

Town of Carbonear
Regular Council Meeting, August 10, 2016

Minutes of a regular meeting of the Council of the Town of Carbonear
held in Council Chambers, August 10, 2016 at 4:00 p.m.

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

Members Absent: Deputy Mayor Frank Butt

Also Present: CAO Cynthia Davis
Town Clerk Cathy Somers
Director of Recreation Rob Button
Director of Operations & Public Works Brian O'Grady
Economic Development & Tourism Officer Kai Bath

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1. Calling of Meeting to Order
Mayor Butt called the meeting to order at 4:00pm and welcomed everyone present.
 2. Adoption of Minutes
 - Regular Minutes – July 20, 2016
Motion 16-163 R. Noel / E. Goff
Resolved that the minutes of the July 20, 2016 Regular meeting of Council be adopted as presented.
Favour 6; Opposed 0; **Carried**
 3. Business Arising From Minutes
 - Councillor Noel asked for an update on the LeMarchant Street project. Director of Operations and Public Works advised that the asphalt has been completed. There is some hydro seeding and clean up that remains to be completed.
 - Councillor Noel asked for an update on the relocation of the Old Post Office monument. CAO noted that the Economic Development and Tourism Officer is looking after that. EDTO advised that a representative from the monument company was out to the area and met with him and the Director of Ops & PW.

Director of Ops & PW advised that the representative viewed both monuments: the Old Post Office monument that needs to be relocated and the Orange Lodge monument that needs to be restored and relocated. No estimates have been received to date.

4. Delegations

None listed

- a) List of Permits Issued # 7384-7418 (List Attached)

Motion 16-164 **D. Kennedy / R. Noel**

Resolved to approve the list of permits #7384 - 7418, excluding #7386, 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**

Mayor Butt declared a conflict of interest on Permit # 7386 and left the meeting and Councillor Noel assumed the chair.

Motion 16-165 **D. Kennedy / B. Bowman**

Resolved to approve the permit #7386, 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**

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

5.1 Correspondence, requiring Council's decision

- a) National Teen Driver Safety Week (October 16-22)

Proclamation to be signed:

Motion 16-166 **R. Noel / B. Trickett**

***WHEREAS**, driving is an important and exciting right of passage for youth. It is also one of the riskiest activities for young people to engage in;*

***WHEREAS**, teen driver safety is a significant issue in Canada. Young drivers are over represented in all road-related injuries and fatalities.*

***WHEREAS**, National Teen Driver Safety Week is a week dedicated to raising awareness and seeking solutions to preventable teen deaths on the road across Canada. Everyone has a role to play in creating change amongst their peers, in classrooms and in their communities;*
***THEREFORE**, We, the Town of Carbonear, do hereby proclaim the third full week in October as National Teen Driver Safety Week.*

Favour 6; Opposed 0; **Carried**

- b) Gas Tax Secretariat - Capital Investment Plan (Crocker's Cove Bridge)

Motion 16-167 **R. Noel / D. Kennedy**

Resolved that the Town of Carbonear submit its Capital Investment

Plan to the Department of Municipal Affairs for Gas Tax Funding in the amount of \$250,125 for the Crocker's Cove Bridge Replacement Project.

Favour 6; Opposed 0; **Carried**

- c) Nicole Dixon
Noise By Law exemption for August 20 for D'Iberville Street & Easton Place

Motion 16-168

B. Bowman / E. Goff

Resolved that the Town of Carbonear approve an exemption to the Noise By-Law for the block party being held on D'Iberville Street and Easton Place on August 20, 2016.

Favour 6; Opposed 0; **Carried**

5.2 Correspondence received and action taken

Council reviewed the following correspondence and action taken:

a) Municipalities NL

- August 1, 4, 8 (Info Note)
- July 28 (Refund AGM) & July 29 (Info Note)
- August 5 (AGM 2016 – Notices of Motion to be discussed and voted on.
- August 8 (The MNL Advocacy Committee is now accepting resolutions from municipal councils for the 2016 Annual General Meeting. The deadline for the receipt of resolutions has been extended to Friday, August 26th.

Copied to Council.

