

**Town of Carbonear**  
**Regular Council Meeting, September 14<sup>th</sup>, 2009**

Minutes of a regular meeting of the Council of the Town of Carbonear  
held in Council Chambers, September 14<sup>th</sup>, 2009 at 7:30pm

**Members Present:** Mayor Sam Slade  
Deputy Mayor Edward Slade  
Councillors Gladys Mercer  
Jim Burden  
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

**Members Absent:** Councillor Terry Emberley

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1. Calling of Meeting to Order  
Mayor Slade called the meeting to order at 7:35pm and welcomed those present.
  
  2. Adoption of Minutes
    - a) August 10<sup>th</sup>, 2009 Regular Meeting  
**Motion 09-237** **J. Comerford / F. Earle**  
*Resolved that the minutes of the August 10<sup>th</sup>, 2009 Regular meeting of council be adopted as presented.*  
Favour 6; Opposed 0; **Carried**
    - b) August 31<sup>st</sup>, 2009 Privileged Meeting  
**Motion 09-238** **E. Slade / G. Mercer**  
*Resolved that the minutes of the August 31<sup>st</sup>, 2009 Privileged meeting of council be adopted as presented.*  
Favour 6; Opposed 0; **Carried**
    - c) August 24<sup>th</sup>, 2009 Privileged Meeting  
**Motion 09-239** **J. Comerford / J. Burden**  
*Resolved that the minutes of the August 24<sup>th</sup>, 2009 Privileged meeting of council be adopted as presented.*

- Favour 6; Opposed 0; **Carried**
- d) August 17<sup>th</sup>, 2009 Privileged Meeting  
**Motion 09-240** **E. Slade / J. Comerford**  
*Resolved that the minutes of the August 17<sup>th</sup>, 2009 Privileged meeting of council be adopted as presented.*  
 Favour 6; Opposed 0; **Carried**
- e) August 10<sup>th</sup>, 2009 Privileged Meeting  
**Motion 09-241** **F. Earle / E. Slade**  
*Resolved that the minutes of the August 10<sup>th</sup>, 2009 Privileged meeting of council be adopted as presented.*  
 Favour 6; Opposed 0; **Carried**

3. Business Arising From Minutes

- Motions to be ratified from the August 31, 2009 Privileged Meeting  
 Mayor Slade asked that Motion SPE 2009-08-031-001 be ratified.  
**Motion 09-242** **F. Earle / E. Slade**  
*Resolved to approve the installation of playground equipment at a cost of \$1,500 plus HST.*  
 Favour 6; Opposed 0; **Carried**
- Mayor Slade asked that Motion SPE 2009-08-031-002 be ratified.  
**Motion 09-243** **F. Earle / J. Burden**  
*Resolved to approve the application for crown land subject to the removal of land presently occupied by the property owner to the east and subject to the exclusion of the right of way to the west.*  
 Favour 6; Opposed 0; **Carried**
- Mayor Slade asked that Motion SPE 2009-08-031-003 be ratified  
**Motion 09-244** **F. Earle / E. Slade**  
*Resolved to advertise a variance for 8 London Road; and  
 Be It Further Resolved to approve the development application subject to application submitted and the Carbonear Municipal Plan if no objections are received to the variance advertised.*  
 Favour 6; Opposed 0; **Carried**
- Motions to be ratified from the August 24, 2009 Privileged Meeting  
 Mayor Slade asked that Motion SPE 2009-08-24-001 be ratified  
**Motion 09-245** **J. Comerford / G. Mercer**  
*Resolved to send a clean up order to property situate at 37 Valley Road.*  
 Favour 6; Opposed 0; **Carried**
- Mayor Slade asked that Motion SPE 2009-08-24-002 be ratified  
**Motion 09-246** **F. Earle / E. Slade**

*Resolved to provide municipal approval on the crown land application as submitted.*

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-08-24-003 be ratified

**Motion 09-247**

**E. Slade / J. Burden**

*Resolved to purchase 5 more trees from O'Neills Gardenland for a cost of \$79 per tree.*

Favour 6; Opposed 0; **Carried**

- ▶ Motions to be ratified from the August 17, 2009 Privileged Meeting

Mayor Slade asked that Motion SPE 2009-08-17-001 be ratified

Deputy Mayor Slade declared a conflict of interest on the next two motions to be ratified and left the chambers.

