

Town of Carbonear
Regular Council Meeting, July 28th, 2008

Minutes of a regular meeting of the Council of the Town of Carbonear
held in Council Chambers, July 28th, 2008 at 4:30pm

Members Present: Mayor Sam Slade
Deputy Mayor Ned Slade (absent at start of meeting)
Councillors Gladys Mercer
Jim Burden
John Comerford
Fred Earle
Terry Emberley

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

Also Absent: Town Administrator Cynthia Davis (on vacation)

1. Calling of Meeting to Order
Deputy Mayor Slade called the meeting to order at 4:30pm.

2. Adoption of Minutes
 - a) June 16th, 2008 Regular Meeting
Motion 08-196 **G. Mercer / F. Earle**
Resolved that the minutes of the June 16th, 2008 Regular meeting of council be adopted as presented.
Favour 6; Opposed 0; **Carried**
 - b) June 16th, 2008 Privileged Meeting
Motion 08-197 **F. Earle / J. Comerford**
Resolved that the minutes of the June 16th, 2008 privileged meeting of council be adopted as presented.
Favour 6; Opposed 0; **Carried**

3. Business Arising From Minutes
Motions to be ratified from the June 16, 2008 privileged meeting of Council
Deputy Mayor Slade asked that Motion SPE06-16-08-001 be ratified.
Motion 08-198 **G. Mercer / F. Earle**
Resolved that the Town of Carbonear submit the Financial Evaluation For Municipal Capital Works Projects as prepared by the Town Administrator for the purpose of obtaining approval to borrow to finance the purchase of the 2008 Pick up truck at a cost of \$28,613.
Favour 6; Opposed 0; **Carried**

Deputy Mayor Slade asked that Motion SPE06-16-08-002 be ratified.
Motion 08-199 **G. Mercer / F. Earle**

Resolved that the Town of Carbonear proceed with the following Chantal Enhancement projects as estimated.

- Area 23 - Line Road (Milton's Bridge - Stan Thoms Path, + couple wash out areas beyond Chlorination facility.
Repairs \$35,880.00
Repair + Enhancement \$98,465.00 (Additional & larger Culverts, 0.5m Fill on Road, 150mm Class A Granular Road top)
Net Enhancement \$62,585.00
 - Area 4 - Irishtown Drain (Enhancement Only)
Option B Gabion Mats (Headwall to Don Emerson) \$ 66,510.00
 - Area 5 - Woodwynd Heights (Enhancement Only)
Option A 20m Concrete Channel \$ 98,810.00
 - Area 12A Across the Doors(rough estimate) \$ 20,000.00
- Favour 6; Opposed 0; **Carried**

Deputy Mayor Slade asked that Motion SPE06-16-08-003 be ratified.

Councillor Earle declared a conflict of interest on Area 7 and left the meeting.

Motion 08-200

J. Comerford / J. Burden

Resolved that the Town of Carbonear proceed with the following Chantal Enhancement projects as estimated.

Area 7 - Fox Farm Road

Repair Cost \$ 7,195.00
Repair + Enhancement \$26,320.00 (New & Larger Culverts + Ditching on Charlie Laing's Path)

Net Enhancement \$19,125.00

Favour 5; Opposed 0; **Carried**

Councillor Earle was called back into the meeting.

Deputy Mayor Slade asked that Motion SPE06-16-08-004 be ratified.

Motion 08-201

T. Emberley / J. Burden

Resolved that the Town of Carbonear proceed to tender for the purchase of a 2005 or newer Mini Excavator (4 tonne), with less than 1200 hours, subject to sale of the 1995 416 backhoe for the price of not less than \$25,000 + HST.

Favour 6; Opposed 0; **Carried**

Mayor Slade entered meeting in progress and assumed the chair.

Director of Operations and Public Works reviewed the bids received on the 1995backhoe.

Mayor Slade advised that he was speaking with Mr. Art Burke from the Town of Victoria and they would like to negotiate a price to purchase the backhoe.

Deferred for further investigation.

Town Clerk to check with the Town's lawyer to determine if the Town can continue to negotiate a higher sale price for the backhoe other than the two bids that have already been received.

Director of Operations advised of that there were five tender prices received for the purchase of a Mini Excavator. He recommends that the Town award the tender to the lowest bidder, Atlantic Powertrain, for a 2005 Yanmar 4 ton Mini Excavator for the price of 30,000 + HST, subject to the successful sale of our 1995 Backhoe for a price not less than \$25,000 + HST.

