

Town of Carbonear
Regular Council Meeting, June 28, 2010
Minutes of a regular meeting of the Council of the Town of Carbonear
held in Council Chambers, June 28, 2010 at 7:30pm

Members Present: Mayor Sam Slade
Deputy Mayor Ches Ash
Councillors David Kennedy
George Butt Jr.
Ed Goff (absent at start of meeting)
Gladys Mercer

Members Absent: Councillor Betty Forward

Also Present: Town Clerk Cathy Somers
Town Administrator Cynthia Davis

Also Absent: Director or 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 7:30pm and welcomed everyone in attendance at the meeting.
 2. Adoption of Minutes
 - a) June 7, 2010 Regular Meeting
Motion 10-199 **C. Ash / D. Kennedy**
Resolved that the minutes of the June 7, 2010 Regular meeting of council be adopted as presented.
Favour 5; Opposed 0; **Carried**
 - b) June 7, 2010 Privileged Meeting
Motion 10-200 **G. Mercer / G. Butt**
Resolved that the minutes of the June 7, 2010 Privileged meeting of council be adopted as presented.
Favour 5; Opposed 0; **Carried**
 3. Business Arising From Minutes
 - ▶ Motions to be ratified from the June 7, 2010 Privileged Meeting.
Mayor Slade asked that Motion SPE 06-07-10-001 be ratified.
Motion 10-201 **G. Mercer / D. Kennedy**
Resolved that the Town of Carbonear proceed to offer the position of Executive Administrative Assistant to Janice Green with the starting salary as recommended by the interview committee.
Favour 5; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 06-07-10-002 be ratified.

Motion 10-202**D. Kennedy / C. Ash**

Resolved that the Town of Carbonear approve a 50% reduction in the Business Tax due to seasonal operations for Account #12329 for 2009 and 2010, subject to receiving the remaining tax balance on Accounts 12328 and 12329 within 30 days notice of this decision.

Favour 4; Opposed 1; **Carried**

Mayor Slade opposed the motion.

4. Delegations
No delegations.

5.1 Correspondence, Permits & Development

The following items were referred to and reviewed by the Development, Cultural and Tourism Initiatives Committee.

Mayor Slade asked Councillor Kennedy to review the recommendations from the Committee.

▶ **Motion 10-203**

D. Kennedy / C. Ash

Resolved that the Town of Carbonear accept the recommendation of Plan Tech Environment for the re-zoning process per the following:

- *the area of land on Wexford Road to be used for an RV Park to Recreational Open Space and adding RV Park and Camping as a discretionary use.*
- *the area of land on Highroad South for construction of a new building for office space to Commercial Local.*

Favour 5; Opposed 0; **Carried**

- b) Power Heights - New Dwelling.

Motion 10-204

D. Kennedy / C. Ash

Resolved that the Town of Carbonear approve the application for the construction of a new single dwelling subject to:

- *the Carbonear Municipal Plan and Development Regulations;*
- *the applicant constructing a road with a minimum 15 m frontage in front of the property per the Town of Carbonear Road Regulations including an asphalt surface;*
- *the applicant providing the necessary land for a 15 m reservation on Power Heights;*
- *the applicant providing a cul - de - sac with a 15 m radius per the Town of Carbonear Road Regulations, however, due to potential future development, the cul - de - sac would require a gravel surface only;*
- *and since there is an existing dwelling that is being removed that is currently serviced with a service line from Power Heights, the new dwelling can be serviced from the existing service line from this dwelling;*
- *and be it further recommended that if further development is to take place on this land, a new water and sewer main with applicable water and sewer works would be required to be installed in Power Heights at the expense of the property owner/developer per applicable regulations.*

Favour 5; Opposed 0; **Carried**

Mayor Slade asked if an application was made to repair the existing house, would it be granted. It was noted that a repair permit could be granted to repair the existing house.

- c) Tilley Place - New Dwelling

Motion 10-205**D. Kennedy / C. Ash**

Resolved that the Town of Carbonear grant approval of the application to construct a new dwelling at Tilley Place as per the Town of Carbonear Municipal Plan and Development Regulations and subject to approval of Government Services and Lands for a septic tank and a well.

