

**MINUTES OF THE REGULAR MEETING OF COUNCIL HELD
MONDAY, AUGUST 14, 2006 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)

Patterson/Whiteman

That the agenda be adopted as circulated with the addition of late items E.12. (Nuu-chah-nulth Tribal Council); E. 13 (Alberni Mall Merchants Association) and H.4.1 (Z. Marchak).

Carried

B. ADOPTION OF MINUTES

Mealey/Patterson

That the minutes of the July 24, 2006 Regular Council meeting be adopted as circulated.

Carried

C. DELEGATIONS

1. Ainsley Foster, on behalf of Barclay Capital Developments Inc.

A representative of Barclay Capital Developments Inc. was unable to attend the meeting to discuss offsite works to be completed at the Pacific Rim Centre. They provided a letter advising that Craig Bowerman has been awarded the contract for the works, and they will commence shortly.

Patterson/Solda

That staff be directed to continue to work with the developer regarding a start date for the works.

Carried

2. Alexander Postowoi representing Employees of Greyhound Canada Transportation Corp.

Alexander Postowoi spoke to Council regarding Council's decision of July 10, 2006 to endorse Greyhound Canada Transportation Corp.'s application to the BC Passenger Transportation Board for reductions on minimum trip frequency to Port Alberni. Item E.9. was brought forward:

McLeman/Mealey

That Council write a letter to the BC Passenger Transportation Board sharing the questions of Alexander Postowoi regarding Greyhound Canada Transportation Corp.'s application for reductions on minimum trip frequency to Port Alberni.

Carried

D. PROCLAMATIONS

1. British Columbia Teachers' Federation

Chopra/Mealey

That the City of Port Alberni hereby acknowledges October 5, 2006 to be "World Teachers' Day" and further that we communicate our appreciation to the teachers in our public schools for the role they play in assuring the well-being of society".

Carried

E. CORRESPONDENCE FOR ACTION

1. Consumer Advocacy and Support for Homeowners (CASH) Society

Whiteman/Chopra

That the City of Port Alberni support Port Moody's request for the UBCM to urge the Federal government to conduct a review of Canada Mortgage and Housing Corporation's handling of the leaky condo crisis including possible restitution to affected homeowners.

Carried

Whiteman/Chopra

That the City of Port Alberni support the District of North Vancouver's request that the UBCM urge the Federal Government to assist BC municipalities and homeowners in the fight against the criminal activity associated with marijuana and crystal methamphetamine operations by:

- a. providing mandatory minimum sentences for marijuana and crystal methamphetamine operators and;*
- b. amending the "Proceeds of Crime" Legislation that would allow seizure of all assets and place the burden of proof on criminals that assets were not attained through illegal means and;*
- c. providing a proportion of revenues collected under the "Proceeds of Crime" directly to Local Government's police budget (the Local Government responsible for initiating seizure of assets) to encourage the financial and policing resources needed to make Canadian streets safer and;*
- d. allowing innocent homeowners access to monies collected under the "Proceeds of Crime" Legislation to repair damaged homes."*

Carried

2. Yellowhead Ecological Association

McLeman/Mealey

That the letter dated July 21, 2006 requesting support for the immediate stoppage of all uranium exploration and mining in British Columbia and the completion of the historic Royal Commission directly related to specific sites be received and Council for the City of Port Alberni support the request noting late receipt of the information.

Carried

3. Alberni Valley Lions Club

Chopra/Patterson

That the letter dated July 24, 2006 inviting the Mayor and Council members to assist in judging and prize presentations at the Port Alberni Salmon Festival Bullhead Derby on Sunday, September 3, 2006 at Clutesi Haven Marina from 9:00 am to 11:00 am, be received, and Councillors participate in the event.

Carried

4. Port Alberni Association for Community Living

Chopra/Mealey

That the letter dated July 20, 2006 inviting Councillor Cindy Solda participate in their Community Partners Team, which provides a process for communication and consultation in the Alberni Valley Region to promote an integrated network of Home and Community Services, be received, and that Councillor Cindy Solda be appointed as liaison.

Carried

5. Union of British Columbia Municipalities (UBCM)

Chopra/Mealey

That the memorandum dated July 27, 2006 from the Administrative Assistant requesting confirmation of attendance to the UBCM Convention being held in Victoria October 24 to 27, 2006, be received, and Councillors confirm attendance as soon as possible.

Carried

6. Premier of British Columbia

Chopra/Whiteman

That the letter dated July 31, 2006 advising that Council members who are attending the Union of British Columbia Municipalities Convention in October can meet with any Minister on a specific issue and extending an invitation to attend the Government of BC Reception on October 25th, be received, that meetings be arranged in conjunction with the Alberni-Clayoquot Regional District and include the Ministers of Health, Forests, Finance and Economic Development and Community Services.

Carried

7. Alberni District Fall Fair Association

Whiteman/Chopra

That the letter dated July 31, 2006 requesting permission to utilize City-owned property adjacent to the Batstar Café on the corner of Beaver Creek and River Roads during the Salmon Festival weekend to display the 2006 Fall Fair car, be received and the request approved.

Carried

8. Ministry of Transportation

Whiteman/Chopra

That the letter dated August, 2006 announcing the continuation of the Cycling Infrastructure Partnerships Program which is cost-shared between the provincial government and local governments in the construction of new transportation cycling infrastructure; attaching program guidelines, application form, bicycle count data sheet, application package check list, guidelines for bicycle network plans and inviting the City to submit a proposal for a Bicycle Network Plan, be received, and staff be directed to review and report back to Council.