Motion 08-202

G. Mercer / E. Slade

Resolved that the Town of Carbonear award the tender for the purchase of a 2005 Yanmar 4 ton Mini Excavator to Atlantic Powertrain for the purchase price of \$30,000 + HST, subject to the successful sale of our 1995 416 Backhoe for a price not less than \$25,000 + HST

Favour 7; Opposed 0; **Carried**

4. Delegations

5.1 Correspondence, Permits & Development

a) List of Permits #4103 - 4146.

Motion 08-203

E. Slade / J. Comerford

Resolved that the Town of Carbonear approve the list of permits #4103-4146.

Favour 7; Opposed 0; **Carried**

5.2 Correspondence, Requiring Council's decision

b) CUPW, Request for submissions to save universal, public postal service, with sample resolution provided.

Copied to Council for their review.

Council to review for next meeting.

c) Forest Road and Blueberry Crescent residents, request for exemption or extension of noise level regulations for their annual neighborhood block party, on Saturday, August 16th, 2008 or Sunday, August 17th, 2008 if there is inclement weather on Saturday, August 16th.

Motion 08-204

E. Slade / J. Burden

Resolved that the Town of Carbonear approve an exemption to the noise by-law for annual neighbourhood block party being held on Forest Road and Blueberry Crescent on Saturday, August 16th, 2008 or Sunday, August 17th, 2008 if there is inclement weather on Saturday, August 16th.

Favour 7; Opposed 0; **Carried**

d) Northern Avalon Tourism Association, Request to make 45 minute presentation to Council.

Town Clerk to arrange for the first meeting in September.

NL Alliance for the Control of Tobacco (ACT), Re. Request for the Town of Carbonear to implement a policy to make all its outdoor sport and recreation areas and events smoke free.

Reviewed by Council.

Motion 08-205

J. Comerford / F. Earle

Resolved that the Town of Carbonear approve a policy to make all its outdoor sport and recreation areas and events smoke free.

Favour 7; Opposed 0; **Carried**

5.3 Correspondence, Received and action taken

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Council reviewed the following correspondence and action taken:

- a) NL Public Health Laboratory, Test results for water samples taken July 2 & 8, 2008 at North Atlantic, Red Circle, Noel's Convenience and the Town Office. All results marked satisfactory. Placed on file.
- b) Department of Municipal Affairs, Re. TS Chantal Storm Repairs Woodwynd Heights/Across the Doors
Release of proposed Engineer/Client agreement in the amount of \$232,748.74 for signing.
Agreement to be signed and processed.
- c) Department of Municipal Affairs, Re. TS Chantal Storm Repairs Powell Drive/Goff Avenue/Industrial Crescent
Release of proposed Engineer/Client agreement in the amount of \$1,128,297.51 for signing.
Agreement to be signed and processed.
- d) Department of Municipal Affairs, Re. TS Chantal Storm Repairs
Release of proposed agreement in the amount of \$174,589.58 for signing.
Agreement to be signed and processed.
- e) UMC, Request for member towns to consider allocation of 50cents per capita in their 2009 budget to the Daffodil Place Campaign.
Referred to the Finance Committee for consideration.
- f) Resident, Complaint regarding dilapidated condition of property, and request for demolition order to be issued on the property.
Referred to the Beautification Committee.
- g) Water Resources Management Division, Re. 2008 Winter Drinking Water Quality Report for Carbonear. The pH factor is noted as an Aesthetic Exceedance as it was recorded at 5.5 and the acceptable range is 6.5 - 8.5.
Report reviewed by the Town Administrator and placed on file.
- h) Newfoundland Historic Trust,
Re. Concerns with the possible application for demolition of the Loyal Orange Lodge in Carbonear.
Referred to the Beautification Committee.
- i) Whale Release and Strandings, Offer of free services to fishers, Re. Release of stranded or dead whales or turtles.
Information placed on file.

