

**MINUTES OF A REGULAR MEETING OF COUNCIL
HELD MONDAY, SEPTEMBER 14, 2009 AT 7:00 PM
IN THE CITY HALL COUNCIL CHAMBERS**

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

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

Patterson/Solda

That the agenda be approved as circulated with the addition of late items E.8 City of Burnaby and E.9 Sunshine Coast Regional District.

Carried

B. ADOPTION OF MINUTES

Whiteman/Solda

That the minutes from the Special Council Meeting held August 24, 2009, be approved as circulated.

Carried

C. DELEGATIONS

1. Crystal MacMillan and Jeff Tyre, Conservation Officer

Provided an update on the Bear Aware Program. They were joined by local volunteer Dawn Boyes. To date, bear conflicts are down compared to other years and no bears have been destroyed within the City.

2. Kristine Arklie and Chris Galbraith

Discussed the Sustainability Toolbox program they attended in August in Powell River. They described the skills they acquired and the lessons they learned to help their community.

3. Literacy Alberni Society

Representatives of the Raise-a-Reader Planning Committee were in attendance to discuss Literacy Month and this year's Raise-a-Reader Day.

Chopra/Solda

That Council for the City of Port Alberni proclaim September 2009 as "Literacy Month", September 23, 2009 as "Raise-a-Reader Day", permit hand outs of free AV Times newspapers throughout the City on September 23, permit relocation of their tent in front of the AV Times office, and all available Council members and City Administrators participate in the free newspaper hand outs.

Carried

D. PROCLAMATIONS

1. Les Norden, Chief Fire Prevention Officer

Solda/Chopra

That the letter from Les Norden, Chief Fire Prevention Officer dated August 13, 2009 requesting that October 4 to October 10, 2009 be proclaimed as “Fire Prevention Week” and October 10, 2009 as “Fire Service Recognition Day” in Port Alberni, be received and the week and day proclaimed as requested.

Carried

2. Port Alberni Association for Community Living

Chopra/Solda

That the letter from the Port Alberni Association for Community Living dated August 10, 2009 requesting that October be proclaimed as “Community Living Month”, be received and the month proclaimed as requested.

Carried

3. Correctional Service of Canada

Solda/Patterson

That the letter from Correctional Service of Canada requesting that November 15 to 22, 2009 be proclaimed as “Restorative Justice Week” in Port Alberni, be received and the week proclaimed as requested.

Carried

E. CORRESPONDENCE FOR ACTION

1. Wade and Kelly Hepp

Solda/Patterson

That Council for the City of Port Alberni receive the email from Wade and Kelly Hepp dated August 30, 2009 requesting that the City amend the property maintenance policy to mandate immediate grass cutting during extreme dry weather conditions, with no further action.

Carried

2. True Sport

Whiteman/Solda

That Council for the City of Port Alberni receive the letter from True Sport dated August 10, 2009 inviting the City to join the “True Sport Movement”, and refer it to the Director of Parks and Recreation for consideration.

Carried

3. Canadian Forest Communities Conference

Councillor McLeman informed Council that the conference has been cancelled.

4. Navy League of Canada – Port Alberni Branch

Chopra/McLeman

That Council for the City of Port Alberni receive the letter from the Navy League dated September 2, 2009 requesting that the City pay the disposal fees for the demolished “round building” at 4210 Cedarwood Street and refer the matter to the Alberni-Clayoquot Regional District for consideration.

Carried

5. Erwin Huber, Cutting Wedge Pizza

Chopra/Whiteman

That Council for the City of Port Alberni approve the transfer of lease for Unit #15 at the Alberni Harbour Quay from Longton Trading Company to 0806698 BC Ltd. effective September 15th, 2009 and amend the lease to accommodate pizza sales and related products rather than dim sum.

Carried

6. Music by the Sea

Chopra/Solda

That the email from Chris Donison, Executive Artistic Director, Music by the Sea, dated September 8, 2009 requesting support to continue the Music by the Sea vision at the Bamfield Marine Sciences Centre, be received and Council write to MP James Lunney encouraging the federal government to support the initiative.

