

**Town of Carbonear
Regular Council Meeting, July 20, 2011**

Minutes of a regular meeting of the Council of the Town of Carbonear
held in Council Chambers, July 20, 2011 at 4:00pm

Members Present: Mayor Sam Slade
Deputy Mayor Ches Ash
Councillors David Kennedy
George Butt
Betty Forward
Ed Goff

Also Present: Town Administrator Cynthia Davis
Town Clerk Cathy Somers
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 Slade called the meeting to order at 4:15pm and welcomed those present at the meeting.
 2. Adoption of Minutes
 - a) June 20, 2011 Regular Minutes
Motion 11-535 **C. Ash / E. Goff**
Resolved that the minutes of the June 20, 2011 Regular meeting of council be adopted as presented and corrected.
Favour 6 ; Opposed 0; **Carried**
 3. Business Arising From Minutes
 4. Delegations
 5. Correspondence, Permits & Development
The following items were referred to and reviewed by the Development Committee. Any recommendations will be included in the Committee Report:
 - a) List of Permits Issued # 4970-5009
Motion 11-536 **D. Kennedy / C. Ash**
Resolved to approve the list of permits # 4970-5009 as presented to Council excluding #5008.
Favour 6 ; Opposed 0; **Carried**
Councillor Kennedy advised that he is in conflict on Permit #5008 and left the chambers.
Motion 11-537 **C. Ash / G. Butt**

Resolved to approve permit #5008 as presented to Council excluding.
Favour 5 ; Opposed 0; **Carried**

Councillor Kennedy was called back into the meeting.

5.1 Correspondence, requiring Council's decision

a) National Household Survey

Mayors Proclamation

Statistics Canada will conduct the National Household Survey in June and July 2011.

Motion 11-538

C. Ash / D. Kennedy

Whereas Statistics Canada will conduct the National Household Survey (NHS) in June and July 2011; and

Whereas the Town of Carbonear supports the NHS because NHS information is important for our community and is vital for planning services such as child care, schooling, family services, housing, roads and public transportation, and skill training for employment; and

Whereas the Statistics Act requires that personal information provided on NHS questionnaires will be kept strictly confidential

Therefore I, Sam Slade, Mayor of the Town of Carbonear do hereby call upon all residents who are selected for the NHS to complete and return their NHS questionnaires online at www.nhs.statcan.gc.ca or by mail, as soon as possible.

Favour 6 ; Opposed 0; **Carried**

Town to advertise/promote participation in this survey.

5.2 Correspondence received and action taken:

Council reviewed the following correspondence and action taken:

- a) NL Public Health Laboratory, Test results of water samples collected on June 15, 2011 at Dept of Justice and 9 Bemister's Hill. Results marked satisfactory and placed on file
- b) NL Public Health Laboratory, Test results of water samples collected June 1, 2011 at Janes Lane/White's Road collected by Concord Paving Ltd. No action required, results placed on file.
- c) NL Public Health Laboratory, Test results of water samples collected May 31, 2011 at Carbonear Swimming Pool (Shallow End and Deep End). Results marked satisfactory and placed on file
- d) NL Public Health Laboratory, Test results of water samples collected June 22, 2011 at Dept of Justice and Morley Butcher property. Results marked satisfactory and placed on file.
- e) Department of Tourism Culture and Recreation
Application for the 2011 - 2012 Seniors Community Recreation Grant.
Forwarded to Director of Recreation and Tourism
- f) Eastern Newfoundland Regional Appeal Board

- RE: Appeal board ruled in the Town's favour
Placed on file.
- g) The Kiwanis Club of Carbonear
Letter of thanks. Copied to Council
Placed on file.
- h) Charwood Legion Manors Inc.
Thank you letter for installing crosswalk.
Placed on file
- i) MI Ocean Net - Marine Institute of Memorial University
Friends of Beaches program
Forwarded to Director of Recreation and Tourism
- j) St. Patricks Parish
RE: Fundraiser for church repair
Forwarded to Council. Mayor Slade and Councillor Forward attended on behalf
of Council.
- k) Resident Forest Road
Request for permission to extend noise level regulations for block party.
Forwarded to Public Works Committee.
- l) Resident Mahaney's Lane
RE: School Bus Shelters
Forwarded to Public Works Committee and copied to Council.
- m) Scott Andrews - News Release
RE: DFO Minister responds to Scott Andrews
Copied to Council
- n) Professional Municipal Administrators
RE: Amendments to the Municipalities Act, 1999
Forwarded to Finance Committee. Placed on file.
- o) Developer
Request for clean up of property owner Willoughby Drive
Forwarded to Development Committee
- p) Resident Pondsides Hill
Request to connect home to water line
Forwarded to Public Works Committee
- q) Resident Highroad North
Tax adjustment on property
Forwarded to Finance Committee
- r) The Lung Association of Newfoundland and Labrador
Information brochure programs and support groups
Placed on file.
- s) Department of Municipal Affairs - Gas Tax Secretariat
Approval for Gas Tax Funds
Referred for privileged meeting of Council
*Town Clerk advised that this correspondence was discussed in a privileged
meeting of Council and motions relating to this project were recommended to be*

