

Town of Carbonear
Regular Council Meeting, March 16, 2010
Minutes of a regular meeting of the Council of the Town of Carbonear
held in Council Chambers, March 16, 2010 at 7:30pm

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

Members Absent: Councillor George Butt Jr.

Also Present: Town Clerk Cathy Somers
Town Administrator Cynthia Davis
Director of Recreation & Tourism Rob Button

Also Absent: Director or Operations & Public Works Brian O'Grady

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1. Calling of Meeting to Order
Mayor Slade called the meeting to order at 7:30pm.
 2. Adoption of Minutes
 - a) March 1, 2010 Regular Meeting
Motion 10-086 **C. Ash / B. Forward**
Resolved that the minutes of the March 1, 2010 Regular meeting of council be adopted as presented.
Favour 6; Opposed 0; **Carried**
 3. Business Arising From Minutes
 4. Delegations
 - 5.1 Correspondence, Permits & Development
The follows items were all referred to and reviewed by the Development, Cultural and Tourism Initiatives Committee.
 - a) Permits Issued #4580 - #4591.
Motion 10-087 **D. Kennedy / B. Forward**
Resolved that the Town of Carbonear approve the list of permits #4580 - 4591 as presented to Council.
Favour 6; Opposed 0; **Carried**
 - b) Application for extension measuring 20' x 30' at 4 Pikes Lane.
Deferred.
 - c) Application to construct a garage at 38 Blueberry Crescent.

Motion 10-088**D. Kennedy / C. Ash**

Resolved to advertise the variance to the size and height of the garage at 38 Blueberry Crescent and be it further resolved that if no objections are received to the variance to issue the permit to construct a garage per application submitted and per the Town of Carbonear Municipal Plan and Development Regulations at 38 Blueberry Crescent.

Favour 6; Opposed 0; **Carried**

- d) Application to construct new shed at 57 Southside Lower Road. Deferred.
- e) Crown Land application for RV Park Proposal

Motion 10-089**D. Kennedy / B. Forward**

Resolved to provide Municipal Recommendation to Ms. Boone for the purchase of Crown Land for the purpose of an RV Park and be it further resolved that the development proceed with two years where an extension to that time frame may be extended at Council's discretion.

Favour 6; Opposed 0; **Carried**

- f) Application for conversion of office space to retail space for hardware / building supplies at 80 Powell Drive.

Motion 10-090**D. Kennedy / E. Goff**

Resolved to approve the development application to complete the required renovations and open a hardware/building supplies business at 80 Powell Drive subject to application submitted, the Carbonear Municipal Plan and Development Regulations and subject to receipt of approval from the Department of Government Services and Lands.

Favour 6; Opposed 0; **Carried**

- g) Application to construct Row dwellings for 10 residential units off Crossroads.

Motion 10-091**D. Kennedy / C. Ash**

Resolved to provide an approval in principal to Charwood Legion Manor for the development of 10 new units per information received to date and be it further resolved to approve the development application and issue a permit to Charwood Legion Manor upon receipt of additional information subject to application submitted, the Carbonear Municipal Plan and Development Regulations and approval of Government Services and Lands.

Favour 6; Opposed 0; **Carried**

- h) Application to construct single dwelling at 1 Ashley Road or 45 Long's Hill Deferred.
- i) Application to construct two additional apartments at 36 Valley Road

Motion 10-092**D. Kennedy / B. Forward**

Resolved to advertise the addition of two apartments at 36 Valley Road and be it further resolved that if no objections were received to issue the permit to approve the application as submitted subject to the Town of Carbonear Municipal Plan and Development Regulations and subject to receipt of required approvals of other government departments and agencies and subject to the car wreck being removed from the property.

Favour 6; Opposed 0; **Carried**

5.2 Correspondence, Requiring Council's decision.

- a) Baine Johnston Insurance Corporation, Renewal of Municipal Insurance

Policy. Price Quote of \$64,689.

Reviewed and discussed.

Motion 10-093

C. Ash / D. Kennedy

Resolved that the Town of Carbonear approve the renewal of the Municipal Insurance Policy with Baine Johnston Insurance Corporation for the sum of \$64,689.

Favour 6; Opposed 0; **Carried**

Town Administrator also noted that one of the insurance provided noted that one of town's structures, Paddy's Garden Stage is considered to be under insured and it is suggested to increase the replacement cost to \$98,216 with an additional premium of \$68.

Discussed.

Motion 10-094

G. Mercer / B. Forward

Resolved that the Town of Carbonear increase the insured value of the Paddy's Garden Stage building to \$98,216 with an additional premium cost of \$68.

Favour 6; Opposed 0; **Carried**

- b) Town of Hr. Grace, Request for letter of support for an application to ACOA to have the harbour dredged.

