

**MINUTES OF THE REGULAR MEETING OF COUNCIL HELD MONDAY,
NOVEMBER 26, 2007 AT 7:00 PM IN THE CITY HALL COUNCIL CHAMBERS**

PRESENT: Mayor McRae, Councillors Chopra, McLeman, Mealey, Patterson, Solda and Whiteman

A. APPROVAL OF AGENDA (including introduction of late items)

Mealey/Patterson

That the agenda be adopted as circulated with the addition of late items 1.6 the report on the Boston Pizza Liquor Licence Application and 1.8.1 Uptown Streetscape Improvement Funding.

Carried

B. ADOPTION OF MINUTES

Mealey/Patterson

That the minutes of the November 13, 2007 Regular Council Meeting be adopted as circulated.

Carried

C. DELEGATIONS

1. Donna Brett, Chair, Alberni Valley BC 150 Celebration

Donna Brett, Dan Washington and Mina Khataria were in attendance and provided an update of celebration plans for 2008 – the celebration of BC being established as a Crown Colony 150 years ago. Events will be held in conjunction with the Tall Ships Festival.

**2. Devon Girard, Manager, Community Relations,
BC Olympic and Paralympic Winter Games Secretariat**

Devon Girard provided an update on the 2010 BC Olympic and Paralympic Winter Games and the role of the Secretariat to help local communities take advantage of the event and promotional opportunities.

3. Southport Revitalization Association

Heather Graham was in attendance to discuss marketing and sale of City owned properties. On behalf of the Association she requested that the City sell its surplus land through local realtors for market values not appraised values.

4. Tom Happynook

Tom Happynook, President of Nuu-chah-nulth Tribal Council, was not able to attend and will schedule to attend a future regular meeting at the request of the Mayor.

D. PROCLAMATIONS NIL

E. CORRESPONDENCE FOR ACTION

1. Association for Mineral Exploration British Columbia

Chopra/McLeman

That the letter from the Association for Mineral Exploration British Columbia dated November 2, 2007 advising that a joint federal provincial panel recommended that the development of the \$3 billion Kemess North mining project not be approved and requesting a letter in support of the project as proposed, be received and the request endorsed.

Carried

2. Holy Family/Notre Dame Parish

McLeman/Patterson

That the letter from Holy Family/Notre Dame Parish dated October 26, 2007 requesting use of City streets to hold its annual Walk for Peace Day on January 1, 2008, be received and Council for the City of Port Alberni authorize the use of City streets subject to no disruptions to traffic and the event assuming full responsibility for the event.

Carried

3. Heart and Stroke Foundation of BC & Yukon

McLeman/Solda

That the letter from the Heart and Stroke Foundation of BC & Yukon dated November 13, 2007 requesting permission to use City streets for the "Big Bike Ride for Stroke" event on May 28, 2008 from 9:00 am to 8:00 pm, and advising that the route begins and ends at Roger Creek Park, be received and the request endorsed by Council subject to the foundation assuming full responsibility for the event.

Carried

4. Tina Angela

Solda/McLeman

That the email from Tina Angela dated November 19, 2007 suggesting that the City offer building permit rebates for building green and attaching information on such a program from the Calgary Regional Home Builders Association, be received

Carried

5. Keith Wyton

Chopra/Mealey

That the email from Keith Wyton dated November 20, 2007 requesting that the City write to the Auditor General and request a review of the private land removals from TFL 44, be received and the request endorsed.

Carried

F. INFORMATIONAL CORRESPONDENCE

1. William Churchill, WAC Remodeling/Mechanical

Email dated November 11, 2007 complaining about tax and water rates and stating that he will move from the Alberni Valley when he can sell his homes for \$250,000.

2. Ministry of Children and Family Development

Letter dated November 6, 2007 providing information regarding adoption in BC.

3. Ministry of Advanced Education

Copy of a letter to the University of Victoria dated November 6, 2007 regarding grants-in-lieu of property taxes for public post secondary institutions for 2007/2008 and advising that the 2006 amount for Port Alberni was \$231.

4. Community Futures Alberni-Clayoquot

Providing a copy of the October 16 to November 14, 2007 Program Activities Highlights.

5. Ministry of Community Services and Minister Responsible for Seniors' and Women's Issues

Letter dated November 13, 2007 advising that the City's share of the 2007/08 Traffic Fine Revenue Sharing Grant is \$386,200.

6. Fraser Basin Council

Providing information on the E3fleet program, an incentive program for municipal vehicle fleets relating to fuel costs and carbon emissions.

