

**Town of Carbonear**  
**Regular Council Meeting, November 22, 2016**

Minutes of a regular meeting of the Council of the Town of Carbonear  
held in Council Chambers, November 22, 2016 at 4:00 p.m.

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

**Members Absent:** Councillor Ed Goff

**Also Present:** CAO Cynthia Davis  
Town Clerk Cathy Somers  
Director of Recreation Rob Button

**Also Absent:** Director of Operations & Public Works Brian O'Grady

1. Calling of Meeting to Order  
Deputy Mayor Butt called the meeting to order at 4:03pm and welcomed everyone present.
2. Adoption of Minutes
  - Regular Minutes – November 8, 2016  
**Motion 16-276 R. Noel / D. Kennedy**  
*Resolved that the minutes of the November 8, 2016 Regular meeting of Council be adopted as presented.*  
Favour 6; Opposed 0; **Carried**
3. Business Arising From Minutes  
No business arising.
4. Delegations  
None listed
5. Correspondence, Permits & Development
  - a) List of Permits Issued # 7541 - 7550 (List Attached)  
**Motion 16-277 D. Kennedy / F. Butt**  
*Resolved to approve the list of permits # 7541 - 7550, 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**
- 5.1 Correspondence, requiring Council's decision
  - a) Communities against Violence (Purple Ribbon Campaign) (Nov 25-Dec 10)  
Proclamation to be signed

**Motion 16-278****F. Butt / B. Bowman**

**WHEREAS**, the Violence Prevention Initiative of the Government of Newfoundland and Labrador is based on a vision that the people of our province will live in safe, caring communities, where there is an inherent respect for each other and violence of any sort is unacceptable; and,  
**WHEREAS**, the Provincial Purple Ribbon Campaign runs annually from November 25 (International Day for the Elimination of Violence Against Women) through December 6 (National Day of Remembrance and Action on Violence Against Women), ending December 10, encompassing the 16 Days of Activism Against Gender Violence; and,  
**WHEREAS**, the 16 Days of Activism Against Gender Violence is an international campaign designed to develop strategies to increase international awareness of the systemic nature of violence against women; and,  
**WHEREAS**, violence against women is violence against sisters, daughters, mothers, grandmothers, granddaughters, girlfriends, wives and partners; and,  
**WHEREAS**, violence against women devastates those who love and support women as well as relationships, families, communities, neighborhoods, workplaces, schools, villages, cities and towns the world over; and,  
**WHEREAS**, the Provincial Purple Ribbon Campaign provides an opportunity for individuals, community organizations and governments to work together in solidarity and draw upon this period of heightened attention to gain support for their local efforts to eliminate violence against women; and,  
**WHEREAS**, the Town of Carbonear stands in solidarity with organizations worldwide who desire change for a better, more equal and more just world for women; and,  
**WHEREAS**, it is only through raising awareness and changing attitudes that violence against women can be stopped and prevented;  
**THEREFORE BE IT RESOLVED THAT** the Town of Carbonear hereby proclaims November 25 to December 10 as the Purple Ribbon Campaign in Carbonear to support the prevention of violence against women in Newfoundland and Labrador.

Favour 6; Opposed 0; **Carried**

CAO noted that they have requested the Town to turn on the purple lights during this time as well. Council agreed

5.2 Correspondence received and action taken:

- a) Municipalities NL
  - Info Note, November 11
  - Urban Municipalities Meeting, Nov 10
- b) Property owner London Road
  - RE: Compliant of a neighbouring property
  - Forwarded to MEO, Director of Operations & Public Works and the Public Works, Waste Management & Community Service Committee
- c) Eastern Waste Service Board
  - RE: User fee
  - The main user fees at the Regional Waste Management Facility located at Robin Hood Bay from April 1, 2017 to March 31, 2018 will be: landfill-bound materials will cost \$67.60 per metric tonne; and recyclable material will cost \$20 per metric tonne. A guide book explaining their services and schedule for 2017 will be sent out late November to all residents.
  - Forwarded to Public Works, Waste Management & Community Service

Committee.

Placed on file. No change in rates from 2016 to 2017.

