

Town of Carbonear
Regular Council Meeting, April 28th, 2008
Minutes of a regular meeting of the Council of the Town of Carbonear
held in Council Chambers, April 28th, 2008 at 7:30pm

Members Present: Mayor Sam Slade
Deputy Mayor Ned Slade
Councillors Gladys Mercer
Terry Emberley
John Comerford
Fred Earle

Members Absent: Councillor Jim Burden

Also Present: Town Clerk Cathy Somers
Town Administrator Cynthia Davis
Director of Operations & Public Works Brian O'Grady
Director of Recreation & Tourism Rob Button

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1. Calling of Meeting to Order
Mayor called the meeting to order at 7:34pm and welcomed everyone present at the meeting.

 2. Adoption of Minutes
 - a) April 7th, 2008 Regular Meeting
Motion 08-107 **Mercer/Comerford**
Resolved that the minutes of the April 7th, 2008 regular meeting of council be adopted as presented.
Favour 6; Opposed 0; **Carried**
 - b) April 7th, 2008 Privileged Meeting
Motion 08-108 **T. Emberley / E. Slade /**
Resolved that the minutes of the April 7th, 2008 privileged meeting of council be adopted as presented.
Favour 6; Opposed 0; **Carried**
 - c) April 22nd, 2008 Privileged Meeting
Motion 08-109 **F. Earle / T. Emberley**
Resolved that the minutes of the April 22nd, 2008 privileged meeting of council be adopted as presented.
Favour 6; Opposed 0; **Carried**

3. Business Arising From Minutes

- ▶ Minutes to be ratified from the April 7th, 2008 Privileged Meeting
Mayor Slade asked that Council ratify Motion SPE2008-04-07-001.

Motion 08-110

G. Mercer / T. Emberley

Resolved that the Town of Carbonear contract Harris & Associates to complete the design work for the Columbus Drive/Forest Road/Goff Avenue intersection in accordance with the requirements of the Department of Transportation and Works as quoted at a cost of \$8,797.05.

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Council ratify Motion SPE2008-04-07-002.

Motion 08-111

F. Earle / G. Mercer

Resolved that the Town of Carbonear issue payment for invoices totaling \$10,396.63 to eliminate the debt for Princess Sheila Inc. as listed and presented to Council by the Director of Recreation and Tourism.

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Council ratify Motion SPE2008-04-07-003.

Motion 08-112

T. Emberley / E. Slade

Resolved that the Town of Carbonear purchase a asphalt roller at a cost of \$7,200.

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Council ratify Motion SPE2008-04-07-004.

Motion 08-113

E. Slade / G. Mercer

Resolved that the Town of Carbonear tender for a 3/4 tonne full size pick up truck for use in the Works Department.

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Council ratify Motion SPE2008-04-07-005.

Motion08-114

E. Slade / T. Emberley

Resolved that the Town of Carbonear proceed with the work as estimated to widen the road by approximately six feet.

Favour 5; Opposed 1; **Carried**

Councillor Mercer opposed the motion.

Mayor Slade asked that Council ratify Motion SPE2008-04-07-006.

Motion 08-115

G. Mercer / E. Slade

Resolved that the Town of Carbonear maintain a policy that 25% of the main floor area be maintained for business store front use in all buildings located in the Heritage Zone on Water Street.

Favour 6; Opposed 0; **Carried**

- ▶ Minutes to be ratified from the April 22nd, 2008 Privileged Meeting
Mayor Slade asked that Motion SPE2008-04-22-001 be ratified.
Motion 08-116 **G. Mercer / J. Comerford**
Resolved that the Town of Carbonear call back seasonal labourers, Jim Pynn and Gary Butt for May 5, 2008 and assign Gary Butt to the Recreation Department.
Favour 6; Opposed 0; Carried
Deputy Mayor Slade and Councillor Emberley opposed the motion.
Mayor Slade asked that Motion SPE2008-03-24-002 be ratified.

4. Delegations

- a) Florence Button
Council left the chambers and went into the Theatre to listen to a presentation of a play written by Florence Button.
Council asked Ms. Button if she has submitted a funding proposal for presentation to government agencies to fund the production of the play. Ms. Button advised that she has not submitted an application for funding to date. Council offered that Marilyn Gear could assist her with the application, and that the Rorke Museum Loft would be a great location for the play.

