

**Town of Carbonear**  
**Regular Council Meeting, September 12, 2016**

Minutes of a regular meeting of the Council of the Town of Carbonear  
held in Council Chambers, September 12, 2016 at 4:00 p.m.

<b>Members Present:</b>	Mayor	George Butt
	Deputy Mayor	Frank Butt
	Councillors	Ray Noel
		Bill Bowman
		David Kennedy

<b>Members Absent:</b>	Councillor	Ed Goff
		Brenda Trickett

<b>Also Present:</b>	CAO	Cynthia Davis
	Town Clerk	Cathy Somers
	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 – August 10, 2016  
**Motion 16-190**                      **F. Butt / R. Noel**  
*Resolved that the minutes of the August 10, 2016 Regular meeting of Council be adopted as presented.*  
Favour 5; Opposed 0; **Carried**
    - Special Meeting – August 31, 2016  
**Motion 16-191**                      **R. Noel / B. Bowman**  
*Resolved that the minutes of the August 31, 2016 Special meeting of Council be adopted as presented.*  
Favour 5; Opposed 0; **Carried**
  3. Business Arising From Minutes
  4. Delegations  
None listed
  5. Correspondence, Permits & Development

- a) List of Permits Issued # 7419 - 7456 (List Attached)  
Mayor Butt, conflict #7423 for his son.  
Councillor Bowman, conflict #7431 for his brother.  
**Motion 16-192** **D. Kennedy / R. Noel**  
*Resolved to approve the list of permits #7419 - 7456, excluding #7423 and #7431, as per applications 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 declared a conflict of interest on permit #7431 as this permit was for his brother.

Councillor Bowman left the meeting.

- Motion 16-193** **D. Kennedy / F. Butt**  
*Resolved to approve the permit #7431, as per application received and per the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.*  
Favour 4; Opposed 0; **Carried**

Councillor Bowman was called back into the meeting and assumed the chair.

Mayor Butt declared a conflict of interest on permit #7423 as this permit was for his son.

Mayor Butt left the meeting and Deputy Mayor Butt assumed the chair.

- Motion 16-194** **D. Kennedy / R. Noel**  
*Resolved to approve the permit #7423, as per application received and per the Town of Carbonear Municipal Plan and Development Regulations and other applicable regulations and policies.*  
Favour 4; Opposed 0; **Carried**

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

Councillor Kennedy noted that there has not been a Development Committee meeting since the last Council Meeting but there are a couple of applications that need to be reviewed by Council regarding variances being considered on the applications.

- b) 6 Burnt Head Road – objections to variance  
Councillor Kennedy noted that two letters of objections have been received on the variance notice distributed on this proposed development which need to be reviewed by Council.  
CAO advised that the minimum floor area for a single dwelling home in RMD is 80m<sup>2</sup>, this development is varying that by 10% to 72m<sup>2</sup>, also the minimum rear yard in RMD is 9m and this development is varying

that to 8.2m. Notice of the variances was provided to the neighbouring properties as is required by legislation and two objections were received. As noted both variations are within the allowable 10% variances that Council can approve. CAO reviewed the objections received with Council.

**Motion 16-195** **D. Kennedy / B. Bowman**

*Resolved that the Town of Carbonear approve a permit for a single dwelling home at 6 Burnt Head Road conditional upon the building being constructed in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies with a variance from 9m to 8.2m for the rear yard and a variance from 80m<sup>2</sup> to 72m<sup>2</sup> for the total floor area of the single dwelling.*

Favour 5; Opposed 0; **Carried**

c) 11 Butt's Avenue – variance

Variance of set back to 5.1m, and rear yard, 8.1m

CAO advised that the Town has received an application to demolish a portion of an existing dwelling and construct a new extension. The applicant has requested a variance to the minimum building line setback of 6m in RMD to 5.4m and a variance to the minimum rear yard requirement of 9m to 8.1m. The Town can consider a variance that does not exceed 10% of the standards. In this case, both are varied by 10% which is permissible by Council.

Discussed.

**Motion 16-196** **D. Kennedy / F. Butt**

*Resolved that the Town of Carbonear approve a permit for the demolition of a portion of the single dwelling at 11 Butt's Road and to construct a new extension to the single dwelling at 11 Butt's Road conditional upon the building being constructed in accordance with the Town of Carbonear Municipal Plan and Development Regulations and other regulations and policies subject to receiving no objections on the notice of variance that is issued which varies the rear yard to 8.1m and the building line setback to 5.4m.*

Favour 5; Opposed 0; **Carried**

5.1 Correspondence, requiring Council's decision  
None listed.

5.2 Correspondence received and action taken  
Council reviewed the following correspondence and action taken:

- a) Municipalities NL
  - Request for donation to the MNL Annual Convention & Information on the MNL Shed Party on Friday, October

7<sup>th</sup>, 2016.

