

**Town of Carbonear
Regular Council Meeting, November 2, 2015**

Minutes of a regular meeting of the Council of the Town of Carbonear
held in Council Chambers, November 2, 2015 at 4:00 p.m.

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

Members Absent: Councillor Ed Goff

Also Present: Town Administrator Cynthia Davis
Town Clerk Cathy Somers
Director of Economic Development & Tourism Kai Bath

Absent: Director of Operations and Public Works Brian O'Grady

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1. Calling of Meeting to Order
Mayor Butt called the meeting to order at 4:05pm and welcomed everyone present.
 2. Adoption of Minutes
 - Regular Minutes – October 19, 2015
Motion 15-264 R. Noel / F. Butt
Resolved that the minutes of the October 19, 2015 Regular meeting of Council be adopted as presented.
Favour 6; Opposed 0; **Carried**
 3. Business Arising From Minutes
 4. Delegations
 5. Correspondence, Permits & Development
 - a) List of Permits Issued (#7090-7104) (List Attached)
Motion 15-265 D. Kennedy / F. Butt
Resolved to approve the list of permits # 7090 - 7104 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**

Councillor Kennedy noted that to date there has been 17 new businesses this year, 11 of which are home based businesses.

Mayor Butt asked Councillor Kennedy to proceed with the Development Committee recommendations as well.

Councillor Kennedy presented the following motions as recommended by the Development Committee:

Development Committee Meeting (Oct 27)

Motion 15-266 **D. Kennedy / F. Butt**

Resolved to approve the application for a day care at 37 LeMarchant Street per application submitted and the Carbonear Municipal Plan and Development Regulations and per the approval of other required government departments and agencies conditional upon staff parking to be to the rear of the property to allow the front parking for child drop off and further parking to be accommodated at the front if traffic congestion becomes an issue in the area.

Favour 6; Opposed 0; **Carried**

Motion 15-267 **D. Kennedy / R. Noel**

Resolved to send a Stop Work Order to property situate Line Road for the construction of an extension to an existing cabin without required permits from the Town of Carbonear and the Department of Environment and Conservation.

Favour 6; Opposed 0; **Carried**

Motion 15-268 **D. Kennedy / F. Butt**

Resolved to approve the subdivision of the property situate at 30 Valley Road as per the Town of Carbonear Municipal Plan and Development Regulations other applicable regulations and policies.

Favour 6; Opposed 0; **Carried**

Motion 15-269 **D. Kennedy / B. Bowman**

Whereas the Town receives frequent inquiries from the public concerning attracting a new hotel to Carbonear to host conferences and provide accommodations to many of the sporting events throughout the year; and

Whereas a feasibility study would have to be completed before a hotel would consider opening in the Town; and

Whereas there would be many economic benefits to the municipality if another hotel opened in the Town,

Be It Resolved that the Town of Carbonear initiate contact to start the process for completion of a feasibility study to determine whether another hotel could be sustained in the Town where the cost of the study is not to exceed \$12,000.

Favour 6; Opposed 0; **Carried**

Development Committee (Oct 14)

Motion 15-270 **D. Kennedy / R. Noel**

Resolved to approve construction of a deck situate at 84 Adelaide Street per application submitted where the deck will not extend beyond the house wall in

accordance with the discretionary powers of council per section 10 of the Development Regulations and per the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.

Favour 6; Opposed 0; **Carried**

Motion 15-271

D. Kennedy / R. Noel

Resolved to approve application to construct a deck and install a portable shelter situate at 31B Highroad North as per the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.

Favour 6; Opposed 0; **Carried**

Motion 15-272

D. Kennedy / F. Butt

Resolved that the Town of Carbonear approve the application to construct four (4) two (2) bedroom units on the north side of Pond Side Road between Leslie Street and Hayden Heights provided no objections or representations are received from the discretionary use advertisement, per application submitted and per the Town of Carbonear Municipal Plan and Development Regulations and per applicable approvals from Service NL and other applicable government departments and agencies.