5.1 Correspondence, Permits & Development

Councillor Comerford reviewed the following recommendations from the Development Committee:

- a) Application to subdivide property at 14 Grassey Lane and construct a single dwelling home at 14A Grassey Lane
Reviewed by the Development Committee, Motion Required
Motion 08-117 **J. Comerford / E. Slade**
Resolved that the Town of Carbonear approve a permit to sub-divide property at 14 Grassey Lane and to construct a single dwelling home on the portion of the land being sub-divided from 14 Grassey Lane as per the application submitted and subject to confirmation of the conveyance and the required frontage of 6m off Grassey Lane and subject to the Town of Carbonear Municipal Plan and Development Regulations.
Favour 6; Opposed 0; **Carried**
- b) Application to construct a single dwelling home at 3 Southwell Place
Reviewed by the Development Committee, Motion Required
Motion 08-118 **J. Comerford / E. Slade**
Resolved that the Town of Carbonear approve a permit to construct a single dwelling home at 3 Southwell Place as per the application submitted and subject to the Town of Carbonear Municipal Plan and Development Regulations.
Favour 6; Opposed 0; **Carried**
- c) Application to construct a single dwelling home at 32 Mahaney's Lane
Reviewed by the Development Committee, Motion Required.

Motion 08-119

J. Comerford / T. Emberley

Resolved that the Town of Carbonear approve a permit to construct a single dwelling home at 32 Mahaney's Lane as per the application submitted and subject to the Town of Carbonear Municipal Plan and Development Regulations.

Favour 6; Opposed 0; **Carried**

- d) Application to sub-divide property at 154 Forest Road and construct a single dwelling home at property being sub-divided from 154 Forest Road.
Reviewed by the Development Committee, Motion Required.

Motion 08-120

J. Comerford / E. Slade

Resolved that the Town of Carbonear approve a permit to sub-divide property at 154 Forest Road and construct a single dwelling home on the portion of the land being sub-divided from 154 Forest Road as per the application submitted and subject to the Town of Carbonear Municipal Plan and Development Regulations and subject to extension of the water and sewer services in the main road.

Favour 6; Opposed 0; **Carried**

- e) Application to construct a single dwelling home and detached garage at 10 Tyre's Drung.
Reviewed by the Development Committee, Motion Required.

Motion 08-121

J. Comerford / E. Slade

Resolved that the Town of Carbonear approve a permit to construct a single dwelling home at 10 Tyre's Drung as per the application submitted and subject to the Town of Carbonear Municipal Plan and Development Regulations.

Favour 6; Opposed 0; **Carried**

- f) Application to construct a storage shed at 33 Long's Hill
Reviewed by the Development Committee, Variance and Motion of Council Required.

Motion 08-122

J. Comerford / T. Emberley

Resolved that the Town of Carbonear advertise a variance on the application to construct a shed at 33 Long's Hill and that the Town of Carbonear approve a permit to construct a shed at 33 Long's Hill as per the application received, subject to receiving no objections to the publication of the variance on the application and subject to the Town of Carbonear Municipal Plan and Development Regulations.

Favour 6; Opposed 0; **Carried**

- g) Application to construct a fence at 5 Masonic Avenue
Reviewed by the Development Committee, Motion Required.

Motion 08-123

J. Comerford / E. Slade

Resolved that the Town of Carbonear designate the gravel road portion of Masonic Avenue as a minor street with a reservation of 10m and that the Town of Carbonear approve a permit to construct a fence at 5 Masonic Avenue as per the application submitted subject to the Town of Carbonear Fence Regulations and the Town of Carbonear Municipal Plan.

Favour 6; Opposed 0; **Carried**

- h) Department of Environment (Application for Domestic Timber harvesting in the Island Pond Protected Public Water Supply Area)
Referred to the Development Committee. Deferred for further investigation.

- i) Application to operate a Bed & Breakfast at 72 Water Street.
Reviewed by the Development Committee.
Discretionary use ad and Motion of Council required.
Motion 08-124 **J. Comerford / G. Mercer**
Resolved that the Town of Carbonear advertise a Discretionary Use on the application to operate a Bed & Breakfast at 72 Water Street, and that the Town of Carbonear approve a permit to operate a Bed & Breakfast at 72 Water Street as per the application submitted, subject to receiving no objections to the Discretionary Use Advertisement on the application and subject to the Town of Carbonear Municipal Plan and Development Regulations.
Favour 6; Opposed 0; **Carried**
- j) Application to sub-divide property located off Long's Hill.
Reviewed by the Development Committee. Motion Required.
Motion 08-125 **J. Comerford / T. Emberley**
Resolved that the Town of Carbonear approve a permit to sub-divide land off Long's Hill for Building Lots 1, 2 and 3 only as identified in the application submitted and subject to the Town of Carbonear Municipal Plan and Development Regulations.
Favour 6; Opposed 0; **Carried**
- k) Application for proposed sub-division of property located on Highroad North
Reviewed by the Development Committee. Deferred for additional information to be provided by the applicant.
- l) List of Permits #4008-4021.
Motion 08-126 **G. Mecer / J. Comerford**
Resolved that the Town of Carbonear approve the list of Permits #4008-4021 as presented to Council.
Favour 6; Opposed 0; **Carried**

