



The Development Committee to discuss marketing of the building for a new tenant.

- ▶ Mayor Slade reported on the Claude Garland Memorial Walk in aid of the Heart and Stroke Foundation. The funds raised in 2009 would surpass \$3,100. The funds raised in 2008 totaled \$2,400. Mayor Slade extended thanks to the citizens and to Councillor Forward for her assistance. It was a great success.
- ▶ Deputy Mayor Ash advised that he attended the MRON Annual General Meeting and has accepted a board appointment to the position of Municipal Representative. Congratulations were extended to Deputy Mayor Ash.
- ▶ Mayor Slade extended a welcome to the residents present as well as the media representative.

**Mayor Slade declared a conflict of interest on the next item on the agenda and left the chambers.**

**Deputy Mayor Ash assumed the chair.**

#### 4. Delegations

- a) Hilda Squibb - Development in area between Bunker and English Hills since she owns land in the area that could be impacted by any decision of Council on the matter.

Ms. Squibb advised Council that she was in the process of surveying her property for the purpose of selling the land. She advised that she has heard many rumors about the situation with property owned by the Bradbury's and wanted clarification. She advised that she did not know the Bradbury's existed until they came to see her at her workplace. At that time, they requested a portion of her land for a right of way. Ms. Squibb advised that she would not be providing land for a right of way since that would reduce the size of her land to allow for one building lot rather than the two lots she would have without providing the right of way. She advised that her land was for sale if someone wished to purchase the land. She advised that the Bradbury's came to her place of work on two other occasions to request land for the right of way.

Ms. Squibb told Council that she contacted the Town's Director of Operations and Public Works concerning these inquiries who advised her that Council had not approved the development or road construction.

Ms. Squibb informed Council that she felt she could not proceed to sell her land when the situation surrounding the property was in such upheaval. She again expressed that she felt she did not have to give her land to anybody. She felt that she did not know what to do under the circumstances. She also advised that she understands that her land cannot be taken without compensation. She indicated that she had advised Mr. Bradbury that her land was for sale if they wished to purchase the property. He had not passed comment when she advised him of this. She also expressed that she understood that the Bradbury's were advised, prior to the purchase of the property in question, that they would have problems due to access issues.

Deputy Mayor Ash indicated that as he understood it, Council had no intentions of taking her property and that there would be a report made on this issue later in the meeting.

Ms. Squibb thanked Council and asked that her comments be considered.

**Mayor Slade returned to the meeting.**

- b) Matthew Wareham, Holly Hutchings - Development Application to construct a residence on land situate on Wareham's Road

Matthew Wareham addressed Council concerning a development application he made to construct a house on Wareham's Road that had previously been denied by Council. He indicated that he understood that there was a regulation of a "house for a house" where a house could be constructed if a house burned down.

Mayor Slade commented on the "house for a house" phrase and that it was discussed when revisions were being made to the Municipal Plan and that he wanted such a regulation included.

The Town Administrator advised that this was discussed during the Municipal Plan Review, however, this could not be incorporated into the plan. There were some discretionary powers of Council but there were also limitations to this. The Mayor felt that there should be further consideration given to this since he felt that a fire on a street such as Across the Doors would result in no future development on this street. The Town Administrator advised that there were other options that Council could consider to allow development in such a situation.

Mr. Wareham expressed that he understood that he was only a couple of feet short of what was required. The Town Administrator advised him that upon review of his application, there was a large discrepancy. The lot was

only 55 feet deep and he required a setback of approximately 20 feet and a rearyard of approximately 30 feet leaving him only 5 feet for a house which was not adequate. Mr. Wareham was reminded of an option that had been presented to him by the Town previously that he could consider.

Chair of the Development Committee, Councillor Kennedy, advised that there had been some discussion in his committee on development in older areas of town and the committee would be looking at other density and zoning requirements.