Favour 6; Opposed 0; **Carried**

Motion 15-273

D. Kennedy / B. Trickett

Resolved to approve the construction of a shed situate at 57 Irishtown Road per the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies and provided no objections are received to the variance distributed to neighbouring properties

Favour 6; Opposed 0; **Carried**

Motion 15-274

D. Kennedy / R. Noel

Resolved to approve the construction of a new dwelling situate at 3 Leslie Street per the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies and provided no objections are received to the variance distributed to neighbouring properties.

Favour 6; Opposed 0; **Carried**

Motion 15-275

D. Kennedy / F. Butt

Resolved to approve the development application to operate a quarry situate on a right of way off Highroad South, across from Simms Garage as per the requirements of the Town of Carbonear Municipal Plan and Development Regulations and required approvals from the Department of Natural Resources and other applicable government departments and policies.

Favour 6; Opposed 0; **Carried**

Motion 15-276

D. Kennedy / B. Bowman

Resolved that the Town of Carbonear approve the application to operate a business (Retail Vapour Store) from 210 Water Street per application submitted and per the

Town of Carbonear Municipal Plan and Development Regulations and required approvals from the Service NL and other applicable departments and agencies.
Favour 6; Opposed 0; **Carried**

Motion 15-277 D. Kennedy / R. Noel

Resolved that the Town of Carbonear approve the application to operate a Home Based Business (Commercial Cleaning) from 5 Highroad South provided no objections or representations are received from the discretionary use advertised and per the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies.

Favour 6; Opposed 0; **Carried**

Motion 15-278 D. Kennedy / F. Butt

Resolved to approve construction of a wheelchair ramp situate at 6 Bennett's Hill Street per application submitted in accordance with the discretionary powers of council per section 10 of the Development Regulations and per the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.

Favour 6; Opposed 0; **Carried**

5.1 Correspondence, requiring Council's decision

- a) FFAW – Request to meet with council to discuss issues with rural NL.
Copied to Council

5.2 Correspondence received and action taken

Council reviewed the following correspondence and action taken:

- a) Municipalities NL
- Wayne Power for Avalon Director
 - INFO note – October 23
 - Karen Oldford for President
 - Craig Williams for Avalon Director
- Copied to Council
- b) NL Public Health Laboratory, Test results of water samples collected on September 28 & October 5, 2015 @ Department of Justice and the TC Square Mall, TCO and 142 Columbus Drive. Results marked satisfactory. Placed on file.
- c) Property owner – Valley Road
RE: Request for tax adjustment
Forwarded to Finance, Human Resources & Administration Committee
- d) Carbonear Collegiate
RE: Invitation for the Mayor or designate to attend the Remembrance Day Assembly at 9:30 am on November 10, 2015.
Copied to the Mayor
- e) Kiwanis Club of Carbonear Regional Music Festival
RE: Request for donation and advertisement in the booklet. The Kiwanis Music Festival will be held from March 5 -11, 2016.

- f) Property owner Long's Hill
RE: Damage Claim
Forwarded to Public Works, Waste Management & Community Services Committee
- g) Resident Harbour Grace
RE: Congratulations on the town's initiative to reconstruct the train.
Forwarded to Recreation, Tourism & Culture Committee
- h) House of Assembly – MHA Sam Slade
RE: Correspondence on behalf of a constituent on LeMarchant Street
Forwarded to Public Works, Waste Management & Community Services Committee
- i) WHSCC
RE: Quarterly Report
Copied to Town Administrator and Town Clerk, placed on file
- j) Trinity Conception Family Resource Centre celebrates its 20th anniversary on November 10 from 6:30 to 8:30.
Invitation to attend, Copied to Council
- k) Carbonear Volunteer Fire Department
RE: Request for support from council. In 2016, the Carbonear Volunteer Fire Department will celebrate its 175th Anniversary.
Forwarded to Finance, Human Resources & Administration Committee
- l) Communities in Bloom Report
Forwarded to Recreation, Tourism & Culture Committee
Copied to Council & the Director of Recreation & Tourism
- m) Royal Canadian Legion Branch # 23
 - Invitation for the Mayor or a representative to attend the Commemoration of Remembrance dinner and dance on Saturday, November 14 @ 7. Copied to the Mayor
 - Remembrance Day Parade, November 11. Service begins at 10:50 am. Copied to Council
 - Invitation for the Mayor or representative to attend the Annual Poppy Opening, Spaniard's Bay, October 29 @ 7 pm. Copied to the Mayor
- n) KIXX Country
Invitation for the Mayor to attend the Toy Tree Project, November 19 @ 7 pm. Copied to the Mayor

