

Town of Carbonear
Regular Council Meeting, September 15th, 2008
Minutes of a regular meeting of the Council of the Town of Carbonear
held in Council Chambers, September 15th, 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

Also Absent: Director of Recreation & Tourism Rob Button

1. Calling of Meeting to Order
Mayor called the meeting to order at 7:30pm and welcomed everyone present at the meeting.
2. Adoption of Minutes
 - a) August 12th, 2008 Regular Meeting
Motion 08-224 E. Slade / F. Earle
Resolved that the minutes of the August 12th, 2008 Regular meeting of council be adopted as presented.
Favour 7; Opposed 0; **Carried**
 - b) August 15th, 2008 Privileged Meeting
Motion 08-225 E. Slade / G. Mercer
Resolved that the minutes of the August 15th, 2008 privileged meeting of council be adopted as presented.
Favour 7; Opposed 0; **Carried**
 - c) September 3rd, 2008 Privileged Meeting
Motion 08-226 J. Comerford / F. Earle
Resolved that the minutes of the September 3rd, 2008 privileged meeting of council be adopted as presented.
Favour 7; Opposed 0; **Carried**
3. Business Arising From Minutes
 - Councillor Emberley requested that it be noted in the minutes that he feels that there are many other streets within the town that need asphalt resurfacing including: Earles Lane, Janes Lane, Whites Road Extension, Patrick Street, and many others which he feels should be priorities of Council as well.

- Motions to be ratified from the August 15th, 2008 Privileged Council Meeting
Mayor Slade asked that Motion SPE 08-15-08-001 be ratified.

Motion 08-227

G. Mercer / E. Slade

Resolved that the Town of Carbonear approve a permit for Wayne Sooley to construct a shed at 1 Southside Lower Road as per the revised dimensions submitted, subject to Mr. Sooley obtaining ownership of additional land to provide him with a total land area of at least 1400 square metres and further subject to receiving no objections to the variance published on the size of the shed.

Favour 7; Opposed 0; **Carried**

Mayor Slade and Councillor Earle declared a conflict of interest on the next motion to be ratified. Mayor Slade asked Deputy Mayor Slade to assume the chair, then Mayor Slade and Councillor Earle left the meeting.

Deputy Mayor Slade assumed the chair

Deputy Mayor Slade asked that Motion SPE 08-15-08-002 be ratified.

Motion 08-228

G. Mercer / J. Comerford

Resolved that the Town of Carbonear start negotiations with the Provincial Government to extend the Town's taxation boundary to include English Hill extension, subject to reaching an acceptable agreement between the province and the municipality regarding road and service improvements to the area.

Favour 5; Opposed 0; **Carried**

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

Mayor Slade assumed the chair.

- Motions to be ratified from the September 3rd, 2008 Privileged Council Meeting
Mayor Slade asked that Motion SPE 09-03-08-001 be ratified.

Motion 08-229

F. Earle / J. Comerford

Resolved that the Town of Carbonear apply for an increase in the 80/20 funding previously approved for the Goff Avenue/Forest Road/Columbus Drive Traffic Lights Project in the amount of \$150,000 to \$270,890 (\$239,726 + HST) for the Town's responsibility of this project. The Department of Transportation will pay the \$124,084.62 for items associated with the traffic signals.

Favour 7; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 09-03-08-003 be ratified.

Motion 08-230

E. Slade / G. Mercer

Resolved that the Town of Carbonear accept the proposal from the Department of Transportation relating to the Goff Avenue/Forest Road/Columbus Drive Traffic Lights for the total contract items (excluding HST) of \$363,810.62, with the town's responsibility totaling \$239,726 plus HST subject to receiving approval

from Municipal Affairs of capital works funding totaling \$239,726 + HST on an 80/20 ratio.

Favour 7; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 09-03-08-004 be ratified.

Motion 08-231

J. Comerford / G. Mercer

Resolved that the Town of Carbonear proceed to apply to complete Church Street Paving with the remaining Gas Tax funds as per the estimate provided, subject to receiving approval for this project to be completed using Gas Tax Funding.

Favour 7; Opposed 0; **Carried**

Mayor Slade asked that Motion SPE 09-03-08-002 be ratified.