Carried

7. Vern Barnett

Chopra/Solda

That the letter from Vern Barnett dated September 3, 2009 regarding Catalyst's sponsorship of the Alberni Valley Multiplex and suggesting the name of the rink be changed, be received with no further action taken.

Carried

8. City of Burnaby

Chopra/Patterson

That the letter from the City of Burnaby dated September 3, 2009 advising that it has adopted a resolution pledging support and assistance in the legal action against Catalyst Paper for non payment of industrial property taxes, and requesting to be kept updated on the situation, be received and a letter of thanks provided.

9. Sunshine Coast Regional District

Solda/Chopra

That the letter from the Sunshine Coast Regional District dated September 10, 2009 requesting support of their resolution regarding Restorative Justice Programs which will be considered at the 2009 UBCM Convention, be received and Council concur with the request.

F. INFORMATIONAL CORRESPONDENCE

1. Disposition of former Government Agent's Building on Elizabeth Street

Emails from Jen Fisher-Bradley and Carol Hanson urging Council to donate the former Government Agent's building on Elizabeth Street to the Pacific Rim Health Services Cooperative.

2. BC Hydro

Letter dated August 25, 2009 advising that funding is available for municipal beautification projects.

3. Liz Stonard

Email dated August 30, 2009 regarding Catalyst's position on property taxes.

4. British Columbia Lottery Corporation

Letter dated August 28, 2009 announcing the addition of casino-style games, such as poker and black jack, to their online gaming website, PlayNow.com.

- 5. Environmental Assessment Office**
Letter dated August 13, 2009 advising that an environmental assessment process has been initiated for the Raven Underground Coal Project, a proposed project involving the construction and operation of an underground coal mine approximately 20 km south of Courtenay.
- 6. BC Healthy Communities**
August and September 2009 newsletters.
- 7. Ministry of Community and Rural Development**
Letter dated August 20, 2009, responding to the City's letter dated July 14, 2009 (attached) regarding changes to remove the joint and several liability of municipalities under the *Local Government Act* and provide the same protection to all municipalities as the City of Vancouver under the *Vancouver Charter*.
- 8. District of Sicamous**
Letter dated August 14, 2009 responding to the City's letter dated July 14, 2009 (as noted in item F7 above) advising they will support the City of Burnaby's resolution at the upcoming UBCM conference.
- 9. Vern Barnett**
Letter dated August 24, 2009 expressing disappointment at Council's decision to keep discussions regarding donations of City owned land In-Camera.
- 10. Ministry of Housing and Social Development**
Letter dated August 31, 2009 advising of the new toll free line (1-866-217-1117) for the Prevention and Loss Management Services (PLMS) Branch.
- 11. Community Sparks – 2010 Torch Relay News**
July – August 2009 update.
- 12. The Supreme Master Ching Hai International Association**
Letter dated September 3, 2009 encouraging abolishment of meat, alcohol, illegal drugs and tobacco which they consider cause most harm to humanity and our planet.
- 13. Provincial Government**
Providing a digital (DVD) version of the September 2009 Budget Update.
- 14. Ministry of Housing and Social Development**
Letter dated August 20, 2009 responding to the City's letter dated June 22, 2009 (attached) regarding lack of suitable housing for people with disabilities and outlining current provisions and incentives.

15. Barbara Murray, Bear Matters BC

Email dated September 3, 2009 attaching information from Humane Society International regarding their campaign to stop bear trophy hunting.

16. Union of British Columbia Municipalities

- Circular dated August 25, 2009 from the Healthy Communities Committee providing contact information for pandemic planning.
- Release date September 1, 2009 providing highlights of the 2009 provincial budget.
- Member Notice dated September 1, 2009 attaching a letter from VANOC requesting that local governments consider the secondment of employees to fill key temporary positions required for the 2010 Olympic Games.
- Memo dated September 9, 2009 regarding the Proposed *Indigenous Recognition and Reconciliation Act*; a preliminary review of feedback received from the UBCM Survey, and noting the program for the pre-convention session at the Conference has changed.

