

Town of Carbonear
Regular Council Meeting, March 24, 2008
Minutes of a regular meeting of the Council of the Town of Carbonear
held in Council Chambers, March 24, 2008 at 7:30pm

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

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

1. Calling of Meeting to Order
Mayor called the meeting to order at 7:29pm and welcomed everyone present at the meeting.

2. Adoption of Minutes
 - a) March 4th, 2008 Regular Meeting
Motion 08-071 **E. Slade / J. Comerford**
Resolved that the minutes of the March 4th, 2008 regular meeting of council be adopted as presented.
Favour 6; Opposed 0; **Carried**
Councillor Mercer entered the meeting in progress.
 - b) March 4th, 2008 Privileged Meeting
Motion 08-072 **F. Earle / E. Slade**
Resolved that the minutes of the March 4th, 2008 privileged meeting of council be adopted as presented.
Favour 7; Opposed 0; **Carried**
 - c) March 12th, 2008 Privileged Meeting
Motion 08-073 **F. Earle / T. Emberley**
Resolved that the minutes of the March 12th, 2008 privileged meeting of council be adopted as presented.
Favour 7; Opposed 0; **Carried**

3. Business Arising From Minutes

Motions to be ratified from the March 4th, 2008 Privileged Meeting of Council
Mayor Slade asked that Motion SPE 2008-03-04-001 be ratified.

Motion 08-074 **F. Earle / E. Slade**

Resolved that the Town of Carbonear approve for payment the amount of \$2,500 to Royal & Sunalliance for the deductible on insurance claim invoiced on February 2, 2008.

Favour 7; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2008-03-04-002 be ratified.

Motion 08-075 **J. Comerford / J. Burden**

Resolved that the Town of Carbonear issue a Clean Up Order to the property owner of 38 Irishtown Road to remove the car wrecks and other debris on the property within 14 days of receipt of the notice.

Favour 7; Opposed 0; **Carried**

Motions to be ratified from the March 12th, 2008 Privileged Meeting of Council Mayor Slade asked that Motion SPE 2008-03-12-001 be ratified.

Motion 08-076 **E. Slade / F. Earle**

Resolved that the Town of Carbonear remove the Lead Hand position for the water/sewer department.

Favour 7; Opposed 0; **Carried**

4. Delegations
None

5.1 Correspondence, Permits & Development

a) Rona Coish, Application to construct a building to house executive suites and retail space at 43 Highroad North
Referred to the Development Committee and currently still under investigation by the Development Committee.

b) Permits 4002 - 4005

Motion 08-077 **T. Emberley / E. Slade**

Resolved that the Town of Carbonear approve the list of permits # 4002 - 4005 as listed and presented to Council.

Favour 7; Opposed 0; **Carried**

5.2 Correspondence, Requiring Council's decision

a) Baine Johnston Insurance Corporation, Re. MNL - Municipal General Insurance Policy Renewal for the Town of Carbonear.
Reviewed by Council. Insurance cost is down from 2007, as a low claims discount has been applied.

Motion 08-078 **T. Emberley / J. Comerford**

Resolved that the Town of Carbonear approve for payment the Municipal General Insurance Policy Renewal Invoice # 146689 to Baine Johnston Insurance in the amount of \$65,418.90 (\$56,886+tax).

Favour 7; Opposed 0; **Carried**

- b) Genevieve Hiscock, Request to extend Noise By-Law for the night of Park Avenue Days, on Saturday, August 2nd, 2008 as live music is planned until 1:00am on Sunday, August 3, 2008.

Motion 08-079

F. Earle / E. Slade

Resolved that the Town of Carbonear approve an extension to the Noise By-Law for the night of Park Avenue Days, Saturday, August 2nd, 2008 as live music is planned until 1:00am on Sunday, August 3rd, 2008.

Favour 7; Opposed 0; **Carried**

- c) Plan-tech Environment, Re. Carbonear Municipal Plan Amendment No. 10, 2008, and Development Regulations Amendment No. 15, 2008.