6. Committee Reports

- a) Finance, Human Resources & Administration Committee (Oct 21)
Councillor Noel noted that the Committee has been researching an option to use the firm PlastiQ, so that customers who want to pay by credit card and set up an account with PlastiQ and pay their taxes by credit card with PlastiQ and PlastiQ then forwards the payments to the Town on behalf of the customer by electronic funds transfer or cheque. The Committee recommends entering into an agreement with PlastiQ to provide taxpayers with an option to pay taxes and fees by credit card

and has asked the Town Clerk to contact PlastiQ to make the arrangements.

Discussed. Council agrees with the Committee's recommendation. Town Clerk to proceed to make the agreement as recommended. Councillor Noel presented the following motions as recommended by the Committee:

Motion 15-279 R. Noel / D. Kennedy

Whereas the title applied nationally to the senior staff person in municipal government is Chief Administrative Officer;

Be It Resolved that the position of Town Administrator with the Town of Carbonear be renamed to Chief Administrative Officer.

Motion 15-280 R. Noel / B. Trickett

Whereas the Tourism duties have been assigned to the new Economic Development and Tourism Position created;

Be It Resolved that the position of Director of Recreation and Tourism with the Town of Carbonear be renamed to Director of Recreation.

Favour 6; Opposed 0; **Carried**

- b) Public Works, Waste Management & Community Service Com (Oct 13)
Deputy Mayor Butt presented the following motions as recommended by the Committee:

Motion 15-281

R. Noel / B. Trickett

Resolved that the Town of Carbonear install a sewer service line from the main to the property boundary at 18 Crossroads at no cost to the property owner to resolve the situation.

Favour 6; Opposed 0; **Carried**

Deputy Mayor Butt mentioned the following items discussed by the Committee:

Request for tree removal, Water Street (Tree Policy)

The committee is not recommending approval of the request.

Mahaney's Lane issue with water

No further action is recommended by the Town.

The Committee will be meeting with the resident tomorrow to review the issue.

Line Road Association , Request to grade section of the Line Road
Councillor Noel left the meeting due to conflict of interest as he owns a cabin on Line Road.

Discussed.

Town Administrator to review the policy in the next Works Committee, it was noted that we may need to consider grading the road more than once per year as currently noted in our policy.

Councillor Noel was called back into the meeting.

Property owner, London Road – Complaint of outdoor lighting on business

The Committee does not recommend any action by the Town as there appears to be no authority to do so.

Fence - Rorke Store Museum

The committee recommended that further consideration be deferred for next meeting to give the committee an opportunity to view the area.

Post Office boxes

Mayor Butt left the meeting due to conflict of interest because he works with Canada Post.

Deputy Mayor Butt assumed the chair.

Discussed. The Committee agrees with the recommendation of Canada Post. Council agreed with the recommendation.

Individual to be written to advise of Council's decision.

Mayor Butt was called back into the meeting and assumed the chair.

Trail – London Road Pond

The committee recommends that correspondence be forwarded to developer to have fill removed that is blocking access to the trail.

Discussed. Councillor Kennedy noted that ownership of property in question should be verified.

Deferred for further investigation before writing letters.

Camera for Downtown

The committee does not recommend action by the Town.

Sidewalk by apartment building off Water Street / O'Donovan's Lane intersection.

The committee recommends that the Director investigate the sidewalk installed to identify whether a low back was required or if this is only installed for a driveway access.

Retaining Wall – O'Driscoll's Lane

The committee did not recommend any action by Council at this time.

Property owner – O'Driscoll's Lane

The committee recommends that a service request be completed for the Director to create a work order to have the clean up completed by staff.

Street Lights – Bemister's & Crowdy Street

The committee recommended the Director investigate for required action to address the issue.

Additional asphalt projects recommended for completion.

Councill Noel left the meeting due to conflict of interest due to his son/daughter living on Hamilton Lane.

