

**Town of Carbonear**  
**Regular Council Meeting, June 20, 2016**  
Minutes of a regular meeting of the Council of the Town of Carbonear  
held in Council Chambers, June 20, 2016 at 4:00 p.m.

<b>Members Present:</b> Mayor	George Butt
Deputy Mayor	Frank Butt
Councillors	Ray Noel
	Bill Bowman
	David Kennedy
	Ed Goff
	Brenda Trickett
<b>Also Present:</b> CAO	Cynthia Davis
Director of Recreation	Rob Button
Director of Operations	
And Public Works	Brian O’Grady
<b>Absent:</b> Town Clerk	Cathy Somers (Vacation)

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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 6, 2016  
**Motion 16-118**                      **R. Noel / B. Trickett**  
*Resolved that the minutes of the June 6, 2016 Regular meeting of Council be adopted as presented.*  
Favour 7; Opposed 0; **Carried**
  3. Business Arising From Minutes
    - The Deputy Mayor inquired about item 10 in New Business where a motion was made to issue permits to applicants building new dwellings in the new subdivision under construction off Forest Road. Councillor Kennedy noted that those that have submitted applications would like to proceed so they can have their dwellings constructed this summer. He noted that he spoke to the developer who has installed the water and sewer and will have pegs showing grades for those that want to start their dwellings. He also noted that the Town did not have to take responsibility for the infrastructure if it was not completed to the Town’s satisfaction. He noted that the developer indicated that he would have the road paved before the winter. The Deputy Mayor expressed concern about liability of the Town to those issued permits if an issue arose and the development was not completed to the Town’s satisfaction.
    - Councillor Kennedy noted that under New Business the minutes reflect comments of specific councillors but sometimes the minutes reference “Council” when there has been no motion to reflect that “Council” has made a

particular decision or is in agreement with a particular action or situation. He noted that because a councilor was silent on an issue when there is no motion made, it cannot be assumed that he/she concurs with the matter being discussed. He noted that for future minutes, "Council" should not be used in a general manner when it is unknown whether a majority of Council supports a situation.

4. Delegations  
None listed

5. Correspondence, Permits & Development

a) List of Permits Issued #7278- 7320 (List Attached)

**Motion 16-119** **D. Kennedy / F. Butt**

*Resolved to approve the list of permits #7278 – 7320, except permit #'s 7301 and 7310, as per applications received and per the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.*

Favour 7; Opposed 0; **Carried**

**Councillor Trickett declared a conflict of interest on permit # 7301 as the applicant was her brother in law and left the Council Chambers.**

**Motion 16-120** **D. Kennedy / W. Bowman**

*Resolved to approve permit #7301 as per the application received and per the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.*

Favour 6; Opposed 0; **Carried**

**Councillor Trickett returned to the meeting.**

**Deputy Mayor Butt declared a conflict of interest on permit # 7310 and left the Council Chambers.**

**Motion 16-121** **D. Kennedy / W. Bowman**

*Resolved to approve permit #7310 as per the application received and per the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.*

Favour 6; Opposed 0; **Carried**

**Deputy Mayor Butt returned to the meeting.**

The CAO reviewed applications with Council for approval.

**Motion 16-122** **D. Kennedy / W. Bowman**

*Resolved to approve a development application to construct a single dwelling at 10 Tyre's Drung per the following conditions:*

- *In accordance with application submitted;*
- *In accordance with the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies;*
- *Water and sewer installation at the applicants expense per the Town's specifications;*
- *As Captain Seth Osmond's Lane is not in the Limit of Service Agreement with the Province, the applicant may be responsible for upgrades to the street in accordance with section 149 (Assessments and Levies) of the*

*Municipalities Act.*

Favour 7; Opposed 0; **Carried**

**Motion 16-123**

**R. Noel / B. Trickett**

*Resolved to approve the following applications per conditions specified:*

- *12 Islandview Crescent - to construct a single dwelling and garage conditional upon the buildings being constructed in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies;*
- *4 Easton Place – to construct a single dwelling and garage conditional upon the buildings being constructed in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies;*
- *27 Willoughby Drive – to construct a double 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 conditional upon the applicant relocating the storm sewer easement at the applicant’s expense in accordance with Town specifications;*
- *48 – 52 Janes Avenue – to construct a double 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 by Committee and Council;*
- *12 Southside Lower Road – to construct an accessory building per the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies; under the condition that there are no objections to the variance from the 81 m<sup>2</sup> to 86.56 m<sup>2</sup> and if there are any objections, the application is to be further reviewed by the committee and council;*
- *2 Bannerman Street – to approve the placement of a portable sign per the Town of Carbonear Municipal Plan and Development Regulations conditional upon the sign not projecting into the street reservation;*
- *4 Burnt Head Road – to approve the installation of a front step to access the front door of the dwelling conditional upon the step not exceeding the size of the previous step per Section 10, Discretionary Powers of Authority in the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies;*
- *2 Long’s Hill – to approve the construction of an accessory building conditional upon construction of the building being in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies;*
- *16 White’s Road – to approve the repairs of the existing concrete step by encasing the step with wood in accordance with Non-conformance with standards per Ministerial Regulations of the Town of Carbonear Municipal*