5.1 Correspondence, Requiring Council's decision.

- a) Municipal Assessment Agency, Call For Nominations - Urban and Avalon Director, deadline for nominations is November 6, 2009. Deferred from last regular meeting. *No expressions of interest at this time.*
- b) Owner of Commercial Vehicle Re: Petition Regarding Parking of Commercial Vehicles. *Correspondence was read. Mayor Slade reported on the situation and that the Department of Environment were going to send a copy of their report to Council. Councillor Kennedy indicated that he understood the frustrations of the resident operating the fuel delivery truck but also the residents on the street since it was a week before the clean up was completed. Councillor Forward inquired if the regulation adopted would be applicable to all fuel delivery trucks or this truck. Previous motion was read and it was verified that this would be applicable to all vehicles carrying hazardous substances. Deputy Mayor Ash asked the Town Administrator the process for adopting regulations. The Town Administrator advised of the process as recommended in the Councillors Handbook. Following this process gave residents an opportunity to provide representations since all residents could be affected by a new regulation. There was some discussion on the process taken and the recommended process in the Handbook. Mayor Slade read from the handbook. It was confirmed that Council could make the change, without a notice of motion, however, it was felt that the recommended process should be followed so there were no issues with enforcement. The Committee would draft the regulation for presentation to Council. There would be no action taken on the resident in question to date until the regulations were actually made and adopted per recommended process.*
- c) Newfoundland and Labrador Credit Union, Re: Traffic Lights and Road Realignment Goff Avenue/Forest Rd./Columbus Drive and delay in work taking place. *Mayor Slade read correspondence. Mayor Slade advised that he contacted the Newfoundland and Labrador Credit Union to clarify that the contractor was not available to start the project per information provided by the Department of Transportation and Works, however, there was a concern by the mall on impact of construction on the Christmas Shopping season. There appeared to be some misconceptions about what actually took place*

*so the Town Administrator was asked to clarify the sequence of events for this project from when the contract was awarded. The Town Administrator reported as requested. The Deputy Mayor felt that there some misconceptions and felt that it should be clarified that it was not due to shopping mall and the Council shared the concerns of the Newfoundland and Labrador Credit Union and the work would proceed in the spring.*

*The Credit Union to be written.*

- d) Government of Newfoundland and Labrador, Department of Municipal Affairs, Engineering and Land Use Planning Division Re: Municipal Plan Amendment No. 11, 2009 and Development Regulations Amendment No. 17, 2009 released from provincial review and can now be adopted by Council and public hearing scheduled.

**Motion 09-294**

**G. Butt /B. Forward**

*Resolved that under the authority of Section 16 of the Urban and Rural Planning Act 2000, the Town Council of Carbonear adopts the Town of Carbonear Municipal Plan Amendment No. 11, 2009 and Development Regulations Amendment No. 17, 2009.*

Favour 6; Opposed 0; **Carried**

There was an inquiry about the time frame and the Town Administrator advised of the process required by the Urban and Rural Planning Act.

5.2 Correspondence, Received and action taken

- a) Resident request for reimbursement of costs due to a sewer blockage. (Referred to committee for review and recommendation).
- b) Royal Canadian Legion, Oct. 30, 2009, Annual Poppy Campaign. (Referred to committee for review and recommendation).
- c) Municipalities Newfoundland and Labrador, Pre-Convention Updates (Copied for Councillors attending convention).
- d) Government of Newfoundland and Labrador, Invitation to apply for proposed 2010/2014 Multi-Year Capital Works Program - deadline November 30. (Placed on file)
- e) Government of Newfoundland and Labrador, Human Resources, Labour and Employment, Re: Advising that as of Nov. 2, 2009, responsibility for the delivery of the Employment Benefits and Support Measures (EBSMs) formerly delivered by Service Canada will be administered by them. (Placed on file)
- f) Service Canada, Canada-Newfoundland and Labrador Labour Market Development Agreement, Re: Acknowledging receipt of application requesting Job Creation Partnerships Funding for various proposals.(Placed on file)
- g) Veteran's Affairs Canada, Cenotaph/Monument Restoration Program Re: Acknowledging receipt of proposal and advising contact will be made if further information is required or on availability of funding. (Placed on file)

- h) Government of Newfoundland and Labrador, Gas Tax Secretariat, Re: ICSP Update, Draft of work required to be completed by December 31, 2009. (Referred to committee for further discussion and review)
- i) Newfoundland and Labrador Public Health Laboratory, Re: Water Samples collected on Oct 13, 2009 for chlorine residual and coliforms at three locations within the municipality. (Test results satisfactory, Placed on file)
- j) Government of Newfoundland and Labrador, Department of Municipal Affairs, Re: Approval to award Canada/Newfoundland and Labrador Municipal Rural Infrastructure Fund Gut Bridge Upgrading to Newfoundland Construction in the amount of \$952,929.00. Referred to committee for further review and recommendation.
- k) Government of Newfoundland and Labrador, Department of Municipal Affairs, Local Governance Division, Re: Requesting updated information on elected and administrative officials and updated contact information. (Completed for return to Municipal Affairs)