Copied to Council

- UMC Committee and EDO September meeting postponed  
Copied to Council
- 2016 MNL AGM – Notices of motion to be voted on October 8  
Copied to Council

- b) NL Public Health Laboratory, Test results of water samples collected on July 27 @ Columbus Drive, TC Squall Mall, Dept of Justice and Bemister's Hill. Results marked satisfactory. Samples collected on August 17 @ Columbus Drive, TC Square Mall, Dept of Justice. Results satisfactory, placed on file.  
Sample on Bemister's Hill to be repeated – unable to perform testing. (broken bottle)
- c) Municipal Assessment Agency  
RE: Board of Directors for 2016  
Copied to Council
- d) Property owner Blueberry Crescent  
RE: Snow Clearing Damage  
Forwarded to Public Works, Waste Management & Community Service Committee
- e) Property owner Tyre's Drung  
RE: Request for reimbursement for damages incurred.  
Forwarded to Public Works, Waste Management & Community Service Committee
- f) Training Expo Atlantic 2016 – 2<sup>nd</sup> Annual Firefighters Training and Demo event at Marble Mountain in Steady Brook, Thursday, Aug. 25.  
Copied to the Fire Chief, placed on file.
- g) Property owner – Powell Drive  
RE: Culvert replacement  
Forwarded to Director of Operations and Public Works
- h) Department of Municipal Affairs – Eastern Regional Office
- RE: Approval of Prime Consultant (Harris & Associates for Project # 17-CWWF-17-00027 (2016 Clean Water & Wastewater Program Water System Upgrading
  - Community Sustainability Partnership & Tax Recovery plan
  - Tendering services by tendering and contracting, engineering support and services division.
  - Capital Investment Plan Approval – The Gas Tax Committee has approved funding for the Crocker's Cove Bridge Replacement. Funding approved in the amount of \$234,900.  
Copied to Chief Administrative Officer & Town Clerk, placed on file

- i) College of the North Atlantic  
RE: Meet our community orientation – Health and Information Fair (September 13<sup>th</sup>, 11am to 1 pm)  
Copied to Chief Administrative Officer, EDTO, Director of Recreation, placed on file.
- j) ACWWA Canada  
Cross Connection Control Course, October 14 (1 day course)  
Copied to the Director of Operations & Public Works
- k) Royal Newfoundland Constabulary Association  
Request for the Town to sponsor an advertisement.  
Forwarded to Finance, Human Resources & Administration Committee
- l) Business Owner – Water Street  
RE: Inquiry on Tax Account and Request for tax reduction.  
Forwarded to Finance, Human Resources & Administration Committee
- m) TC Placentia Health Foundation  
Request for donation to 27 Annual TC Health Foundation Telethon –October 2  
Included on the approved donation listing for 2016. Cheque to be completed in the amount of \$1000.
- n) Resident  
Correspondence outlining concerns with the Doggie Dip at the Pool  
Forwarded to Recreation, Tourism & Culture committee
- o) Business owner – Industrial Crescent  
RE: Request for reimbursement for damages  
Forwarded to Public Works, Waste Management & Community Service Committee
- p) Department of Municipal Affairs  
RE: Update fall Municipal Training Circular  
Copied to Council
- q) Professional Municipal Administrators  
RE: Fall Forum – Sept 29 & 30  
Copied to Chief Administrative Officer and Town Clerk
- r) Department of Environment and Climate Change
  - RE: Permit to alter a body of water – culvert replacement (Crocker’s Cove)
  - On line climate change strategy consultation session – September 8
 Copied to the Director of Operations & Public Works, Placed on file
- s) Tract Consulting  
RE: Proposed amendment to Downtown Revitalization Study  
Forwarded to Development Committee
- t) Business owner – Powell Drive

- RE: Request to acquire land  
Forwarded to Development Committee
- u) Property owner, LeMarchant Street  
RE: Request for road repair  
Forwarded to Public Works, Waste Management & Community Service Committee
- v) Property owner, Hoyles Road  
Request to speak to discuss services, roaming animals with the town and vehicle traffic.  
Copied to CAO to obtain further details and review at the next Public Works Committee.