Mayor Slade read the letter to Council.

Discussed.

Councillor Goff noted that he feels this project would benefit the area.

Council agreed.

Motion 10-095

E. Goff / G. Mercer

Resolved that the Town of Carbonear provide a letter of support to the Town of Hr. Grace for their application to ACOA to have the harbour dredged.

Favour 6; Opposed 0; **Carried**

- c) Canada/Newfoundland and Labrador Municipal Rural Infrastructure Fund Re. Approval of funding for the Gut Bridge Upgrading in the amount of \$1,038,861.

Motion to accept funding is required.

Motion 10-096

C. Ash / B. Forward

Resolved that the Town of Carbonear accept funding in the amount of \$1,038,861 for the Canada/Newfoundland & Labrador Municipal Rural Infrastructure Fund Department of Municipal Affairs / ACOA Project Number 22779 as follows: Federal Government \$346,287; Provincial Government \$484,802; Town of Carbonear \$207,772 and

Be It Further Resolved that the Town of Carbonear borrow the municipal share from a chartered bank providing the lowest lending rate over a 10 year period.

Favour 6; Opposed 0; **Carried**

Deputy Mayor Ash noted that Mr. Winsor had entered the chambers, and in a previous council meeting it was determined by Council that his attendance here is conditional upon an apology to Councillor Mercer.

Mayor Slade noted that Mr. Winsor apologized to Council, and Councillor

Mercer is a part of Council, and again in The Compass. Mayor Slade noted that this is acceptable to him, and he did not feel that any further apologies are required.

Councillor Mercer noted that she is serving her fourth term on Council, and before this incident, she has never been called anything other than Ms. Mercer or Councillor Mercer. If Mr. Windsor wanted to offer her an apology, he could do so in private. She thanked Council for supporting the issue. Discussed.

Mr. Windsor was permitted to remain in the Council chambers without providing an apology to Councillor Mercer.

5.3 Correspondence, Received and action taken

Council reviewed the following correspondence and action taken:

- a) Dept. of Municipal Affairs, 2009 Capital Works Program, Project No. 09025 Resolution to accept additional funding on the Chlorination Upgrading Project and to authorize the Mayor and Clerk of the Town of Carbonear to enter into this Agreement on behalf of the Council.
Referred to and reviewed by the Finance, Human Resources and Administration Committee
- b) Resident, Letter of concern regarding the potential commercial development for #6 London Road.
Referred to and reviewed by the Development, Cultural and Tourism Initiatives Committee.
- c) Notification of withdrawal of appeal on demolition order for property of 234 Water Street.
Referred to and reviewed by the Development, Cultural and Tourism Initiatives Committee.
- d) Inquiry about sale of 20' of a 60' lot - frontage from property on Leslie Street.
Referred to and reviewed by the Development, Cultural and Tourism Initiatives Committee.
- e) Resident, Concerns regarding tractor trailers going up Saddle Hill
Referred to and reviewed by the Public Works, Recreation and Special Events Committee.
- f) Department of Health and Community Services, Office of the Minister, Re. Age Friendly NL Community Grants. Deadline for applications Mar 12, 2010.
Copied to the Director of Recreation and Tourism, and referred to and reviewed by the Public Works, Recreation and Special Events Committee.
- g) Department of Transportation and Works, Re. Pricing for Ice Control Materials 2010-2011.
Copied to the Director of Operations and Public Works and Referred to the Public Works, Recreation and Special Events Committee.
- h) FCM Membership Fee Notice
Referred to the Finance, Human Resources and Administration Committee.
- i) Department of Municipal Affairs, Circular to Municipal Councils, Copy of 2009 Consolidated Financial Statement Template.
Referred to the Finance, Human Resources and Administration Committee
- j) Knights of Columbus, Thank-you letter for support of the one hundredth anniversary in 2009.
Letter placed on file.

- k) Janeway Children's Hospital Foundation, Request for donation. Referred to the Finance, Human Resources and Administration Committee.
- l) Property owner, letter of concern regarding increase in property tax for 2010. Referred to the Finance, Human Resources and Administration Committee.
- m) Property owner, Letter of concern regarding change to minimum property tax. Referred to the Finance, Human Resources and Administration Committee.
- n) NL Public Health Laboratory, Results of water samples collected Feb 17, 2010 at Dept. of Justice and 7 Bemister's Hill. Results satisfactory. Placed on file.

6. Committee Reports

- a) Finance, Administration and Human Resources Committee
Deputy Mayor Ash presented the recommendations from the Finance, Administration and Human Resources Committee:

Motion 10-097 **C. Ash / G. Mercer**

Resolved that the Town of Carbonear approve the revised list of donations for 2010 totaling \$2,480 and \$100 advertisement.

Favour 5; Opposed 1; **Carried**

Mayor Slade opposed the motion.