Solda/Whiteman

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

Carried

G. UNFINISHED BUSINESS - NIL

H. BYLAWS

Councillor Chopra left the meeting at approximately 7:48 pm on account of a perceived conflict of interest regarding items H.1, H.2 and H.3.

1. Administrative Assistant/Deputy City Clerk – August 10, 2009 Public Hearing Report

Solda/Patterson

That the report of the Public Hearing held August 10, 2009 regarding "Official Community Plan Amendment No. 5 (3778 – 15th Avenue - Rai), Bylaw No. 4726" and "Zoning Bylaw Amendment No. 75 (3778 – 15th Ave – Rai), Bylaw No. 4727", be received and filed.

Carried

2. "Official Community Plan Amendment No. 5 (3778 – 15th Avenue - Rai), Bylaw No. 4726"

Solda/Patterson

That "Official Community Plan Amendment No. 5 (3778 – 15th Avenue - Rai), Bylaw No. 4726", be read a third time.

Defeated

Douglas/ Solda

That as a condition of the adoption of "Zoning Amendment No. 75 (3778 – 15th Avenue – Rai), Bylaw No. 4727", the property owner be required to install a concrete sound barrier fence, 2.4 m in height along the southern boundary, the final design to be approved during the development permit process.

Carried

McLeman/ Solda

That as a condition of the adoption of "Zoning Amendment No. 75 (3778 – 15th Avenue – Rai), Bylaw No. 4727", the final design result in no overspray to the adjoining property, the final design to be approved during the development permit process.

Carried

Solda/Whiteman

That "Official Community Plan Amendment No. 5 (3778 – 15th Avenue - Rai), Bylaw No. 4726", be read a third time.

Carried

3. "Zoning Amendment No. 75 (3778 – 15th Ave - Rai), Bylaw No. 4727"

Solda/Patterson

That "Zoning Amendment No. 75 (3778 – 15th Ave - Rai), Bylaw No. 4727", be read a third time.

Carried

Councillor Chopra returned to the meeting at approximately 8:05 pm.

4. “Short Term Capital Borrowing (Argyle Pumpstation Upgrade), Bylaw No. 4731”

Chopra/Patterson

That the report from the Director of Finance dated September 1, 2009 regarding short term borrowing for the Argyle Pumpstation Upgrade, be received.

Carried

Chopra/Whiteman

That "Short Term Capital Borrowing (Argyle Pumpstation Upgrade), Bylaw No. 4731", be introduced and read a first time.

Carried

Chopra/Whiteman

That "Short Term Capital Borrowing (Argyle Pumpstation Upgrade), Bylaw No. 4731", be read a second time.

Carried

Chopra/Patterson

That "Short Term Capital Borrowing (Argyle Pumpstation Upgrade), Bylaw No. 4731", be read a third time.

Carried

5. City Planner – Advisory Planning Commission Meeting, August 20, 2009 - Summary Report

Development Application – Southside Community Church

Solda/Chopra

That Council for the City of Port Alberni proceed with an amendment the Official Community Plan and Zoning Bylaw by changing the designation to Institutional Use for the proposed location for the Southside Community Church on King Street, and that as part of the development process the applicant be required to complete the following before the final adoption of the bylaws:

- a) Receive a Preliminary Layout Approval for the proposed subdivision from the City of Port Alberni's Deputy Approving Officer.*
- b) Submission of a detailed site plan showing all proposed buildings, access/egress and parking layout including a detailed cost estimate for the parking and access plan.*
- c) Provision of security for the construction and completion of the parking and access based on the required plan and cost estimate.*

- d) *Submission of a detailed landscape plan for the site including a detailed cost estimate and security based on the cost estimate.*
- e) *Submission of a cost estimate and security for the municipal road works and drainage improvements on the portion of King Street from the intersection at Wellington Avenue and King Street to the intersection of King Street and the Port Alberni Highway.*

Carried

Development Application – 3659 Compton (Basra)

Solda/Chopra

That Council for the City of Port Alberni proceed with an amendment to the Zoning Bylaw to rezone 3959 Compton Road from R1 Single Family Residential to R2 One and Two Family Residential District.