*presented during the regular Council meeting.
A copy of these motions were distributed to Council for approval at today's meeting.*

Councillor Kennedy noted that he was in conflict on the first motion being recommended and left the Council Chambers.

Motion 11-539 C. Ash / G. Butt

Resolved that the Town of Carbonear remove Hayden Heights from the Capital Works listing for 2011 and add it to the List for Gas Tax Projects for 2011.

Favour 5 ; Opposed 0; **Carried**

Councillor Kennedy was called back into the meeting.

Motion 11-540 C. Ash / E. Goff

Resolved that the Town of Carbonear remove Valleyview Heights from the Gas Tax Projects, as it is included on the approved funds for Capital Works.

Favour 6 ; Opposed 0; Carried

Mayor Slade advised that he was in conflict on the next recommendation and left the meeting.

Deputy Mayor Ash assumed the chair.

Motion 11-541 D. Kennedy / G. Butt

Resolved that the Town of Carbonear use any remaining funds from the Gas Tax Funding towards the cost of road improvements to Bunker Hill and that the Capital Investment Plan for Gas Tax Funding be amended accordingly after estimates are prepared for this additional project.

Favour 5 ; Opposed 0; **Carried**

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

Councillor Goff asked when the tender closes for the gas tax projects.

Director of Operations and Public Works advised that it closes on Monday, July 25, 2011.

t) Department of Municipal Affairs

Approval of 2011 Capital Works Program

Referred for privileged meeting of Council

Town Clerk advised that this correspondence was discussed in a privileged meeting of Council and motions relating to this project were recommended to be presented during the regular Council meeting.

A copy of these motions were distributed to Council for approval at today's meeting.

Councillor Kennedy and Councillor Forward noted that they were in conflict on the first motion being recommended and left the Council Chambers.

Motion 11-542 C. Ash / G. Butt

Resolved that the Mayor and Town Clerk are authorized to sign and accept the 2011 Capital Works Program Contract for Project #s 11126 - Water & Sewer London Road in the amount of \$1,250,000.

Favour 4 ; Opposed 0; **Carried**

Councillor Kennedy and Councillor Forward were called back into the meeting.

Councillor Butt noted that he was in conflict on the first motion being recommended and left the Council Chambers.

Motion 11-543

C. Ash / E. Goff

Resolved that the Mayor and Town Clerk are authorized to sign and accept the 2011 Capital Works Program Contract for Project #s 11149 - Street Improvements for Butts Avenue in the amount of \$173,511.

Favour 5 ; Opposed 0; **Carried**

Councillor Butt was called back into the meeting.

Motion 11-544

C. Ash / G. Butt

Resolved that the Mayor and Town Clerk are authorized to sign and accept the 2011 Capital Works Program Contract for following projects

Project # 11127 - Street Improvements Park Lane, \$144,970

Project # 11150 - Street Improvements Earles Lane, \$129,640

Project # 11151 - Street Improvements Valleyview Heights, \$59,885

Project # 11152 - Street Improvements Crowdy Street, \$127,600

Project # 11128 - Water, Storm Sewer, Street Upgrades - LeMarchant Street, \$1,279,060.

Favour 6 ; Opposed 0; Carried

- u) Resident Adelaide Street
RE: installation of sewer line
- v) Resident Mahaney's Lane
RE: Requesting to meet with Council
Referred to privileged meeting of Council
- w) Autism Society
RE: News Release. Prominent business donates Porsche to charity - 22 annual Targa Newfoundland fund raising drive.
Copied to Council, placed on file
- x) Department of Tourism, Culture and Recreation
Confirmation of Community Recreation Grant approval in amount of \$4,773.86
Forwarded to Director of Recreation and Tourism
- y) Restart a Heart - Restart a Life Initiative
Forwarded to Director of Recreation and Tourism for consideration
- z) MMSB - Notice
Notice to all used tire collection registrants
Copied to Public Works Department
- aa) Resident Valley Road
RE: ditching issues and other concerns.
Referred to Public Works Committee

6. Committee Reports

a) Finance Committee

The following motions were presented from the Finance Committee:

Motion 11-545

C. Ash / B. Forward

Resolved that the Town of Carbonear adopt the Management Salary Scale

increases as presented by the Finance Committee for 2011, 2012 and 2013 for the positions of Town Administrator, Director of Operations and Public Works, Director of Recreation and Tourism and Executive Assistant.