Councillor Kennedy inquired if something can be submitted to make changes to the Municipalities Act to allow Council's more options, such as sale of property, for arrears relating to other charges, such as clean up charges, service levys, etc.

CAO advised this was already presented by MNL to government, and she understands that they are currently working on some changes to the Municipalities Act, hopefully this will be one of the changes.

- b) Block the Bus Campaign – Kixx Country
Forwarded to Finance, Human Resources & Administration Committee
- c) Eastern Health – Health Promotion Division
RE: Teen Challenge Grant – Deadline August 19, 2016
Forwarded to Recreation, Tourism & Culture Committee
- d) Department of Natural Resources – Mineral Lands Division
RE: updates on administration of quarry permits

- e) Copied to CAO, placed on file
Department of Environment & Conservation
RE: Winter 2016 Drinking Water Quality Data Report available online
Copied to CAO for review
- f) Office of Climate Change & Energy Efficiency
RE: Climate Change Strategy Consultation online session
Copied to CAO, Placed on file
- g) Mill Creek Management Technologies Inc
RE: Workshop for trenchless pipe rehab technologies.
Forwarded to the Director of Operations and Public Works
- h) Property owner Freshwater Road
RE: inquiry on civic address
Copied to Town Clerk
- i) Department of Municipal Affairs
RE: Clean Water & Wastewater Fund
Copied to CAO, placed on file
- j) CBN Soccer
Request to sponsor team for the 2016 NL Summer Games
Forwarded to Finance, Human Resources & Administration
Committee
- k) Department of Transportation & Works – Office of the Minister
RE: Request for ramp on Route 70
Forwarded to Public Works, Waste Management & Community
Services Committee
- l) Co-ordinator, Trinity Conception Pageant
RE: Request to use the Theatre to host the pageant
Forwarded to Princess Sheila NaGeria Theatre Administrator
- m) Councillor Glenn Clarke, Town of Victoria
Thank you to municipalities for their support. He was chosen as one of
the four Avalon Region representatives for the first Premier's Forum
on October 5, 2016.
Copied to council, placed on file.
- n) Resident, Request for the installation of additional baby swing in the
Crocker's Cove Playground.
Forwarded to the Director of Recreation
- o) Property owner, Inquiry on status of snow clearing claim
Forwarded to the Director of Operations and Public Works
- p) The Salvation Army
Request for the Mayor to attend 130th anniversary celebration
banquet on Saturday, September 5 @ 5 pm.

6. Committee Reports

- a) Finance, Human Resources & Administration Committee
KIXX Country – Block the Bus campaign

The committee recommended that \$100 could be donated to the Salvation Army for those in need of back to school supplies. The cost of the ad for Kixx Country is \$599 which was felt to be costly.

Motion 16-169 **R. Noel / B. Trickett**

Resolved to make a donation to the Salvation Army in the amount of \$100 for back to school supplies to those in need.

Favour 6; Opposed 0; **Carried**

- b) Public Works, Waste Management & Community Services Committee
Councillor Trickett presented the following from the Committee:

Fence along the the Breakwater

The Committee visited the area, and suggests that the existing posting with rope running from post to post would be the best suggestion.

Discussed.

Motion 16-170 **B. Trickett / B. Bowman**

Resolved to install a rope fence in the area west of the Breakwater.

Favour 6; Opposed 0; **Carried**

Developer – Woodcrest Estates – Street Naming Application

The developer of a new subdivision Woodcrest Estates development submitted a street naming application identifying Remembrance Road as the proposed name for this new street. The committee reviewed the rationale and significance of the proposed name and felt it was a reasonable request. CAO advised that our Street Naming Policy states that the suffix of the Street Name would be determined by Council.

Discussion took place on whether it should be Road, Loop, Court, etc. Entrance to the sub-division is off Forest Road and the new street then loops around with lots on both sides of the street all around the sub-division and then you exit the sub-division from the same point you enter the subdivision.

Motion 16-171 **B. Trickett / R. Noel**

Resolved that the Town of Carbonear approve the name of Remembrance Loop for the new Woodcrest Estates subdivision.