Favour 5; Opposed 0; **Carried**

- a) Permit listing # 4674-4703

Councillor Mercer left the meeting due to conflict of interest on one of the permits being presented.

Motion 10-206**D. Kennedy / C. Ash**

Resolved that the Town of Carbonear approve the list of permits #4674-4703 as presented to Council.

Favour 4; Opposed 0; **Carried**

- d) 110 Columbus Drive (Powell Plaza) - Movie Store

Motion 10-207**D. Kennedy / C. Ash**

Resolved that the Town of Carbonear grant approval of a movie store to open at 110 Columbus Drive per the Town of Carbonear Municipal Plan and Development Regulations and per the required approvals of Government Services and Lands and other applicable government departments and agencies.

Favour 4; Opposed 0; **Carried**

- e) T.C. Square - Suzy Shier

Motion 10-208**D. Kennedy / C. Ash**

Resolved that the Town of Carbonear grant approval of Suzy Shier to complete necessary renovations and to open their business at the T.C. Square Mall per the Town of Carbonear Municipal Plan and Development Regulations and per the required approvals of Government Services and Lands and other applicable government departments and agencies.

Favour 4; Opposed 0; **Carried**

Councillor Mercer was called back into the meeting.

- f) 125 Columbus Drive (Former North Atlantic Home Heating) Real Estate Agency

Motion 10-209**D. Kennedy / C. Ash**

Resolved that the Town of Carbonear grant approval of the real estate agency business at 125 Columbus Drive per the Town of Carbonear Municipal Plan and Development Regulations and per the required approvals of Government Services and Lands and other applicable government departments and agencies.

Favour 5; Opposed 0; **Carried**

5.2 Correspondence, Requiring Council's decision.

- a) Application for an exemption to the noise by-law for the property owner of 33 Janes Avenue on July 17, 2010 for the purpose of a wedding ceremony.
Reviewed and discussed.

Motion 10-210**G. Mercer / G. Butt**

Resolved that the Town of Carbonear grant approval of an exemption to the noise by-law for the property owner of 33 Janes Avenue on July 17, 2010 for the purpose of a wedding ceremony.

Favour 5; Opposed 0; **Carried**

- b) Municipal Affairs, Office of the Minister, Re. Amendment to Local Government Gas Tax Funding Agreement
Requires resolution of Council for approval.

Discussed.

Includes confirmation of allocations to 2014 in the amount of \$813,559.48, an extension to the project completion date to March 31, 2015 and allowance for municipalities to use gas tax funds for their share of the municipal infrastructure projects for water and sewer projects and regional cooperation initiatives. A Capital Investment Plan will be required after signing outlining how the new funds will be spent.

Motion 10-211

G. Mercer / D. Kennedy

Resolved that the Town of Carbonear sign the Local Government Gas Tax Funding Agreement to 2014 with allocations totaling \$813,559.48 and that the Mayor and the Town Clerk are authorized by Council to sign the agreement on behalf of Council.

Favour 5; Opposed 0; **Carried**

5.3 Correspondence, Received and action taken

Council reviewed the following correspondence and action taken:

- a) MNL Submission to the Proposed Regulation on Wastewater Effluent as outlined in Gazette part I, Vol. 144, No. 12 May 19, 2010.
Referred to the Public Works, Recreation and Special Events Committee.
- b) NL Public Health Laboratory, Test results of water samples collected June 2, 2010 at Town of Carbonear Office, 7 Bemisters Hill and test results of water samples collected on May 25, June 3, June 9 and June 10, 2010 at Dept. of Justice, and 7 Bemisters Hill.
Results marked satisfactory and placed on file.
- c) Resident, complaint regarding clean up of property on Valley Road.
Referred to the Waste Management, Environment and Community Services Committee.
Deputy Mayor Ash noted that this item continues to be an issue. The property is located in the middle of a residential area. Some clean up was completed, but since then other material has been stored on the property and now further clean up is required. There seems to be a salvage business operating from the property.
Mayor Slade confirmed that a significant amount of clean up was done on the property but he was unaware that more material had been brought in and stored on the property.
Discussed.