Favour 6 ; Opposed 0; **Carried**

Deputy Mayor Ash declared a conflict of interest on the next recommendation and left the council chambers.

Motion 11-546

D. Kennedy / G. Butt

Resolved that the Town of Carbonear adopt the Management Salary Scale increases as presented by Councillor Kennedy of the Finance Committee for 2011, 2012 and 2013 for the position of Town Clerk.

Favour 5 ; Opposed 0; **Carried**

Deputy Mayor Ash was called back into the meeting.

Motion 11-547

C. Ash / B. Forward

Resolved that the Town of Carbonear advertise for a Casual Call-In person for the position of Clerk I.

Favour 6 ; Opposed 0; **Carried**

Motion 11-548

C. Ash / G. Butt

Resolved that the Town of Carbonear advertise for a Full-time Heavy Equipment Operator.

Favour 6 ; Opposed 0; **Carried**

Motion 11-549

C. Ash / D. Kennedy

Resolved that the Town of Carbonear approve for payment the list of invoices totaling \$141,300.05 as presented to Council.

Favour 6 ; Opposed 0; **Carried**

Motion 11-550

C. Ash / B. Forward

Resolved that the Town of Carbonear approve for payment the list of capital invoices totaling \$232,450.61 as presented to Council.

Favour 6 ; Opposed 0; **Carried**

Motion 11-551

C. Ash / E. Goff

Resolved that the Town of Carbonear donate \$25 to the Parkinson Society NL for the 2011 Super Walk being held on September 18, 2011 and that the Multi-Purpose Room at the Pool will provided free of charge for the event.

Favour 6 ; Opposed 0; **Carried**

- b) Development Committee
Councillor Kennedy presented the following recommendation from the Development Committee

Motion 11-552

D. Kennedy / B. Forward

Resolved that the Town of Carbonear grant approval for a permit to construct a single dwelling home at 30 Valley Road as per the application submitted, subject to the following conditions:

- a) *Upon completion of new home the existing home at 30 Valley Road is to be demolished;*
- b) *Water/sewer services to the new home will not be provided until the water/sewer services to the existing home are disconnected.*

Favour 6 ; Opposed 0; **Carried**

c) Public Works Committee

Councillor Butt presented the following motions as recommended by the Public Works Committee:

Motion 11-553

G. Butt / B. Forward

Resolved to send order to properties situate at 2 - 16 Scarlett Ridge per section 404 (1f) of the Municipalities Act where building(s) is in a dilapidated state to complete repair or renovations of building (s).

Favour 6 ; Opposed 0; **Carried**

Councillor Goff declared a conflict of interest on the next recommendation and left the council chambers.

Motion 11-554

G. Butt / C. Ash

Resolved that the Town of Carbonear approve an exemption to the noise by-law for the residents of Blueberry Crescent and Forest Road, for the neighbourhood block party being held on August 6, 2011 or August 7, 2011 in case of inclement weather.

Favour 5 ; Opposed 0; **Carried**

Councillor Goff was called back into the meeting.

Motion 11-555

G. Butt / C. Ash

Resolved to order clean up of debris on property situate at 54 Janes Avenue.

Favour 6 ; Opposed 0; **Carried**

7. Reports of Town Administrator and Department Heads

a) Director of Recreation and Tourism

Director of Recreation and Tourism reviewed his report with Council.

Dive Stand installation for September.

Deputy Mayor Ash expressed his concern that with the prolonged shut down of the pool, this should have allowed time for that to be done. Director of Recreation and Tourism advised that originally, we did not plan to replace the base, but then when the diving board was painted and the base inspected it was determined a new base would be needed.

Summer Program

Councillor Kennedy asked how many children were registered in the program.

Director of Recreation and Tourism advised that there are 120 registrants, and

that is down slightly from last year with 125 registrants.

Triathlon

Positive comments received from participants.

Organizing Committee does a lot of work to organize and ensure the successful completion of this event and several groups assist to run the event.