**Motion 09-248**

**F. Earle / G. Mercer**

*RESOLVED that the Town of Carbonear award the contract for Pikes Lane Phase II to Challenger Construction as recommended by Harris & Associates.*

Favour 5; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-08-17-002 be ratified

**Motion 09-249**

**G. Mercer / J. Burden**

*RESOLVED that the Town of Carbonear accept the funding approved by the Provincial Government in the amount of \$133,000 for Water and Sewer, Pike's Lane, Phase 2, to be based on a cost shared ration of 80/20 (provincial/municipal), and  
BE IT FURTHER RESOLVED to authorize the Mayor and the Town Clerk to enter into the 2009 Municipal Capital Works Agreement for Project No. 08053, in the amount of \$133,000, on behalf of Council.*

Favour 5; Opposed 0; **Carried**

Deputy Mayor Slade was called back into the meeting.

Mayor Slade asked that Motion SPE 2009-08-17-003 be ratified

**Motion 09-250**

**J. Comerford / E. Slade**

*RESOLVED that the Town of Carbonear accept the funding approved by the Provincial Government in the amount of \$82,500 for the upgrade of the chlorination system to be based on a cost shared ration of 80/20 (provincial/municipal), and  
BE IT FURTHER RESOLVED to authorize the Mayor and the Town Clerk to enter into the 2009 Municipal Capital Works Agreement for Project No. 09025, in the amount of \$82,500, on behalf of Council.*

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-08-17-004 be ratified

**Motion 09-251**

**F. Earle / G. Mercer**

*RESOLVED that the Town of Carbonear accept the funding approved by the Provincial Government for the Swimming Pool Upgrade - HVAC System to be cost shared as follows: Project Cost of \$549,558 (Total cost of \$575,000 Less GST Rebate) with*

*Maximum Federal Contribution of \$183,186; Maximum Provincial Contribution \$256,460 and Municipal Contribution of \$109,912 and  
BE IT FURTHER RESOLVED to authorize the Mayor and the Town Clerk to enter into the Municipal Capital Works Agreement - 2009 Recreational Infrastructure Canada program (RinC), Project 09242 - Swimming Pool Upgrades - HVAC System, in the amount of \$575,000 on behalf of Council.*

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-08-17-005 be ratified

**Motion 09-252** **F. Earle / G. Mercer**

*Resolved that the Town of Carbonear hold an Advance Poll on Saturday, September 19<sup>th</sup>, 2009 for the 2009 Carbonear Municipal Election, from 8:00am -8:00pm at the Conception Bay Regional Community Centre.*

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-08-17-006 be ratified

Deputy Mayor Slade left the Council chambers

**Motion 09-253** **J. Comerford / F. Earle**

*Resolved that the Town of Carbonear approve for payment the following invoices:*

Harris & Assoc. 5070	\$4,068.00
Harris & Assoc. 5062	\$2426.49
Harris & Assoc. 5061	\$1686.20
Harris & Assoc. 5068	\$36744.01
Harris & Assoc. 5069	\$37458.09

Favour 5; Opposed 0; **Carried**

Deputy Mayor Slade returned to the Council Chambers.

- ▶ Motions to be ratified from the August 10, 2009 Privileged Meeting

Mayor Slade asked that Motion SPE 2009-08-10-001 be ratified

**Motion 09-254** **G. Mercer/ F. Earle**

*Resolved that the Town of Carbonear approve a salary step increase of \$2,000 for the position of Director of Recreation and Tourism effective January 1, 2009.*

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-08-10-002 be ratified

**Motion 09-255** **J. Comerford / G. Mercer**

*Whereas the collective agreement for unionized staff including negotiated increase was approved in June for fiscal years 2009 and 2010,*

*Be It Resolved that the average increase received by unionized staff be applied to the non-unionized staff including the Town Administrator, Director of Operations and Public Works, Town Clerk and Director of Recreation and Tourism on a percentage basis per historical practice and applicable contracts;*

*And Be It Further Resolved that any increased benefits negotiated for unionized*

*personnel also be applied to non-unionized personnel where applicable (ie. Sick leave, personal leave, etc.)*

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-08-10-003 be ratified

**Motion 09-256** **F. Earle / G. Mercer**

*Resolved that the Town of Carbonear advertise for a Temporary Casual Call-In Clerk I.*

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-08-10-004 be ratified

**Motion 09-257** **F. Earle / G. Mercer**

*Resolved that the Town of Carbonear issue Clean Up Order to the following:*

*Swain's Garage, 119 Water Street; and  
Charlene Emberley, 15 LeMarchant Street.*

Favour 6; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 2009-08-10-005 be ratified

**Motion 09-258** **F. Earle / J. Comerford**

*Resolved that the Town of Carbonear issue a Removal Order for the Trailer on Water Street to the tenant of 132 Water Street.*

Favour 6; Opposed 0; **Carried**

Mayor Slade left the meeting.