Councillor Emberley noted that he feels that another set of engineered drawings should be done up, with a cost for resurfacing of Church Street, which should be less than half the estimate to remove and reinstate asphalt on Church Street. He indicated that he felt that this would provide additional funds to be spent on paving or resurfacing asphalt on other streets within the town.

The Director of Operations and Public Works advised that his estimate which he first submitted to Council was approximately \$80,000 to resurface Church Street. However, when he viewed the area with the consulting engineers, it was determined that if they were to plane it down and top coat the street, there would be minimal asphalt in some areas and thicker asphalt in other areas. The revised estimate of \$200,000 is based on the engineer's recommendation. This includes removal of the existing asphalt, replacement of catch basins, and reinstatement of two layers of asphalt.

Councillor Emberley noted that he feels there is too much money being spent on one street, when money is need for other streets as well and he indicated that he feels the money should be spread out around town and used to skim coat various roads throughout town.

Council discussed the matter further.

The remaining members of Council all indicated that there are many other streets throughout town that require resurfacing, but they felt that Highroad South and Church Street were the priorities identified by Council and the Director of Operations and Public Works. The other streets would remain on the priorities list for future capital works projects.

Motion 08-232

G. Mercer / J. Burden

Resolved that the Town of Carbonear make application under the Proposed Municipal Capital Works Program and Municipal Rural Infrastructure Fund to complete the following projects as per the estimates provided:

- *Gut Bridge Upgrading*
- *Road Realignment and Traffic Light Installation at the Intersection of Columbus Drive (Highway 70)-Goff Avenue-Forest Road*
- *Chlorination System Upgrading*
- *Street Upgrading and Paving to include Highroad South.*

Favour 6; Opposed 1; **Carried**

Councillor Emberley opposed the motion.

Councillor Emberley indicated that our ability to borrow is limited. Council did agree that the Town has a limited ability to borrow as do all municipalities within the province, however Council's debt servicing level is within the recommended provincial benchmark.

Council noted that they have applied for \$1,950,000 in Capital Works Funding under the 2008/2009 Municipal Capital Works Program, which includes the projects listed above, and the additional Enhancements for the Tropical Storm Chantal Repairs which is estimated at approximately \$580,000. If approved, this funding would be on an 80/20 Provincial/Municipal ratio.

Council indicated that they will take on additional Capital Projects in future years as other debt payments are retired, however we have to be prudent in our decisions on capital spending.

This most recent application for Capital Funding is in addition to the Gas Tax Funding projects which include, bridge replacements for Lower Southside Road, Highroad South and Church Street Paving and the MRIF Project which includes Phases 1, 2, and 3 for Pikes Lane Water/Sewer/Street Upgrading.

4. Delegations

No delegations were present to speak.

5.1 Correspondence, Permits & Development

a) List of Permits #4154 - 4189.

Mayor Slade declared a conflict on Permit # 4154, Councillor Emberley declared a conflict on Permit #4156, and Councillor Mercer declared a conflict on Permit #4185, and all three members of Council left the meeting.

Deputy Mayor Slade assumed the chair and asked for a motion to approve the list of permits as presented.

Motion 08-233

F. Earle / J. Comerford

Resolved that the Town of Carbonear approve the list of permits #4154 - 4189.

Favour 4; Opposed 0; **Carried**

Mayor Slade, Councillor Mercer and Councillor Emberley were called back into the meeting.

Councillor Mercer noted that there has been over \$4,000,000 spent on development included on the permit listing so far this year, and noted that it is great to see such development throughout the town.

Council agreed.

5.2 Correspondence, Requiring Council's decision

a) M-Ron, Request for nominations for Volunteer of the Year and Youth Volunteer of the Year Awards. Deadline for nominations is September 26, 2008.

Reviewed by Council.

No recommendations made at this time.

- b) Harris & Assoc., Notification of Tenders received for Tropical Storm Chantal Damage Repairs for Town of Carbonear
Motion required for additional increase for Enhancement cost.
Estimate was \$580,000 will need to increase to \$684,623.72 and request to award tender.