6. Committee Reports

- a) Recreation, Tourism & Culture Committee  
Deputy Mayor Butt reviewed the following items from the Recreation, Tourism & Culture Committee:
  - Virtual Walking Tour  
Work is ongoing on the Virtual Walking Tour project. The EDTO noted that will not be completed this year due to the technology requirements, the app will be developed before year end, and then production will have to be completed.
  - JCP Project – Walking Trail  
Discussed.  
**Motion 16-197** **F. Butt / B. Bowman**  
*Resolved that the workers on the Walking Trail Project proceed to clear brush for the next phase of the walking trail from west of the highway to Knox’s Hole.*  
Favour 5; Opposed 0; **Carried**
  - Tree of memories  
The Recreation Director was instructed to organize the ceremony to mark the second set of donations to the Tree of Memories. It is recommended that this be done as soon as possible as the donations were made a few years ago now and the contributions should be recognized. The Recreation Director will have the plaque completed and arrangements will be made to host a small reception at the Community Centre for the event.  
Donations listing (i.e) benches, garbage receptacle, trees, etc.  
The Director of Recreation will be completing a list of items that can be recognized for specific donations amounts made to the Town. Anyone wishing to make a donation to the Town in memory of a loved one could chose a specific item from the list based on the amounts identified. The list will include the item and the set donation amount for items such as trees, benches, etc.

### Ball Hockey Rink

Construction of the Ball Hockey Rink was planned to start next week. The walls will be constructed with plywood. Using this material, the rink can be constructed for the funding provided through the 2012 Summer Games funding in the amount of \$15,000.

#### **Motion 16-198**

**F. Butt / R. Noel**

*Resolved that the Town of Carbonear proceed with the construction of the Ball Hockey Rink at a cost not to exceed \$15,000 as recommended by the Recreation, Tourism & Culture Committee.*

Favour 5; Opposed 0; **Carried**

### Playground Equipment

The Committee proposes to use the funds allocated for this year's playground equipment budget to replace the play structure at the Recreation Complex Playground with a new piece of equipment. The swings are also recommended for replacement. This is the playground that has the most visits due to it being at the Recreation Complex where ball tournaments, soccer tournaments, etc are played. Also, the K-8 school is across the street.

Council agreed with the recommendation. A quote will be obtained before purchasing.

### Signage and opening of Claude Garland Memorial Park

In consultation with the Garland family, the date of October 1<sup>st</sup> has been set for the formal opening of the Claude Garland Memorial Park.

### New Branch Music Festival

The Director met with the organizer and due to a low turnout for the event, it was expected that there would be a significant loss on the event. However, the event did bring a number of people to the town and the organizer may be more inclined to organize another event in the Town with the support of the Town.

The town previously agreed that the fee would be \$1,000 for the weekend. As there was no damage from the event, it was suggested that the fee be waived as if it was a non-profit event. The committee agreed to recommend that the fee be waived for this year, however, in future, the fees set for facility rental be paid in advance on booking to guarantee the venue.

#### **Motion 16-199**

**F. Butt / D. Kennedy**

*Whereas the Branch Music Festival incurred losses at their event held at Paddy's Garden; and*

*Whereas this was the first year for this event in the Town of Carbonear; and*

*Whereas there was no damage sustained to the venue;*

*Be it Resolved to waive the fee for venue rental for this year only.*

Favour 5; Opposed 0; **Carried**

### Doggie Swim

The Doggie Swim was a success. It was enjoyable. There were a total of 50 dogs registered which included 10 small dogs and 40 large dogs. There were some concerns identified by the Director of Recreation. It is recommended that the concerns identified should be reviewed and evaluated prior to making a decision on holding a future event.

New sign for Walking Trail

Plans are underway for organizing the formal naming of the trail.

Promotional Items

The Committee is currently evaluating the amount of remaining promotional items and considering other items to be ordered.

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

Newfoundland and Labrador Tourism Guide 2017 - Ad for 2017

**Motion 16-200** **R. Noel / F. Butt**

*Resolved that the Town of Carbonear purchase a ½ page ad in the 2017 Newfoundland and Labrador Traveller's Guide at a cost of \$3,352.00.*

Favour 5; Opposed 0; **Carried**

William Janes Memorial Monument / Tryphoena Nicholl Monument

**Motion 16-201** **R. Noel / B. Bowman**

*Resolved to relocate the William James Memorial Monument in its current condition to the Anglican Church Cemetery.*

Favour 5; Opposed 0; **Carried**

**Motion 16-202** **R. Noel / F. Butt**

*Resolved that the Town of Carbonear proceed to dismantle and relocate the Tryphoena Nicholl Monument to the Old Post Office at the quoted cost of \$4,800 + HST.*