6. Committee Reports

a) Finance, Human Resources and Administration

- Recommendation of Operating Expense Invoices over \$1,000 totaling \$16,720.23 (See attached list)

**Motion 09-295**

**D. Kennedy /G. Butt**

*Resolved that the Town of Carbonear approve for payment the list of operating invoices totaling \$16,720.23.*

Favour 6; Opposed 0; **Carried**

*Deputy Mayor Ash delivered his report to Council.*

*Recommended installing silhouettes per request of the Health Care Foundation provided there was no cost to the Town of Carbonear. Council accepted recommendation and felt motion not necessary since there was no cost.*

**Motion 09-296**

**C. Ash/G. Mercer**

*Resolved to recommend the following donations and other funding requests for approval by Council:*

*Recommend support the Kiwanis Music Festival by purchasing advertising in booklet at a cost of \$100 used to pay for cost of booklets and other Music Festival expenses;*

*Recommend a donation of \$25 to the Trinity Conception Shrine Club;*

*Recommend a donation of \$25 to the Community Handicapped Association Christmas Party;*

*Recommend a donation of \$100 to the Heart and Stroke Foundation (Claude Garland Memorial Walk);*

Favour 6; Opposed 0; **Carried**

**Motion 09-297**

**C. Ash/B. Forward**

*Resolved that a supplementary assessment be requested by the Municipal Assessment Agency due to the building not being usable due to major renovations being completed*

Favour 6; Opposed 0; **Carried**

**Motion 09-298**

**C. Ash/D. Kennedy**

*Resolved to accept the following recommendations from the Committee on insurance claims received:*

*Not accepting responsibility for tire puncture from road debris or damage to rim due to hitting a pothole since this is considered nuisance and no liability by the municipality;*

*Recommend submission of claim for damage to vehicle as a result of hitting raised manhole to insurance company for review.*

Favour 6; Opposed 0; **Carried**

**Motion 09-299**

**C. Ash/G. Mercer**

*Resolved to accept the following recommendations from the Committee:*

*Recommend to complete necessary repairs to pumper in the amount of \$5,500 from the budget allocated to complete repairs to the eaves and be it further recommended to budget funds for the repair of the eaves in the 2010 budget;*

*Recommend approval of the quote in the amount of \$2,585 to complete the necessary repairs to chain link fencing at the Recreation Complex.*

Favour 6; Opposed 0; **Carried**

**Motion 09-300**

**C. Ash/G. Mercer**

*Resolved to accept the recommendation for it to be noted in the Hospitality and Entertainment Policy that no alcohol purchases are to be made for staff functions unless prior approval of Council and also that it be noted that any purchases of alcohol are to be pre-approved by Council and no invoices are to be paid unless the purchases had previously been approved by Council.*

Favour 6; Opposed 0; **Carried**

- b) Development, Cultural and Tourism Initiatives
  - Permits # 4548 - #4549

**Councillor Forward declared a conflict of interest and left the chambers.**

**Motion 09-301**

**G. Mercer /G. Butt**

*Resolved that the Town of Carbonear approve the List of Permits # 4548 - 4549.*

Favour 5; Opposed 0; **Carried**

**Councillor Forward returned to the meeting.**

*Councillor Kennedy delivered his report to Council.*

**Motion 09-302**

**D. Kennedy /B. Forward**

*Resolved to approve the following recommendations:*

*Recommend to advertise a variance for construction of garage at Valley Road; and be it further recommended that if there are no objections received, the application be approved subject to the Town of Carbonear Municipal Plan and Development Regulations;*

*Recommend to advertise a variance for construction of a garage at 38 Southwell Place Extension; and be it further recommended that if there are no objections received, the application be approved subject to the Town of Carbonear Municipal Plan and Development Regulations.*

Favour 6; Opposed 0; **Carried**

**Motion 09-303**

**D. Kennedy /C. Ash**

*Resolved to approve the application of the Charwood Legion Manor, Pike's Lane subject to the Town of Carbonear Municipal Plan and Development Regulations and subject to approval of the Government Services and Lands.*

Favour 6; Opposed 0; **Carried**

**Motion 09-304**

**D. Kennedy /G. Mercer**

*Resolved to make an amendment to the current backlot development regulations to allow the accessory building to project in front of the dwelling where it would not adversely affect neighbouring properties at the discretion of Council.*

Favour 6; Opposed 0; **Carried**

**Mayor Slade left the chambers due to conflict of interest.**

Councillor Kennedy read a prepared statement from the committee on the

review of the Bradbury application as requested by Council.