5.2 Correspondence, Requiring Council's decision

- a) Veterans Affairs Canada
Proclamation to proclaim May 2nd through May 4th, the 65th Anniversary of the Battle of the Atlantic.
Motion 08-127 **T. Emberley / E. Slade**
Resolved that the Town of Carbonear approve the attached proclamation to proclaim May 2nd through May 4th, the 65th Anniversary of the Battle of the Atlantic.
Favour 6; Opposed 0; **Carried**
- b) Municipalities Newfoundland and Labrador
Proclamation to proclaim May 14, 2008 as Municipal Awareness Day in the Town of Carbonear.
Motion 08-128 **G. Mercer / F. Earle**
Resolved that the Town of Carbonear approve the attached proclamation to proclaim May 14th, 2008 as Municipal Awareness Day in the Town of Carbonear.
Favour 6; Opposed 0; **Carried**
Town Administrator to arrange for Open House on that day.

5.3 Correspondence, Received and action taken

Council reviewed the following correspondence and action taken:

- a) NL Public Health Laboratory, Sanitary Reports for water samples taken on March 31, 2008 at Swimming Pool

- All results marked satisfactory and placed on file.
- b) SWASP Application Guidelines and Community Service Component Applications Forwarded to the Director of Recreation and Tourism for processing.
 - c) Request for financial assistance for a Carbonear youth to attend the World Youth Day in Sydney, Australia in July, 2008.
Referred to the Finance Committee.
 - d) Department of Finance, Re. Letter to acknowledge the Town's pre-budget submission.
Placed on file.
 - e) FCM, Invitation for membership at a cost of \$642.31 for April 1/08 to March 31/09.
Referred to the Finance Committee.
 - f) Donation Request.
Referred to the Finance Committee.
 - g) Department of Environment and Conservation, Office of the Minister.
Invitation for nominations for the NL Environmental Awards Program.
Copied to Council for their consideration. Placed on file.
 - h) NLMEB, Revised Pension Plan Participation Agreement
Referred to the Finance Committee for review.
 - i) MNL, Notification of Municipal Symposium 2008 in Gander May 8-10, 1008;
Highlights this year include: Provincial Solid Waste Management, Municipal Sustainability, Sustainability Self Assessment Tool Kit, Building with the Gas Tax, and PSAB.
Copied to Council for consideration to attend.
A representative of Council to attend.
Council Mercer may attend.
 - j) Baccalieu Trail Tourism Association, Invitation to Attend the AGM and Election of Directors on Wednesday, April 30, 2008 at 7pm.
Copied to Council for consideration to attend.

6. Committee Reports

a) Development Committee

Motion 08-129

J. Comerford / T. Emberley

Resolved that the Town of Carbonear grant municipal approval of crown land application under the condition that it is further reviewed by the Water Resources Division and the Pesticides Division of the Department of Environment prior to Crown Lands conveying the land.

Favour 6; Opposed 0; **Carried**

b) Works Committee

Deputy Mayor Slade reviewed the following recommendations from the Works Committee:

Motion 08-130

E. Slade / G. Mercer

Resolved that the Town of Carbonear purchase a 36" ditching bucket in the amount of \$1,600.

Favour 6; Opposed 0; **Carried**

Motion 08-131

E. Slade / G. Mercer

Resolved that the Town of Carbonear accept the suggestions of the Works Committee as discussed for the advertisement of an additional seasonal labourer position to be included in the existing seasonal allocation, as well as, the suggestions for work

weeks for the seasonal labourers.

Favour 6; Opposed 0; **Carried**

Motion 08-132

E. Slade / G. Mercer

Resolved that the Town of Carbonear adopt the proposed changes and revisions to the Driveway/New Access Policy as recommended by the Works Committee to include the following:

Town of Carbonear will provide the fill over the pipe being installed for new accesses;

For areas where curb, gutter and sidewalks exist, the Town will complete the concrete cuts with the chop saw where the high back curb or sidewalk is to be removed for reinstatement at the applicant's expense, this cut with the saw can be made by Town staff at no cost to the applicant. This would be the perpendicular cut for the section to be removed and does not include a horizontal cut of the high back to make into a low back.

Favour 6; Opposed 0; **Carried**

Mayor Slade asked who is responsible to maintain the headwall around the culvert.

Town Administrator indicated that the policy indicates that the property owner would be responsible.

Discussed.

No further changes were recommended to the policy.

7. Reports from Department Heads

a) Director of Operations and Public Works

Brian reviewed his report with Council

- ▶ Town of Hr. Grace has asked to borrow our sidewalk sweeper and street sweeper.

Discussed.