Favour 5; Opposed 0; **Carried**

*CAO advised that if any unidentified issues arise that would result in increased costs, then the Committee will bring it back to Council for review.*

The Compass (2016 Christmas Edition of the Yuletide)

**Motion 16-203** **R. Noel / D. Kennedy**

*Resolved that the Town of Carbonear purchase a 1/6 page ad in the 2016 Christmas edition of the Yuletide publication at a cost of \$165.*

Favour 5; Opposed 0; **Carried**

Deputy Mayor Butt made an inquiry relating to Meeting minutes during the last Finance Committee meeting. Deputy Mayor Butt noted that he was not present at the August 10<sup>th</sup>, 2016 Regular Council Meeting

when the minutes from the July 20<sup>th</sup>, 2016 Regular Council Meeting was adopted.

As these minutes can not be changed once they are adopted, he advised that under Section 10 d) of the minutes of the Regular Council Meeting for July 20<sup>th</sup>, 2016 he disagrees with the wording as recorded in the minutes, the minutes state that “he attempted to make a motion”, but he would like to note that he moved the motion, the call was made for a seconder for the motion but nobody seconded the motion, therefore the motion could not be discussed.

c) Pubic Works, Waste Management & Community Services Committee

Deputy Mayor Butt reviewed the following items from the Committee with Council:

Stop signs versus speed bumps

There are a number of streets in the town that would benefit from the placement of 3-way/4-way stop signs and it was felt it would slow the traffic on these streets. The CAO will complete a Traffic Calming Policy for review by the Committee

Request to Department of Transportation & Works for additional ramp on Route 70

*The committee recommends the CAO respond and request the department consider the safety concerns in this area which is close to the schools and recreation facilities and ask if priority can be given to the project.*

Councillor Noel asked if the town could be consulted on the design. Discussed. CAO to also request that the Town be consulted on the design for the additional ramp on Route 70.

Resident, Blueberry Crescent Snow Clearing Claim (damage to driveway)

The Committee does not recommend approval of this claim as it does not meet the requirements of the Snow Clearing Claim policy. Council agreed.

Property owner, Janes Avenue RE: complaint of untidy neighbouring property

The Director of Operations and Public Works advised that the property has since been cleaned up

Property owner, Tyre’s Drung, RE: Plumbing invoice

A property owner submitted an invoice to the town for plumbing and faucet repairs as he felt this damage occurred as a result of water shut off in the area.

*The committee does not recommend reimbursement of this invoice. A written correspondence will be forwarded to the property owner to inform him of the decision.*

Council agreed.

Business owner, Industrial Crescent, RE: Plumbing invoice

*Item is deferred for more information and investigation.*

Property owner, 98 London Road

The property owner forwarded written correspondence expressing his concerns with the excessive speeds of cars, ATV's and dirt bikes on London Road and has requesting the installation of speed bumps in the area. He advised a speed sign needs to be replaced on London Road as well. He also felt the absence of a sidewalk along this section of road poses a safety concern.

The Director of Operations and Public Works will have the speed sign reinstalled. The CAO will write the property owner to advised of the Town's intention to implement a Traffic Calming Policy and that the Town will give consideration for a sidewalk in the area when considering *future sidewalk upgrades*.

*Discussed.*

*Director of Operations and Public Work to also obtain an update from the contractor on the status of the sidewalk repairs on London Road.*

Resident, Hoyles Road – Request to speak

Deferred for further details and information from the resident. When additional details are obtained, the concerns will be addressed by Committee.

Midnight Riders, Request for improvements to Archibald's Road and the railway bed from Line Road to Victoria.

*The committee will meet with the association to further discussion their intention.*

Rorke Store repairs

The contractor is scheduled to start the work next week. Due to the e funds approved, all work will not be completed under this contract. Damaged boards and trim will be completed, however, funds are not available to paint the siding.

EDTO confirmed that this work will commence tomorrow morning.

London Road

Inquiry on the status of landscaping work to be completed by the mail boxes on the west end of London Road. It was suggested that the Town write the residents and request their cooperation in not driving over the grass area and that the Town will maintain this area as a green space.

Playground bench

Councillor Trickett passed along a thank you from the concerned resident on the placement of a bench at the Crockers Cove playground.

Councillor Kennedy noted, there was an inquiry to have no name road

graded. He asked if the road could be graded.

It was noted that in a previous Council Meeting, Council requested that a letter be sent to government requesting an approval to grade the road and if permission is granted, then proceed to have the road graded. CAO advised that she did not recall that request, but she would proceed to have the letter submitted.

