

Town of Carbonear
Regular Council Meeting, September 26, 2011
Minutes of a regular meeting of the Council of the Town of Carbonear
held in Council Chambers, September 26, 2011 at 7:30pm

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

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

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1. Calling of Meeting to Order
Mayor Slade called the meeting to order at 8:04pm and welcomed those present at the meeting.
 2. Adoption of Minutes
 - a) August 11, 2011 Regular Minutes
Motion 11-567 **C. Ash / D. Kennedy**
Resolved that the minutes of the September 12, 2011 Regular meeting of council be adopted as presented and corrected.
Favour 6 ; Opposed 0; **Carried**
 3. Business Arising From Minutes
 4. Delegations
None listed.
 5. Correspondence, Permits & Development
The following items were referred to and reviewed by the Development Committee. Councillor Kennedy presented the following recommendations and information from the Development Committee:
 - a) List of Permits Issued #5107-5125 (see attached)
Motion 11-568 **D. Kennedy / C. Ash**
Resolved that the Town of Carbonear approve the list of permits 5107-5125 as per attached list.
Favour 6 ; Opposed 0; **Carried**
 - b) Applications received but not yet reviewed:
Valley Road - New dwelling
8 Marshall Drive - New garage
 - c) Other recommendations from the Development Committee:
55 Pikes Lane - New house construction

Motion 11-569

D. Kennedy / G. Butt

Resolved that the Town of Carbonear approve a permit for a new dwelling at 55 Pikes Lane as per the application submitted and per the Town of Carbonear Municipal Plan and Development Regulations.

Favour 6 ; Opposed 0; **Carried**

180-182 Highroad South - construct fence

Motion 11-570

D. Kennedy / C. Ash

Resolved that the Town of Carbonear approve a permit to construct a fence at 180-182 Highroad South as per the application submitted subject to the Town of Carbonear Fence Regulations and subject to the installation of one open driveway and one gated driveway.

Favour 6 ; Opposed 0; **Carried**

1 Chapel Hill - Construction of a garden shed

Motion 11-571

D. Kennedy / G. Butt

Resolved to approve the application for the construction of a garden shed at 1 Chapel Hill as per the Town of Carbonear Municipal Plan and Development Regulations.

Favour 6 ; Opposed 0; **Carried**

23 Blueberry Crescent - Garage

Motion 11-572

D. Kennedy / C. Ash

Resolved that the Town of Carbonear approve a permit to construct a garage at 23 Blueberry Crescent as per the application submitted subject to receiving no objections to the variance as advertised and subject to meeting all other requirements of the Carbonear Municipal Plan and Development Regulations.

Favour 6 ; Opposed 0; **Carried**

Earle's Lane resident -Request for the town to convey a portion of land containing a water and sewer main and maintaining an easement over this property for the water and sewer main.

Motion 11-573

D. Kennedy / G. Butt

Resolved that the Town of Carbonear convey the land presently owned by the Town of Carbonear that borders the property of the proposed purchaser provided that a water and sewer easement is maintained on the full width of the property and provided that the purchaser assumes all costs associated with the conveyance and new easement including survey and legal costs.

Favour 6 ; Opposed 0; **Carried**

Town of Carbonear property on Crossroads (former Playground)

Motion 11-574

D. Kennedy / C. Ash

Resolved that the Town of Carbonear approve the proposal from Dream Realty to list for sale the two parcels of land owned by the Town (former Cross Roads Playground) for a flat rate of \$1,300 per parcel.

Favour 6 ; Opposed 0; **Carried**

- d) Harris & Associates RE: Carbonear Long Term Care Parking Lot

Copy of proposed drawing for new parking lot.
Reviewed by Development Committee
To be discussed further at a privileged meeting of Council.

5.1 Correspondence, requiring Council's decision

- a) Culture Days - September 30 - October 2, 2011
Copied to Council

Motion 11-575

C. Ash / G. Butt

Whereas Newfoundland and Labrador is a dynamic and vibrant Province that values arts and culture and their vital role in the social and economic development of the community; and

Whereas the Town of Carbonear is committed to the support of the arts and our unique culture and value its contribution to a prosperous City and

Whereas the Town of Carbonear has made a commitment to encourage support for Culture Days initiatives:

Therefore the Town of Carbonear hereby proclaims the weekend of September 30 – October 3, 2011 to be Culture Days in the Town of Carbonear and encourage all residents of Carbonear to recognize that arts and culture are our strength and to support community celebrations aimed at fostering respect, and understanding of the creative process.