Discussed.

Director of Recreation and Tourism to prepare letter of thanks and congratulations from Council to all members of the organizing committee and the participating community groups for their work and commitment on the triathlon event.

Canada Day Concert & Family Activities

Great success.

Director of Recreation and Tourism to prepare letter of thanks from Council commending the Special Events Committee for their great work in this regard.

- ▶ Deputy Mayor Ash asked about the status of the handicapped lift at the pool. Director of Recreation and Tourism advised that the lift is functional now. A replacement lift has been ordered and it has cleared customs and should be received next week.

- ▶ Councillor Goff noted that \$26,000 has been approved for the Community Gardens project and this project needs to be started. Mayor Slade asked if a location has been decided. Director of Recreation and Tourism advised that there has been discussions on various locations. A location has not been finalized.

8. Finance

a) **Operating Invoices** over \$1,000.00 totaling \$141,300.05

b) Capital Invoices

Pool Renovations

Air-Tite, Invoice # 27672, Claim 6 \$ 37,288.31

Air-Tite, Invoice #27643, Claim 5 \$195,162.30

Total **\$232,450.61**

Items 8a and 8b were approved earlier in the meeting under the Finance Committee recommendations. _____

9. Regulations

None listed.

10. General Business

- ▶ Enforcement Officer Position

Deputy Mayor Ash noted that previously he put forward a recommendation from the Hiring Committee for the successful applicant to be hired in the position of Enforcement Officer. This motion was carried, however since then Council has asked for further information in this regard before the applicant is awarded the position. The Committee met with the applicant again and determined the

information requested by Council. Deputy Mayor Ash noted that the Town should now proceed to hire the applicant as recommended as this position needs to be filled.

Councillor Kennedy noted that the motion was brought forward and approved, but he noted that he felt that the process was rushed and that more time should have been given for Council's consideration of the recommendation. Councillor Kennedy noted that he would like to have this decision reversed.

Town Administrator advised that in order for the decision to be changed, then the motion would have to be rescinded. The motion to rescind must be moved, seconded and carried.

Motion 11-556

D. Kennedy / B. Forward

*Resolved that the Town of Carbonear rescind **Motion 11-516** which stated, "Resolved to approve the applicant as recommended by the Hiring Committee for the position of Enforcement Officer."*

Discussed.

Favour 3; Opposed 3; **Failed (Motion defeated)**

Mayor Slade, Councillor Kennedy and Councillor Forward opposed the motion.

Deputy Mayor Ash, Councillor Butt and Councillor Goff opposed the motion.

Town Administrator advised that because the motion to rescind a previous motion has failed, then the previous motion stands and she will proceed to carry out the direction of the original motion and offer the position to the recommended applicant.

▶ **Railway Station Re-opening.**

Deputy Mayor Ash reminded Council of the date of the Railway Station Opening on July 26, 2011 at 11am.

▶ **Dead end water lines.**

Deputy Mayor Ash asked the Director of Operations and Public Works how many sections of water mains exist throughout town that are dead end lines. Director of Operations and Public Works advised that there are a number of these lines throughout town. Deputy Mayor Ash asked if this sometimes causes problems with poor water quality. The Director advised that it can sometimes cause problems with water quality and that these lines need to be flushed at times. Deputy Mayor Ash asked if the Director could provide a formal report to Council on these lines throughout Town. Agreed.

▶ **Clean Up on Southside Beach**

It was noted that further clean up is needed in this area and across the street from the beach as well.

Director of Operations and Public Works to have this work completed.

▶ **Councillor Goff noted that there has been disruption in the garbage collection service due to equipment breakdowns. He requested that this matter be addressed in the new Garbage Contract, so that there alternative measures provided for when there is equipment breakdowns, so that the service will not be interrupted.**

Town Administrator to review contract for changes. She noted that the new

- garbage contract has been drafted and distributed to Council and she requested that Council review the draft and provide feedback before we proceed to tender.
- ▶ Mayor Slade advised that the owner of the Stonehouse building would like to do a cobblestone sidewalk in front of the building and would like Council's approval for same.
Property owner to submit proposal in writing to Council through the Development Application process and the Director of Operations and Public Works will review same.

11. Notices of Motion

12. Adjournment

Motion 11-557

C. Ash / D. Kennedy

Resolved to adjourn the meeting at 5:28pm.

Favour 6; Opposed 0; **Carried**

Mayor Sam Slade

Cathy Somers, Town Clerk