Councillor Comerford noted that one letter of objection was received and reviewed by the Development Committee, however the committee did not feel that the objection was warranted, and recommends that Council proceed with the advertisement of the Public Hearing on this amendment.

Motion 08-080

J. Comerford / F. Earle

Resolved that the Town of Carbonear proceed with the advertisement of the Public Hearing on Municipal Plan Amendment No. 10, 2008, and Development Regulations Amendment No. 15, 2008.

Favour 7; Opposed 0; **Carried**

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 Feb 27, 2008 at Town Office, Western Petroleum, and Red Circle.
All results marked satisfactory and placed on file.
- c) Resident, Letter of March 12, 2008 - Information regarding letter of intent for building on London Road.
Referred to the Beautification Committee.
- d) Resident, Letter of March 19, 2008 - Information regarding letter of intent for building on Park Avenue.
Referred to the Beautification Committee.
- e) Resident, Request for investigation into water buildup in the area of 18 Irishtown Road during heavy rain fall.
Reviewed by the Works Committee for consideration.
- f) Carbonear Parks & Recreation Commission, Request for a council season labourer to be assigned to Parks and Recreation for the period of May to November, 2008.
Referred to the Human Resources Committee for consideration.
- g) Carbonear Parks & Recreation Commission, Request for 2008 operating budget

- Reviewed by the Finance Committee.
- h) The Telegram, Request for advertisement in the Conception Bay North Monthly, at a cost of \$243/month for an ad measuring 23sq in to be published one Wednesday each month for a 10 month period.
Referred to the Finance Committee for consideration.
 - i) Department of Government Services, Notification of Boil Water Advisory issued March 3, 2008.
Boil Water Advisory notices were issued as required.
Boil Water Advisory was lifted on March 10, 2008 and advertised.
 - j) Department of Transportation and Works
Re. Ice Control Materials Pricing for 2008.
Referred to the Works Committee for consideration.
 - k) Nicole Gibson, Request for donation.
Referred to the Finance Committee for consideration.
 - l) Municipal Green Building: Policy Development Workshop, St. John's, City Hall - March 28th - Invitation to attend
Copied to Council for their consideration to attend. Placed on file.
 - m) Resident, Request for adjustment on interest on account.
Reviewed by the Finance Committee.
 - n) NL Eastern Regional Appeal Board, Decision of Appeal filed
Reviewed by the Development Committee.
 - o) Resident, Objection to Amendment from RMD to IL on O'Donovan's Lane
This objection was received as a result of the advertisement for public consultation on the Municipal Plan Amendment No. 10, 2008, and Development Regulations No. 15, 2008 to spot zone that area to allow for the operation of a sheet metal fabrication business from the property of 31 Crowdy Street
Reviewed by the Development Committee.

6. Committee Reports

- a) Development Committee
Councillor Comerford presented the following recommendations from the Development Committee:
 - Motion 08-081** **J. Comerford / F. Earle**
Resolved that the Town of Carbonear approve the Stop Work Order issued to the property owner of 1 Southside Lower Road as issued.
Favour 7; Opposed 0; **Carried**
 - Motion 08-082** **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. 7, 2007 on the 1st day of October, 2007.*
 - b) *Gave notice of the adoption of the Town of Carbonear Municipal Plan Amendment No. 7, 2007 by advertisement inserted on the 9th day and the 16th day of October, 2007 in The Compass newspaper.*
 - c) *Set the 25th day of October, 2007 at 7:30p.m. at the Carbonear Town Office for the holding of a public hearing 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. 7, 2007 as adopted.

Favour 7; Opposed 0; **Carried**

Motion 08-083

J. Comerford / F. Earle

Under the authority of Section 110, 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. 10, 2007 on the 1st day of October, 2007.*
- b) *Gave notice of the adoption of the Town of Carbonear Development Regulations Amendment No. 10, 2007 by advertisement inserted on the 9th day and the 16th day of October, 2007 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. 10, 2007 as adopted.