Council will not allow lending of this equipment, as it is in use here within the town and maintenance and wear/tear on the equipment is an issue. However, the Town will grant approval to lend consumables, which would be replaced.

- ▶ Asphalt Roller has been ordered, \$326 cheaper. Should arrive in 10 to 14 days.
- ▶ Councillor Mercer asked if the boardwalk repairs have been completed. Brian advised the repairs were completed today. Town Administrator advised, there is another area, that she identified this evening that needs repair as well. Brian to investigate and have repairs completed.
- ▶ Councillor Earle complimented Brian on his implementation of the Preventative Maintenance Schedule for Town vehicles.

b) Director of Recreation and Tourism

Rob reviewed his report with Council.

Council requested that a copy of the proposed Tourism brochure to be placed in Councillors trays with quote for printing.

Council asked about the patio stones that will be removed from the War Memorial when the paving stones are installed.

These will be kept in storage, some will be needed for future park areas.

Councillor Earle asked when the new playground equipment will be installed at the Crockers Cove Playground. Rob indicated that he is working with Brian and the works crews to have the ground prepared for the installation, and this work should be

completed over the next few weeks.

Rob advised that the Recreation Commission met with Jerome Kennedy and the Eastern School District, to obtain funding in the amount of \$28,000 to offer the water smart program to all schools on the Baccalieu Trail. The same program was offered last year to schools in Carbonear, Hr. Grace and Victoria.

Rob also advised the Recreation Commission had a very successful Awards Banquet on Wednesday, April 23rd.

c)Town Administrator advised she distributed a Financial Statement to Council for their review, any questions on the report, could be addressed to her.

8. Finance

a) List of Invoices totaling \$53,553.60

Motion 08-133

E. Slade / F. Earle

Resolved that the Town of Carbonear approve for payment the list of invoices totaling \$53,553.60 as presented to Council.

Favour 6; Opposed 0; **Carried**

b) Capital Project Invoices

Bridges Upgrading

Harris & Associates, Invoice # 4803 \$4,137.61

Motion 08-134

F. Earle / E. Slade

Resolved that the Town of Carbonear approve for payment Invoice #4803, from Harris & Associates in the amount of \$4,137.61.

Favour 6; Opposed 0; **Carried**

c) Motion required on approval to borrow town's share of MRIF funds

Motion 08-135

F. Earle / J. Comerford

Resolved that the Town of Carbonear borrow from Scotiabank an amount not exceeding one hundred and seventy-nine thousand ninety-one dollars (\$179,091) repayable in full by Council over a period not exceeding 10 years; the said loan is to be used to finance the Town's share of Municipal Rural Infrastructure Funding Project #14953 Water and Sewer Upgrade, Pike's Lane.

Favour 6; Opposed 0; **Carried**

9. Regulations

10. General Business

- ▶ Deputy Mayor Slade asked the progress on the Traffic lights design. Town Administrator advised Harris & Associates are consulting with traffic reports, and the design was to be completed by the end of April, 2008. Town Administrator to check with Harris & Associates to determine the date the design will be completed. We can now consider applying for 80/20 Capital Works funding to fund this project or any future Capital Works projects.
- ▶ Deputy Mayor Slade asked if towns have ever applied for grants to hire on four to six people to complete clean up throughout the Town. Town Administrator advised that this is not something that would meet the requirements for funding under Service Canada funding.

- ▶ Capital Works Priorities.
Council identified that our priorities for work to be completed are currently:
Completion of projects approved under Southside Bridge works, Tropical Storm Chantal projects and enhancements, Pikes Lane-Phase I, then Pike's Lane, Phase II and III.
Town Administrator to check to determine if the 2/3 share of these projects shared by the Province and the municipality, will now be funded on an 80/20 ratio, Province/Town.
The development of the Willoughby Estates extension is also a priority. Town Administrator to check to determine when this design work will be completed by Harris & Associates as well.
- ▶ Acceptable garbage containers.
Councillor Mercer indicated that she thought the Town had a policy that no freezers or refrigerators are considered acceptable garbage containers.
Motion 08-136 **G. Mercer / T. Emberley**
Resolved that the Town of Carbonear implement a policy that freezers and/or refrigerators are not permitted to be used as garbage containers in the Town of Carbonear.
Favour 6; Opposed 0; **Carried**
- ▶ Councillor Mercer asked for a report on outstanding Accounts Receivable.
Town Clerk advised that this report would be prepared for the next Finance Committee Meeting. Water cut-offs for unpaid taxes would commence within the next three to four weeks for all businesses and residences with outstanding taxes.

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

12. Adjournment
Motion 08-137 to adjourn at 10:47pm **J. Comerford / T. Emberley**
Favour 6; Opposed 0; **Carried**

Mayor Sam Slade

Cathy Somers, Town Clerk