Councillor Butt inquired as to whether officials from the Department of Transportation and Works had been out to review the street in the highways reservation. He stated that Minister Kennedy was to have them look at the situation again and whether the amount of the reservation required could be relaxed. It was reported that neither the Town Administrator or the Director of Operations and Public Works were not aware that officials had been out.

The Deputy Mayor clarified that the Minister met with Council on a number of issues and this situation was raised. The Minister made an informal suggestion that he would investigate the possibility of engineers of the Department of Transportation and Works investigating further.

Council advised the Town Administrator to advise Minister Kennedy of what was decided by Council and would welcome any suggestions that he may have, if any.

Ms. Bradbury requested to speak, however, Deputy Mayor Ash advised that unless a letter requesting to speak was received, comments were not accepted from the floor. Ms. Bradbury proceeded to quote a section from the Municipal Plan. Deputy Mayor Ash expressed that it was noted.

Councillor Mercer expressed that correspondence be sent to the Minister as soon as possible.

**Mayor Slade returned to the meeting.**

7. Reports from Town Administrator and Department Heads
  - m) Town Administrator - Report had been copied to Councillors for their information.
  - n) Director of Operations and Public Works  
Report also copied to Councillors for their information. Approval required for purchase of concrete barriers if required.

**Motion 09-305**

**C. Ash/G. Butt**

*Resolved to give the Director of Operations and Public Works authority to purchase seven concrete barriers at a cost of \$2,800 if it is determined that the Gut Bridge Project will not be taking place until Spring 2010.*

Favour 6; Opposed 0; **Carried**

The Director advised that the flooring at the Princess Sheila Seniors Building would cost approximately \$3,000 and the previous Council had approved the flooring up to a cost of \$2,000.

This was referred to the Finance Committee for further review.

The Director reported on the status of the Highroad South Project. Deputy Mayor Ash expressed concern due to the lateness in the year and hoped that the project could be completed this year. The Director anticipated that the project could be completed in one month.

The Director reported that the technician who completed repairs on the furnace advised that the oil tank for the garage must be replaced at a cost of \$1,100.

**Motion 09-306**

**G. Mercer/C. Ash**

*Resolved to replace oil tank for furnace in the garage at a cost of \$1,100.* Favour 6; Opposed 0; **Carried**

(c) Director of Recreation and Tourism

Report had been copied to Councillors for their information. The Director reviewed his report with Council.

The Director reported that radio announcements could be made through KIXX Country at a cost of \$420.

**Motion 09-307**

**C. Ash/B. Forward**

*Resolved to participate in advertisements for the Olympic Torch at KIXX Country Radio Station at a cost of \$420.*

Favour 6; Opposed 0; **Carried**

There was an inquiry made about the Leslie Street Playground. This land was tendered for sale, however, no response. It could be listed with real estate agency.

8. Regulations

9. General Business

- a) Town of Carbonear Membership on Harbour Authority  
*There was an inquiry about whether a councillor sitting on this corporation would be in conflict. The Town Administrator advised that the Act specifies if you are a director of a corporation, you would be in conflict, however, she would try to obtain further clarification.*
- b) Inquiry on policy with respect to upkeep and loitering on vacant property.  
*There was some discussion on calls received. Council can act on dilapidated properties through the Municipalities Act, however, there is not policy in place with respect to vacant property.*

- c) Request for update on existing Capital Works Projects  
*No discussion necessary since information contained in Town Administrator's report.*
- d) Councillor Mercer reported that the Eastern Regional Waste Management Committee, on which she sits, has been advised that the tipping fee for Robin Hood Bay for 2010 will be \$51, which is only a \$1 increase. This will be effective April - September 2010.

11. Notices of Motion

12. Adjournment

**Motion 09-308**

**G. Butt /C. Ash**

*Resolved to adjourn the meeting at 9:35 p.m.*

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Mayor Sam Slade

Cynthia Davis, Town Administrator