Favour 6 ; Opposed 0; **Carried**

- b) Eastern Health - World Breast-feeding Week - October 1 - 7, 2011

Copied to Council

Motion 11-576

D. Kennedy / G. Butt

Whereas the week of October 1 to 7, 2011 is Breastfeeding Week in Canada and breastfeeding is promoted by UNICEF, the World Health Organization (WHO), the World Alliance for Breastfeeding Action (WABA), Health Canada, Infant Feeding Action Coalition (INFACT Canada), the Canadian Pediatric Society; La Leche League Canada, Eastern Health and the Regional Breastfeeding Committees throughout Eastern Health.

Whereas, all available knowledge indicates that human milk optimally enhances the growth, development and well-being of the infant by providing the best possible nutrition, protection against allergies and the promotion of maternal and infant bonding; and

Whereas, breastmilk helps infants form strong immune system to fight many illness and have a decreased risk of chronic diseases later in life

Whereas, mother's who breastfeed experience many positive effects from their breastfeeding experience including the decreased risk of breast cancer, ovarian cancer and osteoporosis.

Whereas, breastfeeding needs strong promotional and support strategies to counteract aggressive advertising of breast milk substitutes;

Whereas, many women and families need immediate community support and information to breastfeed successfully;

Whereas, breastfeeding promotes the health of a community and benefits society through lower health care costs for infants, a healthier workforce, stronger family bonds and less waste.

Therefore be it resolved that the week of October 1 to 7, 2011 be proclaimed World Breastfeeding Week in the Town of Carbonear with special emphasis on breastfeeding promotion and urge all citizens to seek reliable nutrition information and support breastfeeding as a high priority for healthier babies in our town.

Favour 6 ; Opposed 0; **Carried**

- c) Government of Canada - National Seniors Day - October 1, 2011

Information on Seniors Day only received on Thursday, not reviewed by committee due to time frame.

Mayor Slade read the invitation to participate.

Discussed. Council indicated they would like to sponsor an event, but due to the late notice, it would be difficult to plan something for this year.

Seniors will be offered free admission at the pool on October 1, 2011, and cake and refreshments will be made available at the pool as well on that day.

As this is an annual event, the Director of Recreation and Tourism will include this item on the calendar in future years, and organize and advertise an event each year.

5.2 Correspondence received and action taken

Council reviewed the following correspondence and action taken:

- a) NL Public Health Laboratory, Test results of water samples collected on September 7, 2011 @ 9 Bemisters & Dept of Justice. Results were marked satisfactory, placed on file.
- b) NL Public Health Laboratory, Test results of water samples collected on August 30, 2011 @ Pitchers & 9 Bemisters. Results were marked satisfactory, placed on file.
- c) Resident, Gunners Pond Road - Request for streetlight and replacement of culvert
Forwarded to Public Works Committee
- d) Easy Sorter - Information package on sorting bins
Reviewed by the Public Works Committee and forwarded to Director of Recreation and Public Works
- e) Trinity Conception Shrine Club - Request for donation
Reviewed by Finance and Administration committee. Donation recommended.
- f) New Harbour Resident - RE: Swimming Pool
Forwarded to Director of Recreation and Tourism and Recreation Committee for review

- g) Minister of Fisheries and Oceans
Response to letter the Town forwarded regarding the Marine Rescue Centre
Copied to Council, placed on file
- h) Veterans Affairs Canada - Copy of evaluation form
Forwarded to Recreation Committee for completion
- i) Eastern Newfoundland Regional Appeal Board RE: Hoyles Road
Correspondence received from the Eastern Newfoundland Regional Appeal Board advising the board found no basis in the grounds for an appeal. Based on this evidence, the Board dismisses the appeal against the Town Council
- j) Municipalities Newfoundland and Labrador. Placed on file.
RE: Avalon Regional Meeting , Friday October 14 & 15, Mount Pearl
Copied to Council
- k) Municipalities Newfoundland & Labrador
RE: Annual Convention, November 2-5, Corner Brook
Copied to Council
- l) Canadian Heritage Foundation - Final Activity Report
Copied to Director of Recreation and Tourism - Deadline to file September 30, 2011.
- m) Department of Municipal Affairs - Eastern Regional Office
Water & Sewer Upgrading London Road - Tender advertised.
Copied to Council
- n) Eastern Health/Health Promotion Division
RE: Eastern Regional Wellness Coalition Community Grant application
Forwarded to Recreation Committee - Director of Recreation & Tourism -
Deadline to apply October 31, 2011

Deputy Mayor Ash asked if we have been given the opportunity to give representation relating to the T C Community Needs Assessment. He noted that he feels it is important for the Town of Carbonear to provide input on this matter. Discussed. Town Administrator to obtain further information on the process.