Deputy Mayor Slade assumed the chair.

Deputy Mayor Slade asked that Motion SPE 2009-08-10-006 be ratified

**Motion 09-259** **F. Earle / J. Comerford**

*Resolved that the Town of Carbonear issue a letter to Debra and Walter Bradbury advising them that the placement and location of their travel trailer on their property to the south of Columbus Drive between Bunker Hill and English Hill is not a permitted use in a Residential Zone and that it does not meet the requirements of the Town Plan and Development Regulations.*

Favour 5; Opposed 0; **Carried**

Mayor Slade returned to the meeting and assumed the chair.

#### 4. Delegations

No delegations present.

#### 5.1 Correspondence, Permits & Development

##### a) List of Permits # 4469 - 4506.

Mayor Slade declared a conflict on Permit #4474.

Councillor Earle declared a conflict of interest on Permit # 4494.

**Motion 09-260** **G. Mercer / F. Earle**

*Resolved that the Town of Carbonear approve the List of Permits # 4469 - 4506 excluding Permits # 4474 and # 4494.*

Favour 6; Opposed 0; **Carried**

Mayor Slade and Councillor Earle then left the meeting.

Deputy Mayor Slade assumed the chair.

**Motion 09-261**

**J. Comerford / G. Mercer**

*Resolved that the Town of Carbonear approve the Permits # 4474 & 4494.*

Favour 4; Opposed 0; **Carried**

Mayor Slade and Councillor Earle were called back into the meeting.

Mayor Slade assumed the chair.

- b) Property owner, Crown Land Application north of Discovery Place to extend existing lot for a flower and vegetable garden

Referred to the Development Committee.

Councillor Comerford advised that the Development Committee reviewed this application and recommend approval of the application as submitted.

**Motion 09-262**

**J. Comerford / G. Mercer**

*Resolved that the Town of Carbonear approve the Crown Land application as submitted for crown land located north of # 10 Discovery Place.*

Favour 6; Opposed 0; **Carried**

5.2 Correspondence, Requiring Council's decision.

- a) Resident, Request to make changes to the street elevation and bridge elevation of Gut Bridge on Water Street to improve the view of Carbonear Island and Carbonear Harbour.

Copied to Council.

Letter was reviewed by Council.

Discussed.

Council felt that the cost to complete this additional work would be very high. Council also indicated that there are other viewing areas throughout town that provides a great view of Carbonear Island and Carbonear Harbour.

Town Administrator to write the resident to advise that Council does not consider this work feasible to complete at this time.

- b) Harbour Authority of Carbonear, Membership application inviting the Town of Carbonear to become a member.

Reviewed and discussed.

Town Administrator to determine the fee associated with membership.

Town Administrator to write the Harbour Authority to advise that Council supports the role of the Hr. Authority and thank them for their work and commitment to the Town of Carbonear.

- c) Department of Municipal Affairs, Proposed 2010/2011 Municipal Capital Works Program. Deadline for application October 30, 2009.

Discussed.

Town Administrator advised that MRIF has been phased out, so any previous applications made under that funding arrangement, would now have to re-submitted under the 2010/2011 Municipal Capital Works program. This would include the previously submitted project for Pikes Lane Phase 3. There would be one application submitted for all identified projects including Pikes Lane Phase 3.

Deferred for consideration by the new Council to be elected September 29, 2009.

- d) Bemister Family Reunion, Request for Council's support and link on the website to promote the reunion.

Council reviewed the letter and approved the requested link to the Town's website.

Town Administrator to write to advise applicant of Council's decision.

### 5.3 Correspondence, Received and action taken

Council reviewed the following correspondence and action taken:

- a) Cantare Youth Choir, Donation Request  
Referred to the Finance Committee for consideration.
- b) CPWA, Notice of Fall Conference 2009 in Gander, NL Oct 7-9th.  
Copied to Brian for consideration.
- c) Donation request for child to travel to Sick Children's Hospital in Toronto.  
Referred to the Finance Committee for consideration.
- d) NL Public Health Laboratory, Test results for water samples collected Aug 12 & 19, 2009 at Bemister's Hill and Dept. of Justice. Water results marked satisfactory. Placed on file.
- e) Norther Avalon Tourism Association, Request for Membership Update and sponsorship for 2010 Visitor's Guide. Deadline September 15, 2009.  
Copied to Rob for consideration.
- f) Business owner, Request for adjustment of interest.  
Referred to the Finance Committee for consideration.
- g) Resident, complaint regarding home based business in the area.  
Referred to the Town Administrator.  
Deferred for discussion in privilege meeting of Council.
- h) Department of Municipal Affairs. Approval to call tender for the Gut Bridge Upgrading.  
Tender advertised. Closing date this week.  
Placed on file.
- i) Department of Municipal Affairs. Approval to call tender for the Highroad South & Chapel Hill Street Upgrading.  
Tender advertised. Closing date this week.  
Placed on file.
- j) Legendary CBN Car Club Show & Shine, Request for donation.  
Referred to the Finance Committee.
- k) National Defence 56 Engineer Squadron, Request for donation to 60<sup>th</sup> year celebrations

Oct 30-Nov 1, 2009.

Referred to the Finance Committee.

- l) TCP Health Foundation, Request for donation to 20<sup>th</sup> Telethon.  
Referred to the Finance Committee.
- m) Parkinson Society, Superwalk, Request for donation.  
Referred to the Finance Committee.
- n) Heart & Stroke, Big Bike Ride, Request for donation.  
Referred to the Finance Committee.
- o) Department of Tourism, Culture & Recreation, Refusal of request for funding under the 2009/2010 Community Capital Grants Program.
- p) ACOA, Acknowledgement of acceptance and claim package for Project No. Pool Upgrade Project.  
Forwarded to the Town Administrator. Placed on file.
- q) Altus Group Limited, Re. Redevelopment of 185-189 Water Street.  
Referred to the Development Committee.
- r) Resident, Request for adjustment of interest charges.  
Referred to the Finance Committee.

Town Clerk to review the donations that are on the approved 2009 List of Donations and issue the cheques. Finance to meet at 4:00pm tomorrow to review the other items.

## 6. Committee Reports

### a) Development Committee

Adoption and Approval of Development Regulations Amendment No. 16, 2009.

Councillor Comerford advised that the motion to approve this Development Regulations Amendment No. 16, 2009, should have been to **adopt** Development Regulations Amendment No. 16, 2009. The Committee recommends to amend the previous motion from March 17, 2009 from approval to adoption, and to now approve the Development Regulations Amendment No. 16, 2009

#### **Motion 09-263**

**F. Earle / J. Comerford**

*Resolved that the Town of Carbonear amend Motion 09-083 regarding the approval of Development Regulations Amendment No. 16, 2009 from the March 17, 2009 Meeting to the following:*

*Under the authority of Section 16 of the Urban and Rural Planning Act 2000, the Town Council of Carbonear adopts the Town of Carbonear Development Regulations Amendment No. 16, 2009.*

Favour 6; Opposed 0; **Carried**

#### **Motion 09-264**

**J. Comerford / G. Mercer**

*Under the authority of the Urban and Rural Planning Act 2000, the Town Council of Carbonear approves the Town of Carbonear Development Regulations Amendment No. 16, 2009.*

Favour 6; Opposed 0; **Carried**

7. Reports from Town Administrator and Department Heads

a) Town Administrator reviewed her report with Council.

- Council inquired about the time frame to complete the Traffic Lights project on Columbus Drive/Forest Road/Goff Avenue.

Town Administrator advised that this contract was awarded by the Department of Transportation, and she would have to check with them to determine the time frame for completion.

Town Administrator to contact DOT and to monitor the progress of the project.

Mayor Slade thanked Council for vigorously working on this project and he also thanked Minister Kennedy for his role in having this project approved. Mayor Slade noted that it is great to see that this project will finally be completed, as Council has been pursuing this project since sometime back in the 90s.

Town Administrator to check to determine what the bids on Highroad South Street Upgrading project were and why we have not yet received notification of those bids.

Council requested that the Town Administrator pursue this matter and to continue to monitor the activity on the capital works project to try to ensure that they are all completed this fall.

Deputy Mayor Slade advised that he has to leave the meeting. He thanked Council for his 16 years service with Council and staff and wished the staff and Council well in the future.

- Fees for Animal Enforcement

**Motion 09-265**

**F. Earle / G. Mercer**

*Resolved that the Town of Carbonear increase the fines for Animal Enforcement Regulations to \$25 for the first offence, and \$50 for the second offence.*

Favour 5; Opposed 0; **Carried**

- Immigration Portal website.