Favour 6; Opposed 0; **Carried**

Property owner / Burke's Lane – Parking complaint

The town has received complaints of traffic obstruction as a result of vehicles being parked along a section of Burkes Lane.

The committee recommends the placement of No Parking signs along the narrow section of Burke's Lane upon investigation and recommendation of the location by the Director of Operations and Public Works.

Motion 16-172 **B. Trickett / D. Kennedy**

Resolved to install “No Parking” signs at the south end of Burke’s Lane on both sides of the road where the street is narrow due to the location of dwellings and driveways to the intersection with Water Street.

Favour 6; Opposed 0; **Carried**

Councillor Kennedy inquired about the lending of equipment to another town. Discussed.

Director of Operations and Public Works to investigate further and review with the Works Committee.

c) Development Committee

Councillor Kennedy presented the following from the Development Committee: Subdivision (Penney) – Forest Road

The developer has requested that the Council consider issuing permits for the new dwellings in the subdivision he is constructing. He has the water and sewer installed and the road completed to class B grade to date. The committee had no issue with recommending approval of permits upon registration of the Development Regulations Amendment and provided that the road is paved by mid October as new dwellings will require snow clearing and there is concern for damage to infrastructure if paving is not completed.

Motion 16-173

D. Kennedy / B. Bowman

Resolved to issue permits for new dwellings for the new 11 lot subdivision off Forest Road conditional upon the following:

- *Registration of the Development Regulations Amendment;*
- *Confirmation in writing by the developer that the subdivision will be completed by October 15 including pavement of the street.*

Favour 6; Opposed 0; **Carried**

A question was raised to limit the number of permits issued to half until the road has been paved. To date there is only one lot that has been sold and only one person waiting to submit an application to construct.

No restriction was made on the number of permits to be issued.

Development Applications reviewed:

Motion 16-174

D. Kennedy / E. Goff

Resolved to approve the following development applications per conditions specified:

- *Gladstone Road– To subdivide property as per the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies noting to the applicant that approval will not be provided for dwellings on the properties until road infrastructure including asphalt surface is extended*

along the frontage of the properties and water and sewer infrastructure if required;

- *6 Burnt Head Road – To construct a new dwelling conditional upon the building being constructed in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies and further conditional upon no objections being received from the variance notice to be distributed to property owners in the vicinity of the development and if there are objections, the application to be further reviewed with Committee and Council.*
- *Bona Fide Fresh Foods, 60 Water Street - To operate a new business from the College of the North Atlantic cafeteria in accordance with the Carbonear Municipal Plan and Development Regulations and other regulations and policies and upon receipt of applicable approvals from Services NL and/or other applicable government departments and agencies.*
- *22 Across the Doors – To construct a new access/driveway conditional upon the new access being constructed in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies; and per the Town of Carbonear Driveway Policy*
- *6 Wescott Place – To approve the replacement of the front step per Section 10, Discretionary Powers of Authority in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies*
- *1 D'Iberville Street – To construct a new access conditional upon the new access being constructed in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies; and per the Town of Carbonear Driveway Policy.*
- *4 Tyre's Drung – To construct a privacy fence per application submitted in accordance with Section 8b) of the Fence Regulations and in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies.*
- *12 D'Iberville Street - To construct an extension to an existing patio conditional upon the extension being constructed in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies.*
- *15 Grassey Lane – To demolish a shed per the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies.*

- *20 Across the Doors – To construct an extension to an existing shed conditional upon the extension being constructed in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies.*
- *35 Hoyles Road – To widen driveway and install a culvert conditional upon the construction being completed in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies; and per the Town of Carbonear Driveway Policy.*
- *11 Butt’s Avenue – Demolish dwelling and construct new dwelling is not recommended as the proposed dwelling will not be in accordance with the standards of the Town of Carbonear Municipal Plan and Development Regulations.*
- *16 Joe Taylors Lane – Proposal to subdivide the property for a new dwelling is not recommended as the subdivision of the property will not be in accordance with the Town of Carbonear Municipal Plan and Development Regulations as the proposed lot to the north will no longer have frontage on a town street.*
- *11 D’Iberville Street – The request for a variance to the building line setback from 6m to 5.87m and a variance to the side yard from 1.5m to 1.48m for a dwelling situate at 11 D’Iberville is approved conditional upon no objections received from property owners in the vicinity of 11 D’Iberville.*