6. Committee Reports

- a) Finance Committee
Deputy Mayor Ash noted that Council met in privilege with the Town's auditor to review the 2010 Audited Financial Statements, and these statements need to be adopted by resolution of Council.

Motion 11-577

C. Ash / D. Kennedy

Resolved that the Town of Carbonear adopt the 2010 audited Financial Statements for the year ended December 31, 2010 as prepared and presented by the Town's Auditor, Byron Smith, C.A.

Favour 6 ; Opposed 0; **Carried**

Deputy Mayor Ash presented the following motions as recommended by the Finance Committee:

Motion 11-578

C. Ash / B. Forward

Resolved that the Town of Carbonear approved for payment the list of invoices totaling \$13,684.86 as presented to Council.

Favour 6 ; Opposed 0; **Carried**

Motion 11-579

C. Ash / B. Forward

Resolved that the Town of Carbonear approved for payment the list of capital invoices totaling \$53,447.32 as presented to Council.

Favour 6 ; Opposed 0; **Carried**

Motion 11-580

C. Ash / B. Forward

Resolved that the Town of Carbonear donate \$25 to the Trinity Conception Shrine Club

Favour 6 ; Opposed 0; **Carried**

Motion 11-581

C. Ash / B. Forward

Resolved that the Town of Carbonear will donate \$1,000 to the 22nd Trinity Conception Placentia Health Foundation Telethon.

Favour 6 ; Opposed 0; **Carried**

Deputy Mayor Ash noted that an update summary of the Accounts Receivable tax collection to September 20, 2011 was provided to Council as well.

A list of properties have been identified for discontinuation of water services due to non payment of taxes.

Notices of tax arrears and possible sale of property by public auction if the tax arrears are not paid have also been posted on several properties that have outstanding taxes for a number of years.

The Finance Committee will continue to provide updates on the Accounts Receivable Status and Collection efforts.

b) Development Committee

Councillor Kennedy presented the recommendations from the Development Committee earlier in the meeting under the Correspondence, Permits & Development section of the meeting.

c) Public Works Committee

Councillor Butt presented the following recommendations from the Public Works Committee:

Motion 11-582

G. Butt / E. Goff

Resolved that the Town of Carbonear approve from the Asphalt Budget, the paving of the following street sections as recommended.

- *Stentafor's Lane at Adelaide Intersection*
- *Ocean View Heights at Irishtown Intersection*
- *White's Road Access (from Powell Drive for 80 metres)*
- *Powell Drive (section between London Road and Pondsider).*

Favour 6 ; Opposed 0; **Carried**

d) Recreation Committee

Councillor Butt noted that several matters were reviewed by the Special Events Committee and the Committee met with members of the Special Events Committee to discuss some of their concerns and requests. One particular item recommended has been referred to discussion in privilege with Council.

Councillor Goff noted that the placement of flowers along the beach is a good idea.

Deputy Mayor Ash noted that a lot of these items are routine and he suggested that any routine items that are within the scope of their budget can be acted on by the Committee and/or the Director of Recreation and Tourism, so that they would not be waiting on Council's approval before proceeding.

It was noted that the mechanism on the top of the flag pole at the Monument needs to be repaired.

Director of Operations and Public Works will ensure the necessary repairs are completed.

7. Reports of Town Administrator and Department Heads

a) Town Administrator

Archaeology Project-Phase II

Councillor Goff asked if there were any concerns with the extension for this project. Town Administrator advised that an extension has been approved to October 7, 2011 for the fieldworkers and cataloguers. A further extension for an additional 6 weeks to December 2, has been requested for the cataloguers to complete the cataloguing of the artifacts. This should allow enough time to get all the artifacts catalogued.

Council inquired if the Carbonear Island Exhibit and Train Station is still open. Town Administrator advised that the manager is operating out of the Old Post

Office location and the station is closed and is opened on request only if a call is received to view the exhibit. The Going Foreign Display which was moved to the Old Post Office is open.