6. Committee Reports

a) Development Committee

Motion 08-206

J. Comerford / F. Earle

Under the authority of Section 16, Section 17 and Section 18 of the Urban and Rural Planning Act 2000, the Town Council of Carbonear

- a) *Adopted the Town of Carbonear Municipal Plan Amendment No. 8, 2008 on the 18th day of February, 2008.*
- b) *Gave notice of the adoption of the Town of Carbonear Municipal Plan Amendment No. 8, 2008 by advertisement inserted in The Compass newspaper.*
- c) *Set a day for the holding of a public hearing at the Town Office in Carbonear to consider objections and submissions.*

Now under section 23 of the Urban and Rural Planning Act 2000, the Town Council of Carbonear approves the Town of Carbonear Municipal Plan Amendment No. 8,

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2008 as adopted.

Favour 7; Opposed 0; **Carried**

Motion 08-207

J. Comerford / F. Earle

Under the authority of Section 17 and Section 110 of the Urban and Rural Planning Act 2000, the Town Council of Carbonear

a) *Adopted the Town of Carbonear Development Regulations Amendment No. 12, 2008 on the 18th day of February, 2008.*

b) *Gave notice of the adoption of the Town of Carbonear Development Regulations Amendment No. 12, 2008 by advertisement inserted in The Compass newspaper.*

Now under section 23 of the Urban and Rural Planning Act 2000, the Town Council of Carbonear approves the Town of Carbonear Development Regulations Amendment No. 12, 2008 as adopted.

Favour 7; Opposed 0; **Carried**

Motion 08-208

J. Comerford / F. Earle

Under the authority of Section 16, Section 17 and Section 18 of the Urban and Rural Planning Act 2000, the Town Council of Carbonear

a) *Adopted the Town of Carbonear Municipal Plan Amendment No. 9, 2008.*

b) *Gave notice of the adoption of the Town of Carbonear Municipal Plan Amendment No. 9, 2008 by advertisement inserted in The Compass newspaper.*

c) *Set a day for the holding of a public hearing at the Town Office in Carbonear to consider objections and submissions.*

Now under section 23 of the Urban and Rural Planning Act 2000, the Town Council of Carbonear approves the Town of Carbonear Municipal Plan Amendment No. 9, 2008 as adopted.

Favour 7; Opposed 0; **Carried**

Motion 08-209

J. Comerford / F. Earle

Under the authority of Section 17 and Section 110 of the Urban and Rural Planning Act 2000, the Town Council of Carbonear

a) *Adopted the Town of Carbonear Development Regulations Amendment No. 14, 2008*

b) *Gave notice of the adoption of the Town of Carbonear Development Regulations Amendment No. 14, 2008 by advertisement inserted in The Compass newspaper.*

Now under section 23 of the Urban and Rural Planning Act 2000, the Town Council of Carbonear approves the Town of Carbonear Development Regulations Amendment No. 14, 2008 as adopted.

Favour 7; Opposed 0; **Carried**

Motion 08-210

J. Comerford / E. Slade

Resolved that the Town of Carbonear grant Municipal Approval to the Crown Land Application as submitted for the crown land property located between 139 and 141 Valley Road.

Favour 7; Opposed 0; **Carried**

Motion 08-211

J. Comerford / F. Earle

Resolved that the Town of Carbonear issue a permit for the sub-division of property

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at 60 Southside Lower Road as per the application submitted and subject to the property owner being advised of the history with water run-off on this property.

Favour 7; Opposed 0; **Carried**

Town Clerk advised Council of the other permit applications received and the Committee's recommendations to deny these permits because the applications as submitted did not meet the requirements of the Town of Carbonear Municipal Plan and Development Regulations.

Council agreed with the Committee's recommendations on these applications.

Town Clerk to advise applicants of Council's decision on the applications.

However, much debate and discussion was held on the matter.

Mayor Slade advised that he felt the Town is driving people away from developing in Carbonear, because of the requirements in the Town Plan and Regulations. He feels that Council should be promoting development within the Town and working with all developers. Mayor Slade indicated that he does not want the Town to be stagnant here and prohibit development. Mayor Slade noted that he does not want to be difficult on this matter, but he does not want to see any development turned away from the town.

Councillor Mercer noted that the Town, Council and the staff do work with developers, but as Council we should ensure that all development is completed in an organized fashion and in accordance with the Town Plan and Development Regulations, and that development proceeds in the best interest of all tax-payers.

Councillors Comerford and Earle also expressed their opinion, that as members of the Development Committee and Council they are required to uphold the requirements of the Municipal Plan and Development Regulations, and that the Development Committee and the Town staff do work with developers and promote development within the Town of Carbonear, and that the staff respond to developers in a professional manner.