Motion 08-234

G. Mercer / E. Slade

Resolved that the Town of Carbonear apply for an increase to the capital funding for the Tropical Storm Chantal Enhancement Repairs Project from \$580,000 as originally estimated to the \$684,623.72 as quoted on the tender bid received.

Favour 7; Opposed 0; **Carried**

Council asked about the tender bid received on Horwoods' Hill and if it came in as per our estimate. Director of Operations and Public Works advised that it is unknown if each project is within the estimate, because it was tendered as a complete package, and not on an individual basis.

Council asked about the start date for this project work.

Brian advised that he will work with the engineers to try and get all asphalt work completed in the fall. Weather will affect the schedule of work, however Brian will advise the engineers that as much work as possible should be completed this fall.

Deputy Mayor Slade noted that when work is being completed on the Gut Bridge, we need to know where the traffic will be re-directed. Brian to investigate with the engineering firm, to determine the safest route for this traffic.

- c) Wooden Boat Museum, Request for the Town of Carbonear to become a member of the Wooden Boat Museum of NL. Cost is \$20.
Reviewed and discussed.
Town Administrator to complete membership form.

5.3 Correspondence, Received and action taken

Council reviewed the following correspondence received and action taken:

- a) NL Public Health Laboratory, Test results for water samples taken August 27, 2008 at Bemister's Hill and Dept. of Justice, and water samples taken on August 25, 2008 at Bemister's Hill and the Town Office. All results marked satisfactory. Placed on file.
- b) NL Power, Re. Holiday Lightswitch Program for Municipalities - Light Up for Less with LEDs, Application attached.
Copied to Rob Button and Special Events Committee for consideration.
- c) CBN Slateworks Jr. Stars, Request for donation.
Referred to the Recreation Commission for consideration.
- d) Eastern Regional Wellness Coalition/Eastern Health, Notification of the Alliance for Control Tobacco 3rd Provincial Tobacco Conference, Oct 22-23 in St. John's. Topics to be addressed include:
- Promoting Smoke-Free Living: Tobacco Free Recreation and Sports, and

- Inside, Outside, Everywhere: Creating Smoke-Free Policies and Properties.

Copied to Rob Button for his consideration.

- e) Water Resources Management Division, Department of Environment and Conservation, Notice of Fall 2008 Education Seminars.
Copied to Brian O'Grady for consideration.
- f) Reports of materials collected during the Household Hazardous Waste Day at the Community Centre.
Copied to Council for information.
- g) Request for adjustment of water/sewer fees, house scheduled to be torn down.
Referred to the Finance Committee.
- h) NL Public Health Laboratory, Test results for water samples taken July 30, 2008 and water samples taken on June 8, 2008 at Bemister's Hill and the Town Office.
All results marked satisfactory. Placed on file.
- i) Resident, Request for adjustment of sewer charges on the account, as sewer services are not available to the property.
Referred to the Finance Committee.
- j) Eastern Regional Wellness Coalition, Notice and Application for funding through the Provincial Wellness Grants Initiative 2008-2009.
Copied to Rob Button and the Recreation Commission for consideration of submitting an application. Deadline is September 19, 2008.
- k) Convention 2008 - Update
Copied to Council for information.
- l) Complaint, Re. Pothole near CHVO, damaged caused to vehicle. Contact phone number provided.
Copied to the Town Administrator, she will discuss Council's policy on this matter with the complainant.
Brian to ensure the pothole is filled.
- m) Request for asphalt to be reinstated on Power Heights.
Placed on work order and copied to Brian O'Grady for consideration.
- n) CB Kennel Club, Request for use of Civic Center Parking Lot on September 27/08 from 11am to 1:30pm as a meeting place to start the Rdog's Walk and to give a lesson to the public on obedience training.
Copied to Linda Gallant to determine availability of the parking lot on that date.

6. Committee Reports

a) Development Committee

Motion 08-235

J. Comerford / F. Earle

Resolved that the Town of Carbonear approve a permit to construct a new dwelling on the property of 17-19 Whites Road, as per that application submitted and in accordance with the Carbonear Municipal Plan and Development Regulations.