Motion 10-212

C. Ash / G. Mercer

Resolved that the Town of Carbonear issue a clean up order to the property owner of 37 Valley Road giving 14 days to carry out Council's order.

Favour 5; Opposed 0; **Carried**

- d) Davis Elementary School, Thank-you letter for use of picnic tables and snow fence.
Placed on file.
- f) Children's Wish, Spring 2010 Newsletter.
Placed on file.
- g) Thank-you note from the Zach Rowe Memorial Squirt Jamboree.
Placed on file.
- h) MNL - 2010 Convention Registration Package
Copied to Council.
Referred to and reviewed by the Finance, Administration and Human Resources

- Committee.
- i) Government Service Centre, May 31, 2010
Boil Water Advisory Notice - Town of Carbonear for the purpose of C1-Disinfection system is off due to maintenance.
Boil Water Advisory was in place until successful water sample results were obtained after the completion of the chlorination system improvements.
Letter placed on file.
- j) Government of NL, Human Resources, Labour and Employment - Poverty Reduction Strategy
Copy of the "Empowering People, Engaging Communities, Enabling Success: First Progress Report on the Government of NL's Poverty Reduction Strategy".
Placed on file for Council's review and consideration.

6. Committee Reports

- a) Development, Cultural and Tourism Initiatives Committee
Recommendations were presented earlier by Councillor Kennedy in the Correspondence, Permits & Development section of the meeting.
- b) Finance, Human Resources and Administration Committee.
Deputy Mayor Ash advised that there was one motion recommended from the committee regarding the Amendment to Local Government Gas Tax Funding Agreement which was obtained earlier in the meeting under Section 5.2 (b). Other items are listed in the Finance Section of the meeting.

7. Reports from Town Administrator and Department Heads

- a) Town Administrator
Town Administrator advised that her report was previously distributed to Council and any questions concerning her report could be addressed to her.
Deputy Mayor Ash noted that Council should have further details and an announcement on the Carbonear Island Archeology Project within the next few days.
- b) Town Clerk
Town Clerk advised that her report was previously distributed to Council, however one motion is required from Council.

Motion 10-213

G. Mercer / D. Kennedy

As per Section 139 of the Municipalities Act, R.S.N. 1999, c. M-24, Council directs that the property of 234 Water Street be sold.

Favour 5; Opposed 0; **Carried**

8. Finance

Deputy Mayor Ash reviewed the recommendations from the Finance, Human Resources and Administration Committee on the following items:

- a) List of invoices totaling \$70,001.91.

Motion 10-214

C. Ash / G. Mercer

Resolved that the Town of Carbonear approve for payment the list of invoices totaling \$70,001.91 as presented to Council.

Favour 5; Opposed 0; **Carried**

- b) Capital Invoices

- ▶ Gut Bridge Upgrading, Harris & Associates Invoice 5210, \$49,971.49
- ▶ Gut Bridge Upgrading, Newfound Construction, CP #1, \$219,433.01

Motion 10-215

C. Ash / G. Mercer

Resolved that the Town of Carbonear approve for payment Invoice 5210 to Harris & Associates for \$49,971.49 and Progress Claim #1 to Newfound Construction for \$219,433.01 on the Gut Bridge Upgrading Project.

Favour 5; Opposed 0; **Carried**

- ▶ Recreation Boat House Building, MJR Masonry, Invoice # 7-2010, \$37,629

Motion 10-216

C. Ash / G. Mercer

Resolved that the Town of Carbonear approve for payment Invoice #7-2010 with a sufficient amount of holdback for completion of the project as determined by the Town Administrator.