- d) Town of Harbour Grace  
Invitation for Mayor and Council to attend the Dan Cleary Harbour Grace Community Centre opening on November 21 @6:30 pm.  
Copied to Council, placed on file
- e) Property owner Valley Road  
RE: Request to meet with committee to discuss billboard.  
Copied to Public Works, Waste Management & Community Service Committee
- f) Department of Municipal Affairs  
Copy of correspondence sent to Harris & Associates regarding Approval to Call Tender for the Clean Water and Waste fund Water System Upgrading, Project No. 17-CWWF-17-0027  
Copied to CAO & Director of Operations and Public Works
- g) NL Public Health Laboratory, Test results of water samples collected on October 16, 2016 @ TC Square Mall, Department of Justice, Fongs Restaurant & Bemister's Hill. Results marked satisfactory. Placed on file.
- h) Department of Municipal Affairs  
Approval to borrow to finance the purchase of a Ford Escape  
Placed on file
- i) Department of Environment and Climate Change, Waste Resources Management Division  
RE: Discharge restriction on Public Wastewater Collection and Treatment Systems  
Forwarded to CAO, Public Works, Waste Management & Community Service Committee
- j) CBDC Trinity Conception  
Invitation for the Mayor to attend the Annual Christmas Reception, Dec 8 from 3-5pm, 21 Industrial Crescent  
Copied to the Mayor
- k) Joint Council Meeting, Carbonear Council Chambers  
November 24 @ 8 pm  
Copied to Council
- l) Tri-Con Gentle Giants Special Olympics Club  
Invitation for the Mayor to attend Christmas supper, Wednesday, Dec 14 at the Bay Roberts Lions Club  
Copied to the Mayor

6. Committee Reports

- a) Finance, Human Resources & Administration  
Councillor Noel presented the following motions as recommended by the Finance Committee:

**Motion 16-279**

**R. Noel / B. Trickett**

*Resolved that the Town of Carbonear approve a donation in the amount of \$500 to the Haiti Emergency Fund to help rebuild Haiti after Hurricane Matthew.*

Favour 6; Opposed 0; **Carried**

**Motion 16-280**

**R. Noel / B. Bowman**

*Whereas the property was under renovation, Be It Resolved that the*

*Town of Carbonear adjust the water/sewer tax for 2009 and 2015 on Account #1 12206 to the minimum of \$360 per year, plus applicable interest relating to that adjustment.*

Favour 6; Opposed 0; **Carried**

b) Development

35 Blueberry Crescent – Variance to be advertised

**Motion 16-281**

**D. Kennedy / R. Noel**

*Resolved that the Town of Carbonear approve a variance from 3m to 2.78m for the side yard measurement for the development at 35 Blueberry Crescent subject to receiving no objections from the Notice of Variance provided to the neighbouring property owners.*

Favour 6; Opposed 0; **Carried**

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

**Motion 16-282**

**D. Kennedy / R. Noel**

*Resolved to send a removal order to property situate at 31B Highroad North to remove the deck and temporary shelter on property contrary to the Town of Carbonear Municipal Plan and Development Regulations*

Favour 6; Opposed 0; **Carried**

**Motion 16-283**

**D. Kennedy / R. Noel**

*Resolved to send removal orders to the property owners of 132 Water Street, 24 Willoughby Drive & 4 Northcott's Lane to remove decks constructed without the required permit contrary to the Town of Carbonear Municipal Plan and Development Regulations.*

Favour 6; Opposed 0; **Carried**

**Motion 16-284**

**D. Kennedy / F. Butt**

*Resolved to send a removal order to the property owner of 111 Water Street to remove a fence constructed without a permit contrary to the Carbonear Municipal Plan and Development Regulations.*

Favour 6; Opposed 0; **Carried**

Deputy Mayor Butt declared a conflict of interest on the next motion recommended as it is his brother. Deputy Mayor Butt left the meeting.

**Motion 16-285**

**D. Kennedy / B. Bowman**

*Resolved to approve application to place a garden shed situate at 56 Valley Road per application submitted and in accordance with the Town of Carbonear Municipal Plan and Development Regulations.*

Favour 5; Opposed 0; **Carried**

**Motion 16-286**

**D. Kennedy / B. Bowman**

*Resolved to revoke the order to remove the accessory building situate at 56 Valley Road.*

Favour 5; Opposed 0; **Carried**

Deputy Mayor Butt was called back into the meeting.