*Plan and Development Regulations;*  
Favour 7; Opposed 0; **Carried**

5.1 Correspondence, requiring Council's decision

a) Property Owner – 31 Blueberry Crescent

RE: Request for exemption of the Noise by Law and also requesting street closure from 1 – 4 pm to host block party

*There was suggested that this is standard practice. The CAO commented that it has been standard practice to approve an exemption to the Nuisance Regulations for the noise but not the road closure.*

**Motion 16-124** **D. Kennedy / F. Butt**

*Resolved to approve an exemption to the Nuisance Regulations on August 27, 2016 at 31 Blueberry Crescent allowing noise beyond the 10 pm limitation in the regulations; and*

*Be It Further Resolved to approve the closure of the road from 1 pm to 4 pm to host a kids block party for street sport activity.*

Favour 7; Opposed 0; **Carried**

b) Canadian Union of Postal Workers

RE: Public review on future of Canada Post

**Motion 16-125** **B. Bowman / D. Kennedy**

Whereas Canada Post announced drastic cutbacks to our public postal service in December 2013, including plans to end home mail delivery in our country;

**Whereas** there was a huge public outcry in response to the cutbacks and stiff opposition from most federal parties, including the Liberal Party, which promised to halt the delivery cuts and conduct a review of Canada Post, if elected;

**Whereas** the delivery cuts were halted and our Liberal government is currently conducting a Canada Post Review, starting with an independent task force that will collect input from Canadians, do research, gather facts and draft a discussion paper in September of 2016, identifying viable options for postal service in this country;

**Whereas** a parliamentary committee will consult with Canadians in the fall of 2016 on the options that have been identified in the task force's discussion paper and then make recommendations to the government on the future of Canada Post;

**Whereas** it will be crucial for the task force and parliamentary committee to hear our views on key issues, including the importance of maintaining the moratorium on post office closures, improving the Canadian Postal Service Charter, restoring home mail delivery, keeping daily delivery, adding postal banking, greening Canada Post, and developing services to assist people with disabilities and help older Canadians to remain in their homes for as long as possible;

**Therefore be it resolved** that the Town of Carbonear provide input

to the Canada Post Review task force and make a submission when the parliamentary committee consults with Canadians this fall.  
Favour 7; Opposed 0; **Carried**

## 5.2 Correspondence received and action taken

Council reviewed the following correspondence and action taken:

- a) Municipalities NL
  - Info Note – May20, May 27, June 3, June 10, June 17
- b) NL Public Health Laboratory, Test results of water samples collected on June 1 @, Department of Justice and TC Square Mall, Fongs, CNA. Results marked satisfactory. Placed on file.
- c) Eastern Regional Service Board
  - RE: Community group clean up
  - Forwarded to Public Works, Waste Management & Community Service committee
- d) Information on the St. John's Positive Thinkers Club event happening, Saturday, June 25, Stone Jug Restaurant
  - Copied to Council
- e) MP Ken MacDonald
  - RE: New Horizons for Seniors Programs – Call for Proposals
  - Copied to Chief Administrative Officer & Economic Development & Tourism Officer
- f) Dept of National Defense
  - RE: Requesting a formal letter from the Mayor for Chief Warrant Officer Laing on his retirement after 40 plus years with the Department
  - Letter to be completed and signed by the Mayor**
- g) Tri-Con Gentle Giants Special Olympic Club
  - RE: Thank you to the Town for their support for the Annual Swim Meet
  - Copied to Chief Administrative Officer and the Director of Recreation
- h) Ornamantum Magazine
  - Article on Carbonear Island Artifacts.
  - Copied to Council, placed on file
- i) Property owner Southside Lower Road
  - RE: Dog Park
  - Forwarded to Recreation, Tourism & Culture Committee
- j) Department of Municipal Affairs
  - RE: Municipal Plan Amendment No 22 and Development Regulations Amendment No. 32
  - Amendment has now been registered by the province and will be advertised in the June 24 edition of the NL Gazette. Placed on file
- k) MI Ocean Net (Friends of the beaches)
  - Forwarded to the Public Works, Waste Management & Community Services Committee
- l) St. James Anglican Church
  - Placement of the LOL monument
  - Forwarded to the Recreation, Tourism & Culture Committee

- m) Midnight Milers Trail Riding Association Inc  
Requesting approval from the Carbonear Council to clear and improve Archibald's Road railway bed from the Line Road to Victoria  
Forwarded to the Public Works, Waste Management & Community Services Committee
- n) Department of Municipal Affairs
  - Approval to borrow to finance the purchase of a new Royal Freightliner Tandem Dump Truck in the amount of \$165,444. Placed on file.
  - Approval to borrow to finance the purchase of a Sewer/Vacuum Unit in the amount of \$147,445. Place on file.
  - Approval to borrow to finance the purchase of a new Street Sweeper in the amount of \$174,793. Placed on file.