Favour 7; Opposed 0; **Carried**

Councillor Mercer asked if the policy was located regarding the amount of floor space to be maintained for business use in the buildings located in the Heritage zone on Water Street. Town Administrator advised that she could not locate a written policy to that effect, but in the past Council has required that 25% of the ground floor space be maintained for a store front business purpose.

Council agreed to proceed and enforce a minimum of 25% of the ground floor space be maintained for a store front business purpose in the buildings located in the Heritage zone on Water Street.

b) Works Committee

Councillor Burden noted that the minutes of the Works Committee Meeting were previously copied to Council, no motions recommended.

Any questions could be addressed to the committee members.

Councillor Mercer asked if the cost to widen the roadway off Circular Road is included in the budget. Town Administrator advised that is not specifically stated as a separate project amount within the budget.

Discussed.

Ned advised it is still under investigation, and will be costed and presented to Council for discussion after further review and investigation.

c) Finance Committee

Deputy Mayor Slade presented the following recommendations from the Finance Committee:

Motion 08-084

E. Slade / G. Mercer

Resolved that the Town of Carbonear issue payment of \$5,000 to the Carbonear Recreation Commission for their 2008 Operating Grant.

Favour 7; Opposed 0; **Carried**

Motion 08-085

E. Slade / J. Comerford

Resolved that the Town of Carbonear adjust the interest on Account 10684 upon receipt of payment in full of outstanding taxes to December 31, 2007.

Favour 7; Opposed 0; **Carried**

Motion 08-086

E. Slade / F. Earle

Resolved that the Town of Carbonear apply for 50/50 funding for the purchase of vehicle extrication equipment at a cost of \$9,999 to be cost shared with the Province/Municipality on a 50/50 basis, with the Town's 50% being funded from the Fire Department's existing operating budget for 2008.

Favour 7; Opposed 0; **Carried**

Motion 08-087

E. Slade / G. Mercer

Resolved that the Town of Carbonear adjust the balance of Account # 11128 and 11331 in exchange for Council's use of their property for 2008 and future, until Council no longer uses the property.

Favour 7; Opposed 0; **Carried**

The remaining recommendations from the Finance Committee were deferred for discussion in a privileged meeting of Council.

7. Reports from Town Administrator & Department Heads

a) Town Administrator

Town Administrator advised that she previously distributed her report to Council. Any questions could be addressed to her.

Item 4 - May 1/08 Volunteer Week Appreciation Dinner.

Deputy Mayor Slade asked if we have a time line for completion of the design work for Willoughby and Chantal work.

Town Administrator advised that the engineers have a fair amount of survey work remaining to be done on Chantal

Town Administrator to write to ask for a firm date for completion of the design work for Willoughby.

Town Administrator and Mayor Slade to meet with Tom Harris to discuss outstanding issues and design work. Work to be reviewed for expected dates of completion.

Town Administrator advised that the bridges and Pikes Lane Phase I have been contracted out.

Bridge work should start by June 15,

Unsure of start date for Pikes Lane Phase 1.

Mayor Slade left the meeting, Deputy Mayor Slade assumed the chair.

Councillor Burden asked if when we replace the gut bridge, if the design work will include work to eliminate the pooling of water on Beach Road.

Town Administrator will discuss same with the engineering firm.

Mayor Slade returned to the meeting and assumed the chair.

Mayor Slade advised he has a meeting set up for 10:00am tomorrow with Harris & Associates to review progress on all our outstanding projects.

b) Director of Operations and Public Works

Brian reviewed his report with Council.

Motion 08-088

F. Earle / E. Slade

Resolved that the Town of Carbonear approve the recommendations as presented by the Director of Operations:

- *A ditch should be created along the southside of Southside Lower Road in front of*

58 Southside Lower Road. This ditch should be tied into the culvert that comes down O'Driscoll's Lane. This will prevent water from the property of 58 Southside Lower Road from going on the road.