Motion 10-098 **C. Ash / D. Kennedy**

Resolved that the Town of Carbonear renew the servicing contract with Direct Energy for a one year period.

Favour 6; Opposed 0; **Carried**

Motion 10-099 **C. Ash / G. Mercer**

Resolved that the Town of Carbonear request approval to borrow from the province for the town's share of project #09026/22787, Highroad South & Chapel Hill, the amount to \$116,773 from Scotiabank at the rate of prime +.75% to be amortized over a period of 10 years.

Favour 6; Opposed 0; **Carried**

Motion 10-100 **C. Ash / B. Forward**

Resolved that the Town of Carbonear accept additional funding from the Department of Municipal Affairs on an 80/20 Cost share ratio (Province/Town of Carbonear) on the Chlorination Upgrading Project in the amount of \$39,880 which amounts to \$38,115 after the GST rebate calculation and to authorize the Mayor and Clerk of the Town of Carbonear to enter into this Agreement on behalf of the Council.

Favour 6; Opposed 0; **Carried**

Motion 10-101 **C. Ash / G. Mercer**

Resolved that the Town of Carbonear adopt the revised Dog Control Regulations.

Favour 6; Opposed 0; **Carried**

- b) Public Works, Recreation and Special Events Committee
Councillor Goff presented the recommendations from the Public Works, Recreation and Special Events Committee

Motion 10-102**E. Goff / B. Forward**

Resolved that the Town of Carbonear install a caution signs at the top of Saddle Hill, and in the vicinity of Noel's going up Saddle Hill identifying the winding road and to install a speed limit sign going up Saddle Hill just past the hospital.

Favour 6; Opposed 0; **Carried**

Councillor Mercer asked if we have a policy regarding trucks on this road. Town Administrator advised that the rule relates to trucks coming down over the hill, but the concern being presented now is with the trucks going up over the hill.

Motion 10-103**E. Goff / B. Forward**

Resolved to purchase parts and/or complete repairs to the sweeper, 624 John Deere Loader, 936 Cat Loader and the 2003 Chev Pick Up in the amount of \$4,400.

Favour 6; Opposed 0; **Carried**

Councillor Kennedy asked if these repairs are done by our staff or if they are completed by an outside firm. Town Administrator advised that our crews would complete the sweeper repairs, the remaining items would be outsourced.

Councillor Goff also noted that the Committee recommends that Town personnel proceed to take down the existing canteen building at the Recreation Complex. Council agreed with the recommendation.

Councillor Mercer raised a concern with the speed of vehicles on Water Street. Discussed.

Town Administrator to have the Enforcement Officer investigate this concern and implement appropriate signage to address the concern.

c) Development, Cultural and Tourism Initiatives Committee

Councillor Kennedy presented the following recommendations from the Development, Cultural and Tourism Initiatives Committee:

Motion 10-104**D. Kennedy / E. Goff**

Resolved to proceed with tendering to continue the Willoughby Estate Subdivision from Willoughby Drive to Janes Avenue per the drawings completed by the engineering consultants and be it further resolved to obtain quotes from the real estate companies within the Town for fees for sale of the building lots and award to the real estate agency with the best fee structure.

Favour 6; Opposed 0; **Carried**

Motion 10-105**D. Kennedy / E. Goff**

Resolved to reimburse the developer for the electricity costs for operations of the lift station on Blueberry Crescent upon submission of invoices.

Favour 6; Opposed 0; **Carried**

7. Reports from Town Administrator and Department Heads

a) Town Administrator

Town Administrator reviewed some items of her report with Council.

Item #1 - Motion required.

Town Administrator advised that the word maximum should be minimum in the

resolution presented.

Town Clerk noted that there will only be one day for the holding of the Review Commission, it is tentatively scheduled for April 13, 2010 with one major commercial appeal and one residential appeal to be heard.

The Finance, Administration and Human Resources Committee are reviewing contracts for review for 2011, so this contract appointment can also be reviewed for 2011 and price quotations obtained before appointment for 2011.

Motion 10-106

C. Ash / B. Forward

Resolved that the Town of Carbonear appoint Mr. Derek Edwards as review commissioner for the 2010 property assessment appeals for the amount of \$50 per hour to a minimum of \$350 per day.

Favour 6; Opposed 0; **Carried**

Item 2

Director of Operations and Public Works to obtain an additional two price quotes.

Motion 10-107

G. Mercer / E. Goff

Resolved to contract firm to supply labour and material to vacuum the garage where the antique fire truck is stored and spray encapsulate asbestos panels in the same garage on Bannerman Street per the recommendations made by ADI in their report at a cost not to exceed \$5,950 plus HST.

Favour 6; Opposed 0; **Carried**

b) Director of Recreation and Tourism

The Director of Recreation and Tourism reviewed his report with Council.