7. Reports of Chief Administrative Officer and Department Heads

a) Chief Administrative Officer

The CAO reviewed the following from her report with Council:

1. Financial Report—July 2016 reviewed summary  
Revenue and Expenditures are within budget  
Purchased service for roads was over budget due to the traffic light unit replacement, however the overall department is within budget.
2. Surplus Land 41—47 Goff Avenue  
The surveys have been received and the tender has been advertised. The closing is September 21. No submissions received to date.
3. Purchase of building and land—Pike's Lane  
The Financial Statements were adopted at a meeting on Aug. 30. The signed Financial Statements were sent to Municipal Affairs on August 31. The approvals have not been received to date. Hopefully the Approval to Borrow will be forthcoming in the near future.
4. Tract Consulting – Meeting with Council and Questionnaire  
Tract is now ready to start consultations, however, it is specified that a meeting be arranged with Council prior to those consultations commencing.  
Will need to set up meeting time, hopefully this week.

b) Director of Operations & Public Works

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

- New Depot  
We have just completed the 99% review of the building drawings. The next set of drawing we will receive will be the Tender drawings. We expect this to be completed in the next week or so. The CAO has completed and submitted all of the documentation required by the Province.
- LeMarchant Road Project  
This project is now complete. The landscaping and hydro seeding was completed last we. The engineer will do an inspection to identify deficiencies, if any.

- Other Items
  1. Our new sweeper and our new sewer jetting system is working out well.
  2. We continue to do asphalt repairs
  3. Line / crosswalk painting are still being done. We are refreshing some of the major intersections as winter approaches.
  4. The province's line painting crew are currently working on the line on Columbus Drive.
  5. The asphalt work that was discussed (additional work left over from 2015 as well as the ones selected by council for 2016) has all been completed.
  6. The Crocker's Cove Bridge project has been awarded and should be completed this year.
  7. The fence has been removed at the South end of the breakwater. The rock sea barrier has been improved and the land leveled. Hopefully the improvement to the rock sea barrier will prevent debris from coming onto the road during stormy conditions. We have installed new 6x6 post and will be putting 1 1/4 rope through the post. We will wait until the spring to install sods to see how the sea surge treats this area.
  8. The Sea wall at the north end has serious erosion on the ocean side causing the wall to start to lean toward the ocean. We are currently installing armor stone to the east side of the wall and will excavate on west side to straighten the wall where the leaning is occurring.

8. Finance

a) **Operating Invoices:** over \$2000.00 totaling..... \$154,821.91  
**Motion 16-204 R. Noel / D. Kennedy**  
*Resolved that the Town of Carbonear approve for payment the list of operating invoices as submitted totaling \$154,821.91.*  
 Favour 5; Opposed 0; **Carried**

b) **Capital Invoices:**  
 Water, Sewer & Street Upgrading LeMarchant Street (Phase 2)  
 (PN 13-112 (MA 17-MYCW-15-0065)  
 Imperial Excavating Ltd, CP # 4.....\$131,965.57  
 Harris & Associates, Invoice # 6040.....\$6,842.79  
 Total Capital Invoices.....**\$138,808.36**  
**Motion 16-205 R. Noel / B. Bowman**  
*Resolved that the Town of Carbonear approve for payment the capital invoices as submitted in the amount of \$138,808.36 for Water, Sewer & Street Upgrading LeMarchant Street-Phase II.*  
 Favour 5; Opposed 0; **Carried**

9. Regulations

10. New Business

Mayor Butt noted that Sunday, September 18, 2016 is the date for the Terry Fox Run, Registration is at 2:30 for a 3pm start.

He noted that he is officiating a wedding at that time and would like a member of Council to attend.

EDTO noted that Sept 26, consultants will be here to do work on the hotel study. They will also meet with representatives from Tract Consulting at that time. CAO and EDTO to work out the schedule.

Councillor Bowman inquired when the brush cutting will start west of the overpass. EDTO advised the workers are currently finishing benches, etc for the existing walking trail and not sure if there will be enough time to do the additional brush cutting. Council inquired if we could apply for an extension to the project and obtain approvals from government. CAO advised that a license to occupy would only be within the brook reservation and that no work should be completed on private property. CAO to review the matter further with the EDTO.

11. Notices of Motion

*No notices of motions were filed.*

12. Adjournment

**Motion 16-206**

**R. Noel / B. Bowman**

*Resolved that the meeting adjourn at 5:15 p.m.*

The next meeting is scheduled for Monday, September 19, 2016 @ 4:00pm.

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Mayor George Butt

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Cathy Somers, Town Clerk