7. Minister of Forests and Range and Minister Responsible for Housing

Letter dated November 15, 2007 providing an update on the Province's initiative to "green" the BC Building Code, the proposed changes will reduce the impact of buildings and construction on the environment.

8. Vancouver Island Health Authority

News release dated November 14, 2007 regarding the Community Food Action Initiative, a program to benefit communities through increasing awareness and access to local healthy food and planning for a sustainable food system.

9. **City of Vancouver**
Providing a copy of its resolution regarding Municipal Fiscal Imbalance.
10. **Minister of Labour and Citizens' Services**
Email dated November 15, 2007 advising that the 2007 grants-in-lieu of tax payments for provincially owned properties in Port Alberni is \$58,116.70 (includes \$2,238.98 due to the Regional District.)
11. **Federation of Canadian Municipalities (FCM)**
Letter dated November 6, 2007 thanking the City for hosting the Chinese delegates for the recent Customer Services presentations.
12. **Passenger Transportation Board**
Fax dated November 16, 2007 announcing that BC taxicab rates will change in 2008 due to the GST reduction to 5% and an approved Taxi Cost Index allowing taxicab operators to request a permanent rate increase of up to 2.27%.
13. **Operation Clean Sweep**
Providing details of the Pitch-In Week 2008, that will run from April 21 to 28.
14. **2009 World Under 17 Hockey Challenge**
Letter dated November 21, 2007 thanking the City for its in kind contribution and the use of City facilities for the event.
15. **Union of British Columbia Municipalities (UBCM)**
Release dated November 8, 2007 regarding the Building Canada Plan Infrastructure Framework Agreement.
16. **Union of British Columbia Municipalities (UBCM)**
Letter dated November 19, 2007 enclosing a cheque for \$158,059.77, in payment of the Gas Tax Agreement Community Works Fund.

Whiteman/Chopra

That the Council for the City of Port Alberni respond to the letter of Mr. William Churchill and explain the actual impact of taxes to the cost of his properties.

Carried

Mealey/McLeman

That Informational Correspondence items numbered 1 through 16, be received and filed.

Carried

G. UNFINISHED BUSINESS NIL

H. BYLAWS

1. "Removal of Recycling Bins from A Public Place at 3514 Fourth Ave., Bylaw No. 4681"

McLeman/Chopra

That "Removal of Recycling Bins from A Public Place at 3514 Fourth Ave., Bylaw No. 4681", be now finally adopted, signed by the Mayor and Clerk, sealed with the Corporate seal and numbered 4681.

Carried

2. "Sewer Connection and Regulation Bylaw, Amendment Bylaw No. 4 (Septic Dump Fee), Bylaw No. 4682"

McLeman/Mealey

That "Sewer Connection and Regulation Bylaw, Amendment Bylaw No. 4 (Septic Dump Fee), Bylaw No. 4682", be now introduced and read a first time.

Carried

McLeman/Whiteman

That "Sewer Connection and Regulation Bylaw, Amendment Bylaw No. 4 (Septic Dump Fee), Bylaw No. 4682", be read a second time.

Carried

McLeman/Patterson

That "Sewer Connection and Regulation Bylaw, Amendment Bylaw No. 4 (Septic Dump Fee), Bylaw No. 4682", be read a third time.

Carried

3. City Planner – Advisory Planning Commission

Mealey/McLeman

That the Council for the City of Port Alberni give notice of intent to consider the issuance of a Development Variance Permit for 3555 McKnight Street (Lot 6, District Lot 92, Alberni District, Plan VIP81536) to vary Section 6.1.4(a) Conditions of Use Side Yard Setbacks of Zoning Bylaw No. 4395 from 1.83 metres to 1.52 metres.

Carried

Mealey/Solda

That the Council for the City of Port Alberni proceed with a map amendment to the Zoning Bylaw to rezone Lot A, District Lot 1, Alberni District, Plan 5691 and the West 64 feet of Lot B, District Lot 1, Alberni District, Plan 5691 (located at 3787 3rd Avenue) from C4 – Highway Commercial district to C3 – Service Commercial District and that part of the development process the applicant be required to consolidate the two properties into one legal parcel.

Carried

4. "Zoning Amendment No. 65 (3787 – 3rd Avenue – White), Bylaw No. 4683"

Mealey/Chopra

That "Zoning Amendment No. 65 (3787 – 3rd Avenue – White), Bylaw No. 4683", be now introduced and read a first time.