- *A culvert will have to be installed under the lower driveway at 58 Southside Lower Road to allow water to flow from the east end of the new ditch to the O'Driscoll's Lane culvert.*
- *It should be recommended to the property owner that they create a ditch along their property boundary. Though the water will continue to naturally flow from the hillside during heavy rain, this ditch will allow the property owner to re-direct the water into the Town's drainage system.*

Favour 7; Opposed 0; **Carried**

Councillor Emberley requested that shouldering and ditching be made a priority this year. Councillor Mercer suggested that we could have a list and schedule of shouldering and ditching to be completed to be presented to Council at the second meeting in April, 2008.

c) Recreation Director

Rob reviewed his report with Council.

Other - Item 1, Advertising in the Baccalieu Trail Tourism Guide. Council approved a full page ad costing \$900. Rob to review and edit the ad from last year.

Councillor Mercer asked how are we doing with our brochure development.

Rob advised that the consultant is requesting quotes for printing of the document.

Draft copies to be placed in Councillor's trays.

Councillor Earle asked about the work that Direct Energy has completed at the pool. Rob advised that some work has been completed but they will also provide a report for systems improvements that are required. Direct Energy has been contracted to do quarterly inspections on the system.

Councillor Emberley suggested that we research the cost to install an electric fired furnace.

8. Finance

a) List of Invoices totaling \$73,088.38

Motion 08-089

G. Mercer / E. Slade

Resolved that the Town of Carbonear approve for payment the list of invoices totaling \$73,088.38 as presented to Council.

Favour 7; Opposed 0; **Carried**

b) Capital Invoices

Bridges Upgrading

Harris & Associates, Invoice #4790

\$1,399.22

Motion 08-090

F. Earle / E. Slade

Resolved that the Town of Carbonear approve for payment Invoice #4790 to Harris & Associates in the amount of \$1,399.22.

Favour 7; Opposed 0; **Carried**

9. Regulations

None

10. General Business

- Waste Management

Councillor Mercer asked the Mayor what is the direction Council should take on this matter.

Mayor noted his concern if the City of St. John's has more people on the Board than the people outside the City of St. John's, then we would not have a strong representation on this board.

Mayor Slade noted that our problem is going to be that we will have no location to get rid of items such as cardboard, etc. and the increased cost of tipping fees at Robin Hood Bay.

Councillor Mercer asked what Council plans to do to reduce the amount of waste that is being shipped to Robin Hood Bay.

Mayor Slade inquired if we could investigate whether MMSB has any programs in place to allow for a place to accept cardboard and fibre products.

Mayor Slade noted that we have reduced the amount of waste being transported to Robin Hood Bay to some degree already by eliminating the tree branches, leaves and grass clippings that are now being collected and composted, etc.

Councillor Mercer noted that we need to investigate new ideas to reduce waste and she asked that we start research to implement a waste management plan.

Council agreed.

- Emergency Plan Review

Councillor Mercer asked when we will start to review our Emergency Plan.

Town Administrator advised that we have the format outlined by Municipal Affairs.

Town Administrator noted that we previously discussed obtaining a quote from an outside firm or consultant to do this work.

Mayor Slade suggested that some community people could also be involved.

Town Administrator advised she could not complete this in the past due to staffing issues with Town Management positions.

Town Administrator to review the matter with the Council members appointed to that Committee and arrange a meeting to get started on the process.

- Long Term Plan

Councillor Earle noted that Minister Kennedy asked Council for a copy of their four year plan.

Town Administrator advised that the existing Five Year Capital Works plan needs to be reviewed, as this would have to be totally re-costed. Projects that have been completed would need to be removed and new concerns and projects identified would have to be added.

Discussed.

Works Committee to review the existing Five Year Capital Works Plan to determine what is left undone, and recommend additional projects to be added. Council to review the Works Committee's recommendation on this matter.

11. Notices of Motion

None

12. Adjournment

Motion 08-091 to adjourn at 8:51pm
Favour 7; Opposed 0; **Carried**

J. Comerford / E. Slade

Mayor Sam Slade

Cathy Somers, Town Clerk