pass is able to handle the sewer during these low volume periods.
- LeMarchant Street Project – This project tender will be advertised in the paper on Saturday, July 25.
- We continue milling out, and repairing potholes. The Long Term care project is now in the process of complete the section of Earle's Lane in front of their facility. This includes sidewalk the full length of the facility as well as new asphalt.
- The contractor for the concrete repair work has now completed the work from the 2014 list, with the exception of the Patrick Street intersection. They have also completed the majority of the 2015 work. They will be returning in a couple of week to complete the remainder of the work. The new Truck that we ordered has been delivered and is in service.

- We have received 24 applications in response to our ad for additional people to add to our seasonal on-call labourer list. We will be arranging interviews for Wednesday and would like to make the selections this week (up to 4 people). I have arranged training for the successful candidates for Monday, July 27, 2015.

b) Director of Economic Development
 Director of Economic Development requested a motion to submit application for the ACOA Canada 150 Program for the Carbonear Walking Trails. The total of the application is \$219,850 with 50% funding requested from ACOA (\$109,925) and 50% Town of Carbonear (Cash contribution about \$66,625 and In-kind contribution of \$43,300)

Motion 15-201 **R. Noel / B. Bowman**

Resolved that the Town of Carbonear submit an application under the ACOA Canada 150 Program for the Carbonear Walking Trails in the amount of \$219,850 to be funded on a 50/50 basis with ACOA/Town of Carbonear.

Favour 6; Opposed 0; **Carried**

Director of Economic Development asked for a motion to order additional tourism brochures. The brochure has been updated from the original publication. The cost to print is the same as before. 5000 copies will cost \$3,100 + HST.

Motion 15-202 **R. Noel / B. Trickett**

Resolved that the Town of Carbonear purchase an additional 5000 tourism brochures at a cost of \$3,100 + HST.

Favour 6; Opposed 0; **Carried**

Director of Economic Development noted that the Carbonear Traffic Impact Study has been received and will be reviewed with the Development Committee.

Director of Economic Development advised that the Mayor and himself met with members of Hearts Delight Islington on the improvements to the road from Line Road Carbonear to Hearts Delight Islington.

Establishment of a Business Improvement Area
 Discussed.

Motion 15-203 **B. Bowman / R. Noel**

Resolved that the Town of Carbonear approve in principle the establishment of a Business Improvement Area for downtown Carbonear as per Section 202 of the Municipalities Act and be it Further Resolved that the Town of Carbonear will provide financial assistance to the Board of Management for this BIA with \$15,000 start up funding and an additional \$35,000 over a 2 year period based on the progress of the project, subject to signing of a suitable agreement between the Board and Council.

Favour 6; Opposed 0; **Carried**

8. Finance
- a) **Operating Invoices:** over \$2,000.00 totaling..... **\$226,498.11**
Motion 15-203 **R. Noel / B. Bowman**
Resolved to approve for payment the list of operating invoices in the amount of \$226,498.11 as submitted to council.
 Favour 6; Opposed 0; **Carried**
- b) **Capital Invoices:**
 Water, Sewer, & Street Upgrading LeMarchant Street – Phase II
 Harris & Associates PN 13-112(MA 17-MYCW-15–00065), Invoice #5893 **\$30,814.39**
Motion 15-203 **R. Noel / B. Trickett**
Resolved to approve for payment Invoice #5893 in the amount of \$30,814.39 to Harris & Associates.
 Favour 6; Opposed 0; **Carried**
9. Regulations
 None listed
10. New Business
- a) Swan
 Council discussed the option of obtaining a swan from the City of St. John's.
 The consensus of Council is that we will not be pursuing the option of obtaining any swans for the Town of Carbonear at this time.
- b) Other
 Quarry Permit, Ted Penney
 Reviewed.
 Council denied the application for a quarry permit as submitted by Ted Penney.
- c) Heritage Society, request for use of third room at the Old Post Office.
 Council agreed that the Heritage Society could use the room until their students were finished for the summer.
- d) Garbage behind area to the east of the Public Wharf
 Town Administrator to have this investigated.
- e) Repair of Field after Musical Ride
 There is a ball tournament scheduled for Friday, two days after the Musical Ride.
 Town Administrator to ensure that staff complete the clean up of the field after the Musical Ride and before the ball tournament on Friday.
11. Notices of Motion
 No notices of motions were filed.
12. Adjournment
Motion 15-183 **R. Noel / B. Bowman**
Resolved that the meeting adjourn at 5:41 p.m. The next meeting will be at the call of the chair.

Mayor George Butt

Cathy Somers, Town Clerk