Carried

6. “Official Community Plan Amendment No. 6 (King Street – Southside Community Church), Bylaw No. 4728”

Solda/Patterson

That “Official Community Plan Amendment No. 6 (King Street – Southside Community Church), Bylaw No. 4728”, be introduced and read a first time.

Carried

Solda/Chopra

That “Official Community Plan Amendment No. 6 (King Street – Southside Community Church), Bylaw No. 4728”, be read a second time.

Carried

7. “Zoning Amendment No. 76 (King Street – Southside Community Church), Bylaw No. 4729”

Solda/Whiteman

That “Zoning Amendment No. 76 (King Street – Southside Community Church), Bylaw No. 4729”, be introduced and read a first time.

Carried

Solda/Patterson

That “Zoning Amendment No. 76 (King Street – Southside Community Church), Bylaw No. 4729”, be read a second time.

Carried

8. “Zoning Amendment No. 77 (3959 Compton Road - Basra), Bylaw No. 4730”

Solda/Chopra

That “Zoning Amendment No. 77 (3959 Compton Road - Basra), Bylaw No. 4730”, be introduced and read a first time.

Carried

Solda/Whiteman

That “Zoning Amendment No. 77 (3959 Compton Road - Basra), Bylaw No. 4730”, be read a second time.

Carried

9. City Planner – Setting a Public Hearing for Bylaw No. 4728, 4729 and 4730

Solda/Patterson

That “Official Community Plan Amendment No. 6 (King Street – Southside Community Church), Bylaw No. 4728”, “Zoning Amendment No. 76 (King Street – Southside Community Church), Bylaw No. 4729” and “Zoning Amendment No. 77 (3959 Compton Road - Basra), Bylaw No. 4730”, be advanced to a Public Hearing on Tuesday, October 13, 2009 at 6:00 pm in the City Hall Council Chambers.

Carried

10. City Planner – Official Community Plan and Zoning Amendment Applications NIDMAR – 4755 Cherry Creek Road

Solda/Whiteman

That Council for the City of Port Alberni receive the report from the City Planner dated September 9, 2009 advising that the conditions for adoption of Bylaw No. 4721 and 4722 for the Pacific Coast University for Workplace Health Sciences at 4755 Cherry Creek Road have been met.

Carried

11. “Official Community Plan Amendment No. 4 (4755 Cherry Creek Road – NIDMAR), Bylaw No. 4721”

Solda/Chopra

That “Official Community Plan Amendment No. 4 (4755 Cherry Creek Road – NIDMAR), Bylaw No. 4721”, be now finally adopted, signed by the Mayor and Clerk, sealed with the Corporate seal and numbered 4721.

Carried

12. “Zoning Amendment No. 73 (4755 Cherry Creek Road – NIDMAR), Bylaw No. 4722”

Solda/Patterson

That “Zoning Amendment No. 73 (4755 Cherry Creek Road – NIDMAR), Bylaw No. 4722”, be now finally adopted, signed by the Mayor and Clerk, sealed with the Corporate seal and numbered 4722.

Carried

I. REPORTS

1. Accounts

Chopra/Solda

That the certification of the Director of Finance dated September 14, 2009 be received and the cheques numbered 106983 to 107215 inclusive, in payment of accounts totalling \$844,462.35, be approved.

Carried

2. Director of Finance – Write-Off of Uncollectable Accounts

Chopra/Solda

That Council for the City of Port Alberni approve the write off of the seven accounts outlined in the Director of Finance’s September 1, 2009 report which are deemed to be uncollectable, and that staff be directed to make application to the Minister for approval to remove the accounts from the City’s records.

Carried

3. Fire Chief – Replacement Fire Engine

Solda/Douglas

That Council for the City of Port Alberni receive the report from the Fire Chief dated August 26, 2009 and approve the selection of Fort Garry Fire Trucks as the successful bidder to supply a Fire Engine for the price of \$480,000 (+ GST) with delivery expected in April 2010.