Deputy Mayor Ash advised that officials from the Department of Tourism visited the Carbonear Island site today.

Deputy Mayor Ash asked if the tender would be advertised this week for the new Waste Collection and Disposal contract. Town Administrator advised it would be in the Telegram this weekend, and in the next week's edition of The Compass. A copy will also be sent to some known contractors who may be interested in bidding on the tender.

In the fall the Town will need to provide information material to residents to advise of the multi-stream waste collection which is proposed to start in the spring of 2012. Mayor Slade advised that is important to educate the resident on the matter so that the town can reduce the amount of garbage that is being shipped to Robin Hood Bay.

b) Director of Operations and Public Works

The Director of Operations and Public Works reviewed his report with Council:

Two residents on Valley Road have also been moved from the 10" line to the 12" line. Four more houses will have to be moved over due to water problems. These will be a little more difficult due to their location.

Deputy Mayor Ash asked if we are proceeding with remaining four connections. Director advised that we are but further investigation is required to determine the best option for how this will be completed.

The canteen building will also need to be changed. Director will do further investigation on this matter as well to determine if this can be tied into the existing pool service line.

The engineer has asked if we would approve paving the section on Water Street from Joe Taylor's to Goodison Street. This is a section between two areas that were paved. This would improve that area as well as solve a problem with water holding up. This would cost approx 8-9k. **Council approval would be required.**

Deputy Mayor Ash noted that this transition is like a speed bump that needs to be corrected. The contractor should incur the cost to correct the deficiency, if the additional work is approved by Council then the cost to correct the deficiency should be deducted from the cost of the additional work if approved.

Council agreed. Director of Operations and Public Works will discuss further with the engineer and contractor.

Hospital Project

The work on this project is moving along very well. Two poles have to be relocated for the completion of the new section of Earle's Lane. This requires the sign off of a couple property owners. One property owner has been hard to reach causing a delay in this work being done.

Council asked if there was any hold up with this work. Director advised that the property owner on the west has agreed and there have been some problems with contacting the other property owner.

Councillor Goff asked if there is sufficient street lighting for the new intersection.

Director of Operations and Public Works will review and make recommendations in accordance with our Street Lighting Policy.

SUV Tender – This tender has been posted in the paper and will close on Friday, September 30.

Town Administrator noted that this is not an additional vehicle, but a replacement vehicle which was due to be replaced. Water & Sewer Department will get the Director's current vehicle and the Water/Sewer existing vehicle will then be transferred and equipped for the Enforcement Officer, and the existing Enforcement vehicle will be disposed of.

Targa – The Targa race was a success in Carbonear again this year.

Councillor Forward asked how much the Targa event cost the Town of Carbonear. Town Administrator advised that there was no direct cost to the Town other than the staff that was provided for the event. Director of Operations and Public Works advised that we purchased some rebar for signage and taping, but this could be reused by the Works Department. Any property damage claims are handled directly by Targa.

Deputy Mayor Ash asked if a formal report on the event could be prepared on the event and provided to Council. Town Administrator will prepare the report as requested.

Mr. Penney who was present at the meeting indicated there was some lawn damage on the south side on the corner of Southside Lower Road and Butts Avenue. Director of Operations and Public Works will investigate that concern. However, the Town Administrator noted that no claim for damages has been received.

c) **Director of Recreation and Tourism**

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

Repairs for Diving Board.

Council advised to have these repairs completed during a scheduled maintenance shut down of the pool.

Matting for Change Rooms

Motion 11-583

G. Butt / C. Ash

Resolved that the Town of Carbonear purchase matting for the floors in the back changerooms of the Carbonear Pool at a cost of \$1,996 + HST.

Favour 6 ; Opposed 0; **Carried**

Councillor Kennedy asked where this matting would be placed. Director of Recreation and Tourism advised they would be placed along the front of the shower stalls and in front of the benches.

Swimming Lessons

Deputy Mayor Ash asked if there are any children who have not been accommodated with the provision of additional lessons on Sunday mornings. Director of Operations and Public Works advised that the only ones not accommodated would be the few that didn't accept the time slots that were made available due to that time not being suitable for them.

It was noted that since the last council meeting there have been another 44 students have been accommodated by the additional lessons that were added.

Swim to Survive Program.

Councillor Kennedy noted that some smaller schools will now be offered this program, and it will be done with multi-grade students, and offered once every two years in these schools.