Motion 15-282

F. Butt / B. Trickett

Resolved that the Town of Carbonear approve the following additional asphalt repairs to be completed, using funds from the 2015 budget:

Adelaide Street (160m – Crossroads to Gladstone)

Adelaide Street (200m – Irishtown to Civic Centre Entrance)

Northcotts Lane (90m)

Hamilton's Lane (100m)

Power Heights (60m)

Mahaney's Lane (100m)

Church Street (160m)

Furey's Lane (120m)

Goff Avenue (250m – additional distance)

Favour 5; Opposed 0; **Carried**

Councillor Noel was call back into the meeting.

Deputy Mayor Butt then left the meeting due to conflict of interest as he owns property on Connolly's Hill.

Motion 15-283

R. Noel / B. Trickett

Resolved that the Town of Carbonear approve the following additional asphalt repairs to be completed, using funds from the 2015 budget:

Connolly's Hill (60m – top section)

Favour 5; Opposed 0; **Carried**

Deputy Mayor Butt was called back into the meeting.

- c) Development Committee Meetings
 - i) Development Committee (Oct 14)
 - ii) Development Committee (Oct 27)Dealt with earlier in the meeting during the Correspondence, Permits & Development section of the meeting.
- d) Recreation, Tourism & Culture Committee (Oct 14)
No motions were recommended by the Committee at this time.

7. Reports of Town Administrator and Department Heads

a) Town Administrator

Approval to Borrow—Grader

An approval to borrow is required in the amount of \$305,560 which is the purchase price of \$321,485 less the HST Rebate.

Motion 15-284

R. Noel / F. Butt

Resolved to request an approval to borrow for a new grader from the Department of Municipal and Intergovernmental Affairs in the amount of \$305,560 from Scotiabank for a rate of prime plus 0.25% for a term of 10 years.

Favour 5; Opposed 0; **Carried**

Plan Amendments Adoption

Plan Amendment 19, Development Regulation Amendment 29 (Re-Designate Land from Conservation to Industrial

Motion 15-285 D. Kennedy / B. Bowman

Under the authority of Section 16 of the Urban and Rural Planning Act, the Town Council of Carbonear adopts the Town of Carbonear Municipal Plan Amendment 19, 2015 and the Town of Carbonear Development Regulations Amendment 29, 2015.

Favour 6; Opposed 0; **Carried**

Plan Amendment 20, Development Regulation Amendment 30 (Add Seasonal Residential (cottages) as a discretionary use to the Watershed policy which will allow Council to consider redevelopment of pre-existing cottage lots on vacant land)

Motion 15-286 D. Kennedy / B. Trickett

Under the authority of Section 16 of the Urban and Rural Planning Act, the Town Council of Carbonear adopts the Town of Carbonear Municipal Plan Amendment 20, 2015 and the Town of Carbonear Development Regulations Amendment 30, 2015.

Favour 6; Opposed 0; **Carried**

The next step to advertise the hearing, if no representations, then we will need a motion to approve same.

- b) Director of Economic Development and Tourism
Mr. Bath thanked Councillor Goff for his attendance and support at the International Conference of Shopping Centres.
Mr. Bath noted that he previously provided a brief report to Council on the conference.

8. Finance

- a) **Operating Invoices:** over \$2000.00 totaling..... \$63,190.18

Motion 15-287 R. Noel / F. Butt

Resolved to approve for payment the list of operating invoices in the amount of \$63,190.18 as submitted to council.

Favour 6; Opposed 0; **Carried**

9. Regulations

None listed

10. New Business

Mayor thanked Deputy Mayor Butt, Councillor Noel and Councillor Bowman for attending the CBN Joint Councils meeting.

Councillor Bowman noted that representative from the RCMP were in attendance.

He noted that he raised the issue of ATVs and provided copies of our Enforcement Officer's report on the issue. Craig Pollet from MNL was also in attendance to

discuss the issue of shared services. That topic will be discussed at this weekend's convention as well.

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

12. Adjournment

Motion 15-288

F. Butt / R. Noel

Resolved that the meeting adjourn at 4:40p.m. The next meeting will be held on Monday, November 16, 2015 at 4:00pm.

Mayor George Butt

Cathy Somers, Town Clerk