**Motion 16-287**

**D. Kennedy / B. Trickett**

*Resolved to refuse the development application to construct a new dwelling situate in the vicinity of Cherry Orchard as the proposed development application does not comply with the Town of Carbonear Municipal Plan and Development Regulations.*

Favour 6; Opposed 0; **Carried**

**Motion 16-288**

**D. Kennedy / F. Butt**

*Resolved to send removal order to the property owner situate at 32 Janes Avenue to remove a portable shelter placed on the property without the required permit from council.*

Favour 6; Opposed 0; **Carried**

**Motion 16-289**

**D. Kennedy / F. Butt**

*Resolved to approve a permit to subdivide a property off Circular Road in accordance with the Town of Carbonear Municipal Plan and Development Regulations.*

Favour 6; Opposed 0; **Carried**

**Motion 16-290**

**D. Kennedy / F. Butt**

*Resolved to construct a new dwelling situate at 16 Crowdy Street provided the development is completed in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies and upon confirmation that the property can be serviced with water and sewer from Crowdy Street.*

Favour 6; Opposed 0; **Carried**

**Motion 16-291**

**D. Kennedy / R. Noel**

*Resolved to approve the application to construct a shed in the Line Road (Lynch Property) per the application submitted, per the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies and upon receipt of required approvals from the Department of Environment and Conservation and other applicable government departments and agencies.*

Favour 6; Opposed 0;

**Motion 16-292**

**D. Kennedy / F. Butt**

*Resolved that the Town of Carbonear approve the application to replace a window situate at 164 Water Street as per the Town of Carbonear Municipal Plan and Development Regulations.*

Favour 6; Opposed 0; **Carried**

**Motion 16-293**

**D. Kennedy / B. Bowman**

*Resolved to send an order to have the property reinstated to its original state in the Line Road and to remove the trailer on the site.*

Favour 6; Opposed 0; **Carried**

Deputy Mayor Butt asked if the staff pictures have been included on the new website draft. CAO advised this is just the call for proposals, changes and additions will be completed as the new website is developed.

7. Reports of Chief Administrative Officer and Department Heads

a) Chief Administrative Officer

CAO reviewed the following items from her report with Council:

Surplus Land 41-47 Goff Avenue

Estimate for appraisal of each commercial property is \$2,000 for a total of \$4,000. Council approval is required to have the appraisals completed for the price quoted.

**Motion 16-294**

**R. Noel / B. Trickett**

*Resolved that the Town of Carbonear have two appraisals completed on the properties of 41-43 Goff Avenue and 45-47 Goff Avenue at a cost of \$2,000 for each appraisal.*

Favour 6; Opposed 0; **Carried**

Purchase of building and land – Pike's Lane

Resolution as provided by the Town's Lawyer is needed from Council to proceed with the purchase of the properties of 1 and 1A Pike's Lane.

**Motion 16-295**

**F. Butt / R. Noel**

*Be It Resolved and it is Hereby Resolved as a resolution of the Town of Carbonear that: The Town of Carbonear enter into a Mortgage with the Bank of Nova Scotia for the principal amount of \$1,530,000 upon the terms and conditions therein set forth for the completion of purchase of property from Land and Sea Welding Limited situate Pike's Lane, Carbonear.*

Favour 6; Opposed 0; **Carried**

CAO also noted there is an existing easement for a water service line for Charwood Legion Manor on the property.

Ice Control Materials Pick Up at Transportation and Works Site

Town staff started pick up of salt and sand today.

Crown Land Approval to Occupy Railway Bed

Details as provided to be reviewed by the Development Committee for recommendation to Council.

Targa Proposal

Motion of Council required if Council will be approving the Targa race in Carbonear in September

**Motion 16-296**

**F. Butt / B. Bowman**

*Resolved that the Town of Carbonear approve the Targa Proposal for the Targa Race to be held in Carbonear on September 14, 2017.*

Favour 5; Opposed 1; **Carried**

Councillor Noel opposed the motion.

Emergency Plan

Further work with the emergency plan is deferred until the new year.

Meeting Request with MHA

Proposed time for meeting with the MHA is Dec. 6 at 5:30 after the next Regular Council meeting. If there are any other items for the agenda, please advise.

Recreation Department Policies

Resolutions are required to adopt two Parks and Recreation Department policies as presented.