Carried

4. Fire Chief – New Agreement – Medical First Responder Program

Solda/Douglas

That Council for the City of Port Alberni receive the report from the Fire Chief dated August 18, 2009 and authorize staff to enter into a Consent and Indemnity Agreement with the Emergency and Health Services Commission to provide Medical First Responder services.

Carried

5. Director of Parks and Recreation – Proposed Harbour Quay Developments

Whiteman/Patterson

That Council for the City of Port Alberni receive the report from the Director of Parks and Recreation dated September 1, 2009 outlining the proposed changes to the Alberni Harbour Quay.

Carried

6. City Planner – Secondary Suites Program

Solda/Chopra

That Council for the City of Port Alberni receive the report from the City Planner dated September 9, 2009 and direct staff to begin the process of researching the suitability of permitting secondary suites within the City of Port Alberni.

Carried

7. City Engineer – Water Capital Project Request – Tebo Avenue to Cherry Creek Road

McLeman/Chopra

That Council for the City of Port Alberni receive the report from the City Engineer dated September 10, 2009 and approve \$50,000 from the Water Capital Fund for the construction of a 200m – 200mm diameter water main between Tebo Avenue and Cherry Creek Road.

Carried

8. City Manager – Tseshaht Protocol Agreement

Whiteman/Douglas

That Council for the City of Port Alberni receive report from the City Manager dated September 10, 2009 providing the draft Cooperation Protocol Agreement between the City and Tseshaht First Nation and invite input on this document from the public before the next regular Council meeting of October 13, 2009.

Carried

9. City Engineer - China Creek Watermain Replacement Phase II Contract Approval

Provided in the Reading File are the complete contract documents, prepared by Koers and Associates and executed by the contractor Windley and Associates. Council previously awarded this \$1,035,477.00 contract subject to a memorandum of understanding being accepted by Island Timberlands for the pipeline right of way. The City Engineer confirms that the memorandum is in place.

McLeman/Whiteman

That Council for the City of Port Alberni endorse the contract documents as circulated for Windley Contracting Ltd. to complete the China Creek Watermain Replacement Phase II Project and the Mayor and Clerk be authorized to sign the agreement on the City's behalf.

Carried

10. Current Status Report

Chopra/Solda

That the Current Status Report be received.

Carried

11. Mayor's Report

Solda/McLeman

That the Mayor's report be received.

Carried

12. Councillor Whiteman - Community Services, Economic Development & Tourism Report

13. Councillor Solda - Planning, Health and Protective Services Report

Solda/Patterson

That the monthly report from the City Planner providing information about current departmental operations, be received.

Carried

Solda/Chopra

That the monthly report from the Fire Chief providing information about current departmental operations, be received.

Carried

14. Councillor Patterson - Heritage, Culture and Education Report

15. Councillor McLeman - Transportation, Utilities and Forestry Report

McLeman/Solda

That the monthly report from the City Engineer providing information about current departmental operations, be received.

Carried

16. Councillor Douglas - Environmental Services and Library Report

17. Councillor Chopra - General Government Services Report

J. QUESTION PERIOD

Bob Haynes, Agricultural Advisory Committee member, thanked Council for proceeding with improvements to the Market Square at Alberni Harbour Quay. They will improve the sale of locally grown products.

Norm Lowe, Port Alberni Farmers' Market Society, asked about design details of the Market Square. He was referred to Scott Kenny, Director of Parks and Recreation.

Anne Graboski encouraged Council to discuss reductions in gaming grants to local charities with the province at UBCM.

A question regarding the Bylaws No. 4726 and 4727 was referred to the City Planner as Council is not permitted to receive additional information after the close of the Public Hearing and before adoption of the bylaws.

Wameesh Hamilton, Alberni Valley News, asked about the proposed protocol agreement between the City and Tseshaht First Nation. The City Manager confirmed that it would be available from the City's website and that the City has been in discussion with the Hupacasath First Nation regarding a similar agreement.

K. OTHER COMPETENT BUSINESS

L. ADJOURNMENT

*Patterson/Douglas
That the meeting adjourn at 9:28 pm.*

Carried

Mayor

Clerk