6. Committee Reports

- a) Public Works, Waste Management & Community Services  
Deputy Mayor Butt informed Council that the committee met and the minutes were circulated for Council's information. If there were any questions, Council could direct them to a committee member or applicable staff.

**Motion 16-126 Deputy Mayor Butt / W. Bowman**

Resolved that the Town of Carbonear accept from the Department of Transportation and Works land known as Earle's Lane adjacent to 74 – 76A Highroad South.

Favour 7; Opposed 0; **Carried**

**Motion 16-127 Deputy Mayor Butt / W. Bowman**

Resolved to complete curb and sidewalk at the following locations:

- North side of Valley Road in the vicinity of Kimberly Place west to meet the existing sidewalk;
- Highroad South from where it currently ends south of White's Road to Garland's Lane;
- Concrete Island at the intersection of Highroad South and CHVO Drive.

Favour 7; Opposed 0; **Carried**

The committee is recommending a change to the Solid Waste Disposal Regulations to change the start time of garbage collection from 8 am to 7 am.

**Notice of Motion Deputy Mayor Butt / Councillor Noel**

*Resolved to amend section 13 of the Solid Waste Disposal Regulations to read:*

*All garbage and refuse other than recyclables, yard waste (excluding grass clippings) or bulk garbage; shall be placed by the owner for collection at intervals not exceeding one week by placement at the side of the street, road or lane or where such placement is impossible, on the property of the owner at a distance of not more than ten (10) feet from the side of such street, road or lane, at a time*

*no earlier than 6:00 a.m. or no later than 7:00 a.m. on the day designated by Town for garbage collection.*

The street cleaning schedule will be identified once the new sweeper is delivered and in service.

7. Reports of Chief Administrative Officer and Department Heads

a) Director of Operations and Public Works

The Director reviewed his report with Council. Items reviewed included the status of the Pike's Lane Effluent Station, the New Works Depot, sale of the old sweeper, Hoyle's Road/Tyre's Drung cross connection, the new sweeper and the sewer jet trailer unit. He also reported that street sweeping is being completed on rainy days, asphalt crews are completing repairs to streets when weather permits, speed bumps will be installed on Water Street East near the Crocker's Cove Playground this week, line painting is being completed when weather permits and winter lawn/shoulder damage repairs have been completed. *Councillor Kennedy inquired if a response is provided to those if work is not completed in response to their request. The Director indicated that all damage claims received this year have resulted in work being completed. If requests do not meet the policy, correspondence is provided informing the resident of the reason why the Town did not complete the work requested.*

b) Director of Recreation

The Director reviewed his report with Council. Items reviewed included that seasonal maintenance items are near completion, there are some items that will be addressed at the Community Garden, basketball nets will be installed at the Southside Playground once some maintenance items are completed, and the sign for the Dog Park Rules has been ordered. He reported that the garage has been completed and fence installation will begin on Thursday or Friday of next week. A comparison was provided of year to date revenue for 2016 and 2015 as well as lesson registration and pool visitation. He reported that finances will be comparable upon receipt of the Poseidon Swim Team and the Jump Start Program. He reported that the Swim to Survive Program was complete, Special Events continue to plan the Canada Day Activities and concert, the Triathlon is scheduled for July 17 and the Summer Program will be starting on July 4. *Deputy Mayor Butt indicated that he had concerns expressed about the location of the hydrant (prop) at the Dog Park from a safety perspective of a dog running into the hydrant. Councillor Goff uses the dog park regularly and did not notice any issue with the hydrant location. The Director will discuss the concern with the group at the Dog Park for further feedback.*

8. Finance

a) **Operating Invoices:** over \$2000.00 totaling..... \$109,125.99  
**Motion 16-128** **F. Butt / W. Bowman**

*Resolved that the Town of Carbonear approve for payment the list of operating invoices as submitted with a 10% holdback on item # 478 for a total amount of \$105,009.40.*

Favour 7; Opposed 0; **Carried**

**Capital Invoices:**

**Lift Station Upgrading – Pike’s Lane Part B**

Newfound Construction Ltd (Release of Holdback) .....\$8,353.30

**Street Upgrading & Paving (2015) Gas Tax**

Concord Paving Ltd (Release of Holdback).....\$12,986.64

**Total Capital Invoices.....\$21,339.94**

**Motion 16-129**

**R. Noel / B. Trickett**

*Resolved that the Town of Carbonear approve for payment the capital invoices as submitted in the amount of \$21,339.94.*

Favour 7; Opposed 0; **Carried**

9. Regulations  
None listed.

10. New Business  
*The Mayor reported that he attended the UMC Meeting in Clarendville this weekend. One of the items on the agenda are the changes coming to the Public Tender Act. There will be an information session scheduled for staff.*

11. Notices of Motion  
See Notice of Motion referenced under Committee Reports.

12. Adjournment  
**Motion 16-130** **F. Butt / R. Noel**  
*Resolved that the meeting adjourn at 5:00 p.m.*

The next meeting is at the call of the chair per the Rules of Procedure.

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Mayor George Butt

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Cynthia Davis, Acting Town Clerk/CAO