Discussions on new canteen building.

Councillor Mercer asked if new washrooms would be housed in the new building. Rob confirmed that the new structure would include new washrooms, canteen and covered picnic area where the children could sit and eat their lunch out of the sun.

Councillor Kennedy asked what was being done with the contents of the building. Rob advised that these items would be moved out of the building and placed in storage in the train car and labeled for the different sport groups.

Councillor Mercer asked about the start date on the project application. Rob confirmed he included a start date of May 1.

Deputy Mayor Ash requested that the Director of Recreation and Tourism follow up on the applications submitted. Agreed.

Councillor Mercer asked when the playground equipment would be installed. Rob advised equipment installation will commence on May 1. Councillor Mercer also asked that the playground fences be repaired as needed. Rob confirmed fence repairs would be completed as necessary.

Councillor Kennedy noted that two years ago the Recreation Commission recommended to decommission two playgrounds: Leslie Street and Crossroads.

Council has agreed to the sale of the Leslie Street playground, and the Commission is recommending that the Crossroads playground be listed for sale as well, and that the proceeds of both these sales be set aside for recreation funds to assist with the Town's share of Recreation cost shared projects.

Motion 10-108

D. Kennedy / G. Mercer

Resolved that the Town of Carbonear advertise that the former Crossroads playground be advertised for sale and that the proceeds of the sale be reserved for Town's share of Recreation cost shared projects.

Favour 6; Opposed 0; **Carried**

Councillor Mercer noted that the Committee will finalize a time for dedication of trees along the boardwalk and the park at Crockers Cove Beach.

Councillor Goff noted that there is a fair bit of work to be completed to prepare playgrounds for use and complete the necessary maintenance and repairs, the commission would like to have an additional worker assigned to assist in this work.

Deferred for further discussion in committee.

Deputy Mayor Ash asked if there was a piece of equipment that needs repair in the Soper Avenue playground. Rob advised there is and the part required has been obtained and this will be repaired. ,

Mayor Slade noted that there was some discussion by the previous Council to dedicate that playground. Councillor Mercer noted that sometimes a piece of equipment can be dedicated rather than the site itself.

Mercer it may not be the site itself, but could be a bench, etc.
Deferred for further discussion in committee.

Contract for vending machine.

Rob reviewed the contract

Commission obtained two quotes

Coke - Funding of \$1000/yr for 5 years along with 28% of the vending commission, with vending for healthy choices as well.

Pepsi - Funding of \$500/yr for 5 years along with 20% of the vending commission.

The Recreation Commission recommends accepting the proposal as submitted by Coke.

Motion 10-109

D. Kennedy / C. Ash

Resolved that the Town of Carbonear accept the proposal as submitted from Coke and enter into the five year agreement as presented for vending machines at the Carbonear Pool, Works Depot and Community Centre.

Favour 6; Opposed 0; **Carried**

8. Finance
 - a) Capital Projects
 - Carbonear Pool Upgrade

Quadrattec Inc., Invoice 24260 Engineering Fees \$25,698.97

Motion 10-110

C. Ash / B. Forward

Resolved that the Town of Carbonear approve for payment Invoice 24260 from Quadrattec Inc. in the amount of \$25,698.97.

Favour 6; Opposed 0; **Carried**

- b) Operating Invoices totaling \$48,924.17 as listed.

Motion 10-111

G. Mercer / B. Forward

Resolved that the Town of Carbonear approve for payment the list of operating invoices totaling \$48,924.17 as listed to Council.

Favour 6; Opposed 0; **Carried**

9. Regulations

10. General Business

- ▶ Winter Lights Award Announcement

Noted earlier in the report from the Director of Recreation and Tourism.

- ▶ Deputy Mayor Ash noted that it is great to see five new housing starts to date for 2010.

- ▶ Deputy Mayor Ash noted that there is a resident of Kimberley Place that is keeping his property in order, but there is a pile of burnt out rubble on the neighbouring property and that Council has not made progress to date in having the property owner clean up the property.

Discussed.

The committee recommends that Mr. Baker be ordered to clean up the property and if he did not proceed to clean up the property, the Town would clean up the property at his expense.

Town to obtain quotes to complete the work.

- ▶ Deputy Mayor Ash noted that he has received complaints on the NLHC property on Pondsides Road.

Committee has reviewed pictures of property and they recommend that NLHC be written and requested to make necessary improvements to the property.

Discussed.

Council approves of the recommendations of the Committee regarding the properties on Kimberley Place and Pondsides Road.

11. Notices of Motion

None filed.

12. Adjournment

Motion 10-112

G. Mercer / B. Forward

Resolved to adjourn the meeting at 8:40 p.m.

Mayor Slade

Cathy Somers, Town Clerk