Carried

Mealey/Patterson

That "Zoning Amendment No. 65 (3787 – 3rd Avenue – White), Bylaw No. 4683", be read a second time.

Carried

5. City Planner – Setting Public Hearing for Bylaw No. 4683

Mealey/Whiteman

That "Zoning Amendment No. 65 (3787 – 3rd Avenue – White), Bylaw No. 4683" be advanced to a Public Hearing on Monday, December 10 at 6:00 pm in the Council Chambers at City Hall.

Carried

6. City Planner – Official Community Plan and Zoning Amendments – 3823 Anderson Avenue

Mealey/Chopra

That Council for the City of Port Alberni receive the report from the City Planner dated November 21, 2007 advising that conditions for adoption of "Official Community Plan Amendment No. 1 (3823 Anderson Avenue - Basra), Bylaw No. 4676", "Zoning Text Amendment No. T29 (Definition of Para-Medical Services), Bylaw No. 4677" and "Zoning Amendment No. 64 (3823 Anderson Avenue - Basra), Bylaw No. 4678", have been met, recommending adoption of the Bylaws, and approval of Development Variance Permit No. 62 for two handicapped parking spaces in the front yard.

Carried

7. Official Community Plan Amendment No. 1 (3823 Anderson Avenue - Basra), Bylaw No. 4676

Mealey/Chopra

That "Official Community Plan Amendment No. 1 (3823 Anderson Avenue - Basra), Bylaw No. 4676", be now finally adopted, signed by the Mayor and Clerk, sealed with the Corporate seal and numbered 4676.

Carried

8. Zoning Text Amendment No. T29 (Definition of Para-Medical Services), Bylaw No. 4677

Mealey/Whiteman

That "Zoning Text Amendment No. T29 (Definition of Para-Medical Services), Bylaw No. 4677", be now finally adopted, signed by the Mayor and Clerk, sealed with the Corporate seal and numbered 4677.

Carried

9. Zoning Amendment No. 64 (3823 Anderson Avenue - Basra), Bylaw No. 4678

Mealey/Chopra

That "Zoning Amendment No. 64 (3823 Anderson Avenue - Basra), Bylaw No. 4678", be now finally adopted, signed by the Mayor and Clerk, sealed with the Corporate seal and numbered 4678.

Carried

10. Development Variance Permit for 3823 Anderson Avenue

Mealey/Chopra

That Development Variance Permit No. 62 vary the Conditions of Use as specified in Section 6.21.4(d) of the Port Alberni Zoning Bylaw 1998, No. 4395 as follows:

The requirement that "Notwithstanding the off-street parking requirements of this Bylaw, no parking shall be located in a required front yard." to be varied to permit two parking spaces to be located in the required Front Yard setback for the development on the lands described as Lot 11, Block 4, District Lot 45, Alberni District, Plan 912 (3823 Anderson Avenue), be authorized by resolution of the City Council on November 26, 2007.

Carried

I. REPORTS

1. Accounts

Chopra/Mealey

That the certification of the Director of Finance dated November 26, 2007 be received and the cheques numbered 98182 to 98382 inclusive, in payment of accounts totalling \$570,778.90 be approved.

Carried

2. RCMP

The RCMP report will be circulated at the December 10, 2007 Regular Meeting of Council.

3. Manager of Human Resources and Community Development

Chopra/Mealey

That the monthly report from the Manager of Human Resources and Community Development providing information about current departmental operations, be received.

Carried

4. Director of Parks and Recreation

Whiteman/Mealey

That the monthly report from the Director of Parks and Recreation providing information about current departmental operations, be received.

Carried

5. Economic Development Manager

Whiteman/Mealey

That the monthly report from the Economic Development Manager providing information about current departmental operations, be received.

Carried

6. City Clerk - Regarding Hours of Operation of "Boston Pizza" at #100 – 3550 Johnston Road

Chopra/Whiteman

That Council for the City of Port Alberni support the issuance of the liquor licence for the Boston Pizza at #100 – 3550 Johnston Road with hours of service from 10:00 am until 2:00 am, Monday to Sunday inclusive and Council endorse the following comments regarding the application:

- 1. Noise - the proposed facility is surrounded by commercial use and is proximate to other liquor establishments, no noise impact is expected.*
- 2. Community Impact - the proposed closure – 2:00 am, is common with other local establishments.*
- 3. Operation - there is no perception that the establishment will be operated in a manner contrary to its primary purpose.*
- 4. Comments with respect to the community input received - there has been no public input to comment on in response to the notice.*

Carried

7. Show Cause Hearing – Property Maintenance – 3118 Third Avenue (Lot B, Block 13, District Lot 1, Alberni District, Plan 197, PID 003-830-519)

Mealey/Chopra

That the report dated November 26, 2007 regarding the alleged infractions and a resolution to declare the property a nuisance and require remedial action, be received.