Favour 6; Opposed 0; **Carried**

7. Reports of Chief Administrative Officer and Department Heads

a) Chief Administrative Officer

CAO reviewed the following from her report

1. Surplus Land 41—47 Goff Avenue
Waiting for receipt of the two individual surveys on this property. Once received, the tender will be advertised.
2. Purchase of building and land—Pike’s Lane
The Town is waiting on receipt of the 2015 Financial Statements before the Financial Evaluation can be finalized. The draft was received on Tuesday for review. The Financial evaluation will now be completed and submitted to the Dept of Municipal & Intergovernmental Affairs.
3. Approval to Borrow—Clean Water and Wastewater Fund
The Town has been approved \$1,810,000 to upgrade the Bennett’s Hill Pumphouse including an extension of the water main required from Crowdy Street up Bond Street to the new pumphouse. This will result in a complete upgrade of Bond

Street as well.

A motion is required to accept the funding and sign the agreement.

Motion 16-175

R. Noel / B. Bowman

Resolved to accept the funds approved under the Clean Water and Waste Water Fund from the Federal and Provincial Governments for a total project cost of \$1,810,000; and Be it Further Resolved to authorize the Mayor and the Town Clerk to sign the agreement on behalf of Council.

Favour 6; Opposed 0; **Carried**

A motion is also required to request an approval to borrow:

Motion 16-176

R. Noel / B. Trickett

Resolved to request an approval to borrow from the Department of Municipal Affairs in the amount of \$328,274 which is the municipal contribution of total project funding in the amount of \$1,810,000 approved under the Clean Water and Wastewater Fund where the Town of Carbonear proposes to borrow the funds from Scotiabank for a term of 5 years, amortized over 20 years for a rate of prime plus 0.25%.

Favour 6; Opposed 0; **Carried**

Motion 16-177

R. Noel / D. Kennedy

Resolved to approve termination notice as prepared by the Town's lawyer be sent to the operator of the Fox Farm Campground due to the expiry of the lease.

Favour 6; Opposed 0; **Carried**

b) Director of Recreation

The Director reviewed the following from his report with Council.

Pool & Rec Maintenance

- 1.) Seasonal Pool Shutdown is scheduled for August 29th - September 3rd. Items to be completed include draining of pool, cleaning of liner, bench and floor replacement in sauna, floor drain cleaning, light bulb replacement on pool deck.

Financial & Program Analysis

1.)	Pool Revenue - August 5 th	<u>2016</u> (less HST)	<u>2015</u> \$183,941.06 \$192,870.1
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2.) Lesson Registration	1263	1345
3.) Pool Visitation	22,430	21,814

Programs & Grants

- 1.) Pool Paw-ty (Doggie Dip). This event is currently scheduled for August 29th from 6pm-8pm. Dogs will enter through the outside emergency exits, directly onto the pool deck. This is to ensure dogs are not roaming throughout building. Platforms are being made to attach to ladders of pool to provide an exit from the water for the dogs. During the swim the filtration system will be shutdown to avoid hair from pets entering the pool mechanical system. Upon completion of event, water will be drained from pool, directly to waste and entire pool will received its annual wash down. Pool will be re-filled with fresh water and balanced prior to re-opening.
Director noted that he spoke with operators of other facilities that have hosted similar events and there were no complications due to the event. Also there should be no risk of damage to our liner, as our liner does not start at the pool deck but several inches below the pool deck. The dogs should not be walking on the liner. Have also been in contact with Service NL and they have no issues with the event, but they indicated that they will send out some recommended procedures to follow.
- 2.) I have received some requests regarding ball hockey programming. I have started to put some things together to have a small after school program for early fall. As I get the information gathered I will forward on to committee.
- 3.) Summer program is finishing up this week. We had a very successful summer, with 200 children registered. I have received many compliments regarding the program, and would like to thank the staff for their great work running the camp.
- 4.) Although summer program is concluding, there are still several events scheduled. There are 2 minor softball tournaments , 3 soccer tournaments, and 1 mens softball tournament remaining. Along with the Car Show this coming weekend and the New Branch Music Festival the last weekend of August at Paddy's Garden.