Deputy Mayor Ash noted that during the last meeting, the ball field lighting was discussed and he asked if this lighting has since been replaced. Director of Recreation and Tourism advised that the lighting has been replaced and there is an inventory of lighting on hand at the facility.

Physical Activity Coalition

The Director of Recreation and Tourism asked for Council's approval for him to sit on this committee. Discussed.

Deputy Mayor Ash noted that the only concern with this would be if it would interfere with his position, but based on the information provided indicating that it would only involve a meeting once a quarter, then this should not be a problem.

Council agreed and approved for the Director of Recreation and Tourism to be the Rural representative on the provincial Physical Activity Coalition.

Councillor Goff noted that the shrubbery in front of the pool needs to be weeded and cleaned up.

Director of Recreation and Tourism will arrange to have this work completed.

Mayor Slade noted a complaint regarding the poor condition of the ceiling tiles in the back change room.

Discussed. Only the tiles in the upstairs viewing room were approved for replacement during the renovations. Director of Recreation and Tourism advised that he is pricing this item to be included in the 2012 budget.

Councillor Kennedy asked if the old oil tank out front by the side of the pool entrance can be removed from the site as it is no longer in use.

Director of Recreation and Tourism advised that it can be removed and he noted that the Director of Operations and Public Works would like to have it relocated to the Works Depot.

Discussed. Director of Operations and Public Works to arrange to have it removed from the pool site and relocated to the Works Depot.

Councillor Kennedy noted that there was some vandalism in by the canteen building, broken lights, etc. Director of Recreation and Tourism advised that the electrical contractor has been contacted and this lighting will be replaced.

Deputy Mayor Ash noted that when we have such damages occur, that we should have these matters addressed immediately and that the damaged item replaced.

Council agreed.

Councillor Goff noted that Aerobics has been added to the pool schedule for Tuesday and Thursday nights and he was advised that it was well attended. Director of Recreation and Tourism confirmed that information, and noted that there is also a Friday night loonie swim that has been added to the schedule as well.

8. Finance

a) **Operating Invoices** over \$1,000.00 totaling \$13,684.86

Approved earlier in the Finance Committee recommendations.

b) **Capital Invoices**

Street Upgrading & Paving (2011) Gas Tax\$53,447.32

Harris & Associates, Invoice #:5390

Approved earlier in the Finance Committee recommendations.

9. Regulations

10. General Business

▶ Councillor Kennedy noted that there were some outstanding items that were discussed by the Development Committee which would need to be further

discussed in a privileged meeting of Council. He noted that this meeting would be held in the near future, so that Council will have a response to developer's on the outstanding issues.

- ▶ Councillor Kennedy asked the Town Administrator if she determined the amount of funds remaining from the Gas Tax funding. Town Administrator advised there is about \$43,000 remaining in Gas Tax funding.

Council advised the Director of Operations and Public Works to meet with the engineers to have the estimates prepared for the project work which Council agreed to use the remaining Gas Tax funding.

Councillor Kennedy noted that the entire scope of the project may need to be prepared in Phases so that it could be completed over the next few years.

Town Administrator confirmed that we would have to submit a Capital Investment Plan including this project, but we would need the engineering recommendations and estimates before proceeding.

- ▶ Update Capital Works - Paving

Town Administrator advised that since the project was submitted for approval the engineer has received one inquiry, which he responded to and he is now waiting on approval from the province to go to tender with the work.

- ▶ Councillor Kennedy noted that correspondence was received from the Eastern Newfoundland Regional Appeal Board advising the board found no basis in the grounds for the appeal filed by the property owner on Hoyles Road. Based on the evidence, the Board dismissed the appeal against the Town Council.

Councillor Kennedy requested that the property owner be advised that the property should now be restored.

Town Administrator advised that she will have the Enforcement Officer advised the property owner that this material has to be removed from the site and he will ensure that this work is carried out.

- ▶ Councillor Butt advised that there is a CBN Joint Councils meeting scheduled for Thursday at 8:00pm at Cupids. He will be attending if any member of Council wants to come along with him.

11. Notices of Motion

None

12. Adjournment

Motion 11-584

C. Ash / G. Butt

Resolved to adjourn the meeting at 9:33pm.

Favour 6; Opposed 0; **Carried**

Mayor Sam Slade

Cathy Somers, Town Clerk