Carried

The City Clerk provided a background regarding the subject property. The property owner was not in attendance.

Mealey/Chopra

That the Council of the City of Port Alberni pursuant to Division 12 of Part 3 of the Community Charter hereby resolves that:

- 1. The residence located at 3118 Third Avenue, Port Alberni, BC, legally described as Lot 8, Block 13, District Lot 1, Alberni District, Plan 197, PID 003-830-519 is hereby declared a nuisance; and*
- 2. The owners of the property are hereby ordered to take the following remedial action within 30 days of the receipt of notice of the Order.*
 - Repair and upgrade the fire alarm system to the requirements of the Local Fire Prevention Officer.*

- *Install/upgrade the emergency lighting to the standard required in the BC Building Code.*
- *Install/upgrade “exit” signage to the standard required in the BC Building Code.*
- *Apartment units require a 45 min. fire separation (a layer of 5/8” type X gyproc on each side of the walls) between each other as well as from common halls complete with a self closing solid core door to the hallway.*
- *Satisfy the BC Building Code requirements for sanitary services, ie: 1 bathroom group per suite, 1 hot water tank and 1 kitchen sink.*
- *There is evidence of mould present that will require assessment and remediation by a certified environmental engineer.*
- *All required window and sliding door replacements are to satisfy the standard required in the BC Building Code.*
- *The ceiling of the lower floor will require a layer of 5/8 type X gyproc as a fire separation between floors.*
- *The front face (east side) of the structure has crumbled and will require replacement to the present requirements of the BC Building Code.*
- *The south side of the structure will require repair and possible removal and replacement of any damaged areas.*
- *The north side of the structure will require the replacement of all broken doors and windows as per the standard required in the BC Building Code.*
- *Any and all damage to any required fire separation shall be repaired.*
- *Provide adequate security measures to discourage squatting and other unlawful activity.*
- *A Building Permit is required before commencement of repairs.*

And be it further resolved that the City Clerk of the City of Port Alberni is hereby authorized in default of such remedial measures being undertaken by the owner, to direct employees and others to enter and take remedial action, including sealing the building from entry and occupation and the expense charged to the owner. If unpaid on December 31 in the year in which the work is done, the expense shall be added to and form part of the taxes to be paid on the real property as taxes in arrears or be collected as a debt.

Carried

McLeman/Solda

That Council for the City of Port Alberni advertise the nuisance at 3118 Third Avenue in the local Gabriola Island paper.

Defeated

8. City Engineer – Bus Shelter Contract Award

McLeman/Solda

That the report from the City Engineer dated November 21, 2007 recommending that the supply and installation of six new bus shelters be awarded to Joe and Sons Construction Ltd. in the amount of \$75,415 be received and the recommendation approved.

Carried

8.1. City Manager – ICET Uptown Streetscape Improvement Funding

McLeman/Solda

That Council for the City of Port Alberni endorse the Island Coastal Economic Trust's Contribution Agreement for the Uptown Streetscape Improvement Project.

Carried

9. Current Status Report

Chopra/Solda

That the Current Status Report be received.

Carried

9.1. City Clerk – Water Supply Outside of City Boundaries

McLeman/Solda

That the report from the City Clerk dated November 22, 2007 regarding water supply outside of City boundaries be tabled.

Carried

10. Mayor's Report

The Mayor reported on recent activities and matters of current interest.

Mealey/Patterson

That the Mayor's report be received.

Carried

11. Councillors' Reports

The Councillors reported on recent activities related to their various portfolios.

Mealey/McLeman

That the Councillors' reports be received.

Carried

J. QUESTION PERIOD

The public and the press were provided the opportunity to ask questions of the Mayor and Council. There were none.

K. OTHER COMPETENT BUSINESS

*McLeman/Mealey
That the City of Port Alberni apply to change the name of the Strategic Forest Alliance Corporation to be titled the Alberni Valley Community Forest Corporation.*

Carried

L. ADJOURNMENT

*Mealey/Solda
That the meeting adjourn at 9:10 pm.*

Carried

Mayor

Clerk