Councillor Bowman asked when the work will be completed for the upgrading of the front change rooms. Director advised the pool will stay open for these renovations and patrons will use the back change rooms while the front change rooms are being renovated. The project tender should be advertised in the near future.

Councillor Trickett asked if some benches could be placed in the Crockers Cove playground. Director advised that there were two benches down there.

Discussed. Apparently the benches are no longer there. Director to investigate.

8. Finance

a) **Operating Invoices:** over \$2000.00 totaling..... \$84,196.49

Motion 16-178 R. Noel / E. Goff

Resolved that the Town of Carbonear approve for payment the list of operating invoices as submitted totaling \$84,196.49.

Favour 6; Opposed 0; **Carried**

b) **Capital Invoices:**

Water, Sewer & Street Upgrading LeMarchant Street – Phase II
PN 12-112 (MS 17-MYCW-15-00065)

Imperial Excavating Ltd, CP No. 3.....\$122,234.90

Water, Sewer & Street Upgrading LeMarchant Street – Phase II
PN 12-112 (MS 17-MYCW-15-00065)

Harris & Associates, Invoice # 6020.....\$19,052.91

Street Upgrading & Paving (2015)

PN 15-108 (B)

Concord Paving Ltd, CP #3.....8,088.91

Highroad South, Powell Drive, Goff Avenue, Long’s Hill, Water Street East, Kim’s Lane, Chipman’s Lane, Water Street West near railway station.

Total Capital Invoices.....\$149,376.72

Motion 16-179 R. Noel / D. Kennedy

Resolved that the Town of Carbonear approve for payment the capital invoices as submitted in the amount of \$131,287.81 for Water, Sewer & Street Upgrading LeMarchant Street-Phase II.

Favour 6; Opposed 0; **Carried**

Councillor Trickett left the meeting due to conflict of interest on Powell Drive.

Motion 16-180 R. Noel / B. Bowman

Resolved that the Town of Carbonear approve for payment the capital invoices as submitted in the amount of \$8,088.91 for 2015 Street Upgrading and Paving.

Favour 5; Opposed 0; **Carried**

Councillor Trickett was called back into the meeting.

9. Regulations

Councillor Trickett left the meeting due to work commitments.

a) Vendor Regulations

Motion 16-181

D. Kennedy / B. Bowman

Resolved that the Town of Carbonear adopt the revised Vendor Regulations as presented to Council.

Favour 5; Opposed 0; **Carried**

Councillor Noel asked if the Regulations provides a time frame for people to allow for processing of an application under the regulations. CAO advised that this would not form part of the regulations, but we can attach something to the application to notify applicants that they need to allow sufficient time, 2-3 weeks, for processing of the application.

It was also suggested that we send a copy of the new regulations to everyone who was issued a vendor permit in the past year, so that they are aware of the changes in the Vendor Regulations.

10. New Business

Councillor Kennedy presented the following motion:

Motion 16-182

D. Kennedy / B. Bowman

Resolved that the Town of Carbonear advertise a Request for Proposals for development of a new Town website.

Favour 5; Opposed 0; **Carried**

International Council of Shopping Centres conference, fall of 2016 in Toronto.

Discussed. The EDTO will be attending along with a member of Council. Mayor Butt advised he could not attend. CAO is waiting on a response from the Deputy Mayor to determine if he will be able to attend.

Councillor Goff noted Kayla Parsons has placed some painted rocks along the Pondsides Walking Trail. It's a very nice addition to the trail and he suggested that Council send a letter to Ms. Parsons thanking her for placing the rocks along the trail. Council agreed.

Mayor Butt noted that this year was the most successful Carbonear

Day weekend for the past number of years. He thanked everyone involved with the organization of the activities.

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

12. Adjournment
Motion 16-183 **R. Noel / B. Bowman**
Resolved that the meeting adjourn at 5:05 p.m.

The next meeting is scheduled for Monday, September 12, 2016 @ 4:00pm.

Mayor George Butt

Cathy Somers, Town Clerk