Favour 7; Opposed 0; **Carried**

Motion 08-236

J. Comerford / F. Earle

Resolved that the Town of Carbonear approve a permit to sub-divide land as per

the application submitted and approve a permit to construct a new dwelling on the proposed back lot as per the application submitted and subject to receiving no objections to the discretionary use ad on the application, and in accordance with the Carbonear Municipal Plan and Development Regulations.

Favour 7; Opposed 0; **Carried**

Councillor Mercer declared conflict and left chambers.

Motion 08-237

J. Comerford / F. Earle

Resolved that the Town of Carbonear approve a permit for Wal-Mart to complete renovations at the TC Square location as per the application submitted and subject to receipt of approval from Government Service Centre on the application submitted.

Favour 6; Opposed 0; **Carried**

Councillor Mercer was called back into the meeting.

Motion 08-238

J. Comerford / E. Slade

Resolved that the Town of Carbonear approve the proposed re-location of the right-of-way through the property of Roland and Jean Parsons, as it is more in line with where the actual trail currently exists.

Favour 7; Opposed 0; **Carried**

Mayor Slade asked if the right -of way will impede the existing trail. Director of Operations advised that no it would not as the revised location of the right-of-way on the survey is more in line with where the actual trail currently exists.

Deputy Mayor Slade asked for an update on Item 1 on the Development Committee's report. Town Clerk advised that the applicant was in and discussed the application, and Council's requirements, and they are now having additional survey work completed, and having the shed relocated, so that they can obtain their permit and start construction.

Councillor Comerford asked about Item 9 on the Development Committee's report, and asked if Council could reconsider the application. Town Administrator advised that the setback of the accessory building is less than the set back of the main building, and therefore it does not meet the setback requirements of the Town's Development Regulations.

Deferred for further discussion and investigation.

b) Beautification Report reviewed by Councillor Mercer with Council.

- Councillor Mercer asked about the completion of the paving stones at the War Memorial. Town Administrator advised that the Recreation Director will have quotes to be presented to Council at the next meeting.
- Councillor Mercer noted that she is very pleased with work throughout the Town, and thanked Council members, staff and volunteers.
- Garbage on Look Out. Brian advised that they took the garbage container away for a week, and this seemed to improve the situation, as people were no longer dumping garbage at the site. The problem was with garbage being placed at the location, and then being scattered around the area, but with the garbage container removed, it seemed as though people were no longer

dumping their garbage at the location, and the area was a lot cleaner.

Brian to continue to investigate the matter.

- Garbage truck broke down.

Town Administrator advised that last Tuesday, the garbage truck experienced some mechanical difficulties. There was no pick up done in Area 3 last Wednesday. A part was ordered in for the truck, the wrong part was received, another part is now being flown in and should be here lunch time tomorrow.

Wednesday Area 3, Thursday Area 1 and Friday, Area 2.

If this part is not the right one, then we will have to look at another firm to pick up garbage.

7. Reports from Town Administrator and Department Heads

a) Town Administrator

Town Administrator reviewed her report with Council

- Mayor Slade asked about Item 9, Willoughby Estates Extension Design
Town Administrator will set up meeting with Lawyer, Engineer, and Town Staff
- Mayor asked about Item 12, and if we can get a grant to do it, we should consider a project to complete.

Town Administrator advised that the JCP, once accepted and advertised, there is a 3 week processing time before it can start.

b) Director of Operations and Public Works

Brian reviewed his report with Council.

Council commended Brian and his staff considering all the work that is ongoing in the Town considering staff shortages that he has experienced.

Town Administrator noted that we need to schedule hydrant flushing soon.

8. Finance

Operating Expenditures totaling \$23,854.42

Motion 08-239

F. Earle / E. Slade

Resolved that the Town of Carbonear approve for payment the list of invoices totaling \$23,854.42.

Favour 7; Opposed 0; **Carried**

9. Regulations

None listed

10. General Business

None

11. Notices of Motion

No notices of motions were filed.

12. Adjournment

Motion 08-240 to adjourn at 9:15pm.

G. Mercer / J. Comerford

Favour 7; Opposed 0; **Carried**

Mayor Sam Slade

Cathy Somers, Town Clerk