After the heated discussion on this matter, it was decided that the Town Clerk would respond to the applicants as noted and recommend by the Development Committee, and that the Town Administrator would continue to investigate and draft a policy for the town to install and invoice service levy on land owners.

7. Reports from Department Heads
b) Director of Operations and Public Works

Brian advised of the following:

- Put down 152 tonnes @ 101/tonne.
- Projects:
 - Lower S S Road completed
 - Highroad South Brige delayed with rain.,
line should be relocated today,
Bridge will then be taken out.
 - Industrial Crescent will be ongoing while Highroad South

We need to be out of the brook by Sept. 30

Pike's Lane, now placing Class A

Problem with bridge will be repaired by Southern. Harris will include on the Status Report for the project as necessary repairs extra to the contract.

Brian was requested to fix pothole at the end of Pongside Hill on Pongside Road.

Councillor Mercer left meeting

- Trailer

The trailer that we have is not of sufficient size to carry the mini excavator, one traded in for the price of \$3,000.

Obtained three quotes on a 12,000 lb trailer.

Recommend the purchase of a used 12,000 lb. trailer from Atlantic Power Train for the price of \$3,000 + HST.

Motion 08-212

E. Slade / F. Earle

Resolved that the Town of Carbonear purchase a used 12,000 lb. trailer from Atlantic Power Train for the price of \$3,000 + HST.

Favour 6; Opposed 0; **Carried**

c) Director of Recreation and Tourism

Rob reviewed his report with Council.

Councillor Earle confirmed what work is included on the application for funding for Hr. Rock Hill, Train Station and Paddy's Garden.

Councillor Earle noted complaints regarding humidity in the observation room.

Brian and Rob to review options to improve this situation.

A safety concern was noted with the slide in Crocker's Cove Playground, Councillor Emberley suggested that it needs to be grinded and painted.

Rob to investigate and ensure this safety concern is addressed and problem corrected.

8. Finance

a) Operating Expenditures totaling \$60,698.14

Motion 08-213

F. Earle / E. Slade

Resolved that the Town of Carbonear approve for payment the list of operating expenditures totaling \$60,698.14.

Favour 6; Opposed 0; **Carried**

b) Capital Expenditures totaling \$268,076.11

➤ Bridges Upgrading

Harris & Associates, Invoice #4872 \$ 8,337.89

Concord Paving Limited, Claim No. 2 \$ 74,470.80

➤ Water/Sewer Upgrading - Phase 1

Harris & Associates, Invoice #4871 \$ 11,789.83

Southern Construction (1981) Limited, Claim No. 1 \$163,256.98

➤ Columbus Drive, Goff Avenue, Forest Road Intersection

Harris & Associates, Invoice #4878 \$ 8,797.05

➤ Rorke Store - Cribbing Work

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Motion 08-214

F. Earle / E. Slade

Resolved that the Town of Carbonear approve for payment the list of capital expenditures totaling \$268,076.11 as listed on the agenda..

Favour 6; Opposed 0; **Carried**

- c) Resolution requested to borrow from Scotiabank over 5 year period, \$28,361.70 to finance the cost of a new 2008 pick up for use in the Public Works Department. Town Clerk advised of the rates received from CIBC and Scotiabank. The lowest fixed rate was received from Scotiabank.

Motion 08-215

F. Earle / J. Burden

Resolved that the Town of Carbonear borrow from Scotia Bank an amount not exceeding twenty-nine thousand dollars (\$29,000) repayable in full by Council at a fixed rate over a period of 5 years; the said loan is to be used to finance the purchase of a Public Works Pick-up Truck.

Favour 6; Opposed 0; **Carried**

9. Regulations

10. General Business

- a) Water Service and Garbage receptacle at RV dumping station outside Paddy's Garden.
Users of this station have advised that there is no wash down facilities at the site.
Discussed.
Brian to investigate and reinstall wash down services at the site.
- b) Hr. Rock Hill
Mayor presented proposal for rock wall to Council.
Councillor Mercer to review and make recommendation to Council.

11. Notices of Motion

No notice of motion was received.

12. **Motion 08-216** to adjourn at 6:20pm.

J. Comerford / F. Earle

Favour 6; Opposed 0; **Carried**

Mayor Sam Slade

Cathy Somers, Town Clerk