Favour 5; Opposed 0; **Carried**

- ▶ Pool HVAC project, Quadratic Engineering, Engineering Services, \$3,158.35

Motion 10-217

C. Ash / D. Kennedy

Resolved that the Town of Carbonear approve for payment the engineering invoice totaling \$3,158.35 to Quadratic Engineering for the Pool HVAC Project.

Favour 5; Opposed 0; **Carried**

Councillor Goff entered the meeting in progress.

- 9. Regulations
None listed.

- 10. General Business

- a) Entrance to Public Wharf

Mayor Slade indicated that there is some work that needs to be completed at the entrance to the Public Wharf. The storm sewer needs to be extended.

Discussed.

Town Administrator advised that this work was previously approved by Council to be completed. Town Administrator to check with the Director of Operations and Public Works to determine when the work will be completed.

- b) Flushing of waterline - Freshwater Road

Deputy Mayor Ash advised that he received an inquiry from a resident inquiring about the waterline installed some time ago on Freshwater Road, but there was no provision made for the flushing of that line.

Discussed.

Town Administrator advised that this line was installed to replace the previously existing service lines on that road. Town Administrator to check with the water/sewer crew to determine if the line can be flushed.

- c) Schedule for Public Works projects

Deputy Mayor Ash asked if there is a general outline or schedule of the public works matters or projects that will be ongoing or addressed this year.

Town Administrator advised that she will check with the Lead Hand to determine if the Director of Operations and Public Works provided a list of projects to be completed. If so, she will pass along a copy of the list to Council for their information.

- d) Dedication and unveiling of new plaque at the War Memorial

Deputy Mayor Ash advised that the memorial plaque is now in place at the War Memorial site and the official unveiling and dedication will be on July 1. The Town invited the Minister of Veterans Affairs, and all other invitations were sent out by the Royal Canadian Legion - Carbonear. Deputy Mayor Ash suggested that as this was a town project completed in consultation with the Legion, that it would be appropriate for

the Town to host or play a significant part in the hosting of the reception for the unveiling of this plaque. Discussed.

Motion 10-218

C. Ash / G. Mercer

Resolved that the Town of Carbonear approve a \$300 budget for the hosting of a reception for the dedication and unveiling of the new plaque at the War Memorial.

Favour 6; Opposed 0; **Carried**

Councillor Mercer asked if the flowers will be in place by July 1. Deputy Mayor Ash noted that there were no flowers available at the source noted by Councillor Mercer, but that they would be purchased elsewhere and will be installed by July 1.

e) Flowers throughout town

Councillor Mercer advised that Hr. Rock Hill, and the signs at both entrances to the Town have been groomed and flowers planted.

f) Clean Up Order - Highroad South Property

Councillor Kennedy asked if the property owner has given any information as to what they will be doing in regards to the property. Town Administrator advised that the property owner has indicated that he will reconstruct the berm around the area that they opened up, and they have removed items from the access that they constructed.

Town Administrator advised that if what the property owner has done to date is not sufficient, then Council can have charges laid for non-compliance of the order.

Councillor Goff asked if the property owner has done what the Town requested.

Town Administrator advised that no the work has not yet been completed.

Town Administrator to follow up with the property owner to determine if he is going to continue with further work to clean up the property and if reasonable progress is being made. Pictures to be taken and placed on file to document the progress of the clean up process. Town Administrator to obtain legal advice to determine what further action the Town can proceed with to ensure that the clean up is completed.

g) Parking of School Bus - Park Avenue

Councillor Butt advised that he received a call from the resident on Park Avenue who noted that although school is out, the bus is still parked in the same location, and it was started on 5:30am Saturday and 7:30am on Sunday for chartered bus runs.

Town Administrator to check into the matter further with the bus owner.

h) Canada Day Concert

Councillor Goff advised that the Canada Day Concert was held Saturday night. It was very successful and well organized by the Special Events Committee.

Town Administrator to send congratulations to the Special Events Committee.

11. Notices of Motion

None

12. Adjournment

Motion 10-219

G. Butt / G. Mercer

Resolved to adjourn the meeting at 8:32 p.m.

Mayor Sam Slade

Cathy Somers, Town Clerk