**Motion 16-297**

**B. Bowman / F. Butt**

*Resolved that the Town of Carbonear approve the Parks and Recreation Department, Pool Water Temperatures Policy and the Parks and Recreation Department, Pool Vomit and Defecation Procedures Policy as presented to Council.*

Favour 6; Opposed 0; **Carried**

Sale of Property on Powell Drive

Previously advised Council that the Town can propose a sale price of \$500 plus the purchaser be responsible for all survey and legal costs. The price however, should be \$499. The previous motion needs to be amended to change the price from \$500 to \$499.

**Motion 16-298**

**R. Noel / F. Butt**

Resolved that the Town of Carbonear amend Motion 16-271 to the following:

*Resolved that the Town of Carbonear convey approximately 75 square metres of land to Slade's Funeral Home for the price of **\$499** with the purchaser assuming all legal, survey and other costs relating to the*

purchase.

Favour 6; Opposed 0; **Carried**

CEP Grant, Re. Letter of offer for funding to “Develop Historical Tourism Walking Trail App”

**Motion 16-299** **R. Noel / D. Kennedy**

*Resolved that the Town of Carbonear does not accept the Community Enhancement Employment funding for the development of a Historical Tourism Walking Trail App due to the inability to deliver a project at this time.*

Favour 6; Opposed 0; **Carried**

8. Finance

a) **Operating Invoices:** over \$2000.00 totaling..... \$50,581.27

**Motion 16-300** **R. Noel / F. Butt**

*Resolved that the Town of Carbonear approve for payment the list of operating invoices as submitted totaling \$50,581.27.*

Favour 6; Opposed 0; **Carried**

b) **Capital Invoices:**

Street Upgrading & Paving Extension (2015/2016), PN 15-108, PN 16-107

Concord Paving.....\$35,428.67

Water, Sewer & Street Upgrading LeMarchant Street, Phase II, PN 13-112

Imperial Excavating Ltd, Holdback .....\$88,135.89

Harris & Associates, Engineering Invoice #6065.....\$2,976.10

Crocker’s Cove Bridge Replacement, PN 16-113

Harris & Associating, Engineering Invoice #6066.....\$12,880.00

Concord Paving Ltd, Claim No 1.....\$94,639.88

**Total Capital Invoices.....\$234,060.54**

**Motion 16-301** **R. Noel / B. Bowman**

*Resolved that the Town of Carbonear approve for payment the list of capital expenditures invoices as submitted totaling \$234,060.54.*

Favour 6; Opposed 0; **Carried**

9. Regulations

None listed.

10. New Business

Councillor Kennedy issued the following apology:

“At the June 6<sup>th</sup> meeting, I named a Town employee when discussing a concern and for that I am sorry.”

Deputy Mayor Butt

Members of the Works Committee previously met with some members of the Midnight Milers Riding Association who are requesting a letter of support to their Association for the proposal to clear brush along the trail known as Archibald’s Road from Line Road to Victoria.

Discussed.

**Motion 16-302** **F. Butt / B. Bowman**

*Resolved that the Town of Carbonear approve a letter of support to the Midnight Milers Trail Riding Association Inc. to clear brush along the trail as required by the*

*Department of Forestry and Be It Further Resolved that the town will pay the cost of the permit fee upon verification of the permit fee.*

Favour 6; Opposed 0; **Carried**

Deputy Mayor Butt

UMC met in CBS last week,  
Regionalization of the towns in CBN was reviewed and the group supported regional services.

Deputy Mayor Butt

Joint Councils are meeting here this Thursday evening. He asked that the staff have the pictures re-installed on the walls in the Council Chambers before that meeting.

CAO to have staff complete the work as requested.

Mayor Butt

Noted the Toy Tree opening is this Thursday at 7pm at the TC Square.

Councillor Noel

Noted he attended the Remembrance Day assembly at Carbonear Collegiate and he commended the staff and students on the great job they are doing in this regard.

Councillor Trickett

Noted she attended the Women's Economic Forum at the Stone Jug presented by NLOWE. The event was open to men as well. The forum was quite interesting.

Deputy Mayor Butt

Noted that he attended the Remembrance Day assembly at Carbonear Academy.

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

12. Adjournment  
**Motion 16-303** **F. Butt / R. Noel**  
*Resolved that the meeting adjourn at 4:36 p.m.*

The next meeting is scheduled for Tuesday, December 6, 2016 @ 4:00pm.

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Mayor George Butt

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Cathy Somers, Town Clerk