**Motion 09-266**

**F. Earle / J. Burden**

*Resolved that the Town of Carbonear contract Margaret Ayad to complete website upgrading and implementation of a Immigration Portal on the Town's website at a cost not to exceed \$3,000.*

Favour 5; Opposed 0; **Carried**

b) Recreation Director

Rob reviewed his report with Council.

Mayor Slade advised that he has received a lot of interest from children/teens in the area looking for the construction of a skateboard park

Mayor Slade asked if the Recreation Commission could investigate this option.

Rob indicated that the Recreation Commission are already investigating this matter. CSA standards are being implemented this year, so when implemented, then the Commission will do

further investigation to determine what equipment should be purchased to provide a suitable skateboard park.

Councillor Mercer asked how much money was spent 3-4 years ago on the implementation of a skateboard park. Rob indicated that including asphalt, fencing and skateboard equipment, it was probably approximately \$15,000.

Councillor Mercer noted that this park is no longer in use, so if we are going to implement another skateboard park, she would like to see further investigation this time round to ensure that the equipment is adequate and up to standard.

Councillor Mercer suggested that Council notify the public in our next newsletter of the ongoing work to implement a skateboard park.

Council agreed.

Councillor Earle noted that it would be prudent for Council to purchase CSA approved equipment to show due diligence when determining the equipment to be purchased for this park. Councillor Earle noted that this matter is on the agenda for the Recreation Commission and they are actively pursuing the matter

Mayor Slade inquired about the project status to replace the HVAC unit at the pool.

Rob advised he is working with Brian on this matter and Brian has been in direct contact with the engineering consultant on the project. Brian advised the design work has been started and is about 50% complete. The project should go to tender by the end of this month. Delivery time on the unit will probably be around the end of December. Some of the duct work will be replaced prior to the arrival of the unit, while the pool remains open. Brian and Rob will discuss further with the consulting engineers to determine the schedule of work and estimate completion time, so as to minimize the pool closure. Councillor Mercer

inquired about the public washroom in the main hallway.

Rob advised that this washroom has been closed and he will be obtaining quotes to have the washroom renovated and put back in operation.

c) Director of Operations and Public Works

Brian reviewed his report with Council.

- Councillor Burden advised that there are still barricades on Gladstone Road from repairs made weeks ago. Brian to investigate.
- Mayor Slade asked about the sewer problem on Hoyles Road. Brian advised that the sewer line may be broken. Currently being investigated.
- Councillor Comerford asked about ditching.  
Brian advised that the ditching is ongoing, except during heavy rainfall. Main roads have been done, moving on to secondary roads. Ditching should continue for the next 4-6 weeks.
- Councillor Earle inquired about shouldering.  
Brian advised the crews are doing small areas by hand, larger areas being done by equipment.  
Brian advised that flushing of hydrants and sewer system is ongoing as well and the grading of roads will also be done again, especially on some of the hills.

- Councillor Earle noted that he has received several request for line painting the centre line of our streets.  
Discussed. Council can consider, especially on the main streets. ,

8. Finance

- a) List of Operating Invoices, totaling \$97,051.41.

**Motion 09-267**

**F. Earle / G. Mercer**

*Resolved that the Town of Carbonear approve the list of invoices totaling \$97,051.41 as presented to Council.*

Favour 5; Opposed 0; **Carried**

Councillor Mercer noted that the list of invoices presented to Council is only for invoices exceeding \$1,000 and that all invoices up to \$1,000 are approved by administration.

Town Administrator confirmed that is correct.

9. Regulations

None listed.

10. General Business

- Councillor Comerford advised that the Town's Emergency Plan has been revamped and Copied to Council for your review.  
Councillor Earle asked if H1N1 is addressed.  
Town Administrator advised that Council still has additional issues that need to addressed in the Emergency Plan.  
Mayor Slade thanked Councillor Comerford and the Town Administrator for their work on this matter.
- Council discussed the provision of hand sanitizers at the pool.  
Rob to put hand sanitizers throughout the pool.
- Councillor Earle noted the latest fishing tragedy offshore, and requested that the Town send a letter of support for an emergency helicopter rescue unit be located in St. John's.  
Mayor advised that he thought it has been decided that the emergency helicopters will be located in Gander.  
Discussed.  
Town Administrator to write letter of support for emergency helicopters to be located in St. John's.

11. Notices of Motion

None filed.

12. Adjournment

**Motion 09-268** to adjourn at 8:52pm

**F. Earle / J. Comerford**

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Mayor Sam Slade

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Cathy Somers, Town Clerk