Carried

9. Al Baird

Chopra/McLeman

That the e-mail dated August 9, 2006 complaining about the noise from two outdoor functions held at the Salvation Army on Redford Street, concerned that the neighbourhood was not canvassed first before the events and requesting that the terms of the noise exemption bylaw be fulfilled, be received.

Carried

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

Solda/Chopra

That the fax dated July 20, 2006 advising of the 2006 grant allocations under the Traffic Fine Revenue Sharing grant program; that the City of Port Alberni's grant allocation is \$340,506 and requesting information as to how our community is using these monies to address policing, crime prevention and community safety issues as well as how we will be using this year's funds to determine the effectiveness of the revenue sharing approach, be received, and a response provided.

Carried

11. Nuuchahnulth Tribal Council

Whiteman/Chopra

That the letter dated August 10, 2006 advising that the Council is working with the Aboriginal Leadership Institute to pilot a national initiative to improve the social and economic conditions of First Nations communities on Vancouver Island, and requesting partial sponsorship of at least \$500 to help cover the \$1,600 costs of a Network Circle session on September 8, 2006 be received and the Nuuchahnulth Tribal Council advised of Council's support, however, no monies are available at this time.

Carried

12. Alberni Mall Merchants Association

Mealey/Solda

That the letter dated July 24, 2006 attaching a document outlining their promotional expenses for the 2006 calendar year and requesting the appropriate BIA (Business Improvement Association) funds to the Alberni Mall Merchants Association and advising that the membership of the Alberni Mall Merchants Association has voted to dissolve, be received, and Council agree to endorse the Association for legitimate 2006 expenses and return the balance to the taxpayer.

Carried

F. INFORMATIONAL CORRESPONDENCE

1. Office of the Prime Minister

Letter dated July 13, 2006 responding to a letter from the Mayor regarding child care.

2. BC Government and Service Employees' Union

Letter dated July 17, 2006 requesting that Council support child care by passing a resolution calling for increased child care funding and sending copies of the resolution to the Prime Minister, the Federal Minister of Human Resources and Social Development, the Premier, the Provincial Minister of State for Child Care, our MLA and MP.

3. City of Coquitlam

Letter dated July 25, 2006 advising that their Council passed a resolution urging the Federal Government to reverse its decision to cancel the "EnerGuide for Houses Program", which encourages homeowners to make their homes more energy efficient.

4. Regional District of North Okanagan

Letter dated July 20, 2006 attaching a copy of their resolutions regarding the restriction of the staking of mineral claims on private property and impacts on water quality of mineral exploration in watersheds, which have been forwarded to the Union of British Columbia Municipalities for consideration at its upcoming Convention in October, and requesting support at the UBCM Convention.

5. Jerry Rodgers

Fax dated July 21, 2006 responding to a meeting between Council, Greyhound Canada Transportation Corp. and Tofino Bus Services and expressing disappointment with the reduction in minimum frequency that affects bus services to Port Alberni.

6. Ministry of Public Safety and Solicitor General

Letter dated July 18, 2006 inviting Council to participate in the JEPP (Joint Emergency Preparedness Program) and reminding of the approaching deadline (October 31st) for applications for fiscal year 2007/2008 proposals, whereby eligible applicants can recover up to 50 percent of the total costs of approved projects.

7. Minister of Public Safety and Solicitor General

Letter dated August 2, 2006 advising of the Police Records Information Management Environment (PRIME) program that provides the latest information about criminals and crime, and that a per-officer fee will soon be introduced to reflect the operating costs related to PRIME.

- 8. Ministry of Public Safety and Solicitor General**
Letter received August 3, 2006 advising that Coasters Brew Pub Ltd. has applied for a liquor primary licence at 5425 Argyle Street, and informing that they are granting site and community approval for the licence.
- 9. Union of British Columbia Municipalities (UBCM)**
Letter dated July 28, 2006 enclosing a cheque for \$118,645.45 representing the first of two Community Works Funds payments for 2006/07, pursuant to the Gas Tax Agreement.
- 10. Union of British Columbia Municipalities (UBCM)**
Local Government Program Services
Letter dated July 27, 2006 advising that the City's application for funding through Phase 1 of the 2005 Community Tourism granting program is approved in the amount of \$35,600.
- 11. Vancouver Island Association of Wood Processors (VIAWP)**
Copy of a letter dated July 31, 2006 expressing concern over a proposal to privatize or eliminate CAT2 timber sales.
- 12. Union of British Columbia Municipalities (UBCM)**
Memorandum dated July 28, 2006 advising they will not be taking a position on the Softwood Lumber Agreement.
- 13. Union of British Columbia Municipalities (UBCM)**
Letter dated July 28, 2006 advising that they have entered into a Public Transit Agreement with the governments of Canada and British Columbia, under which Canada will provide \$52.5 million to support investment in public transit infrastructure in BC.
- 14. Union of British Columbia Municipalities (UBCM)**
Memorandum dated August 2, 2006 attaching a response from the Minister of Community Services and the President of UBCM regarding an article in the Vancouver Sun entitled "Audit Sounds Alarm Over \$900 m in Civic Projects".
- 15. District of Goldstream**
Letter dated July 13, 2006 replying to a letter from the Mayor regarding "Proposal by the Competition Council - Limitations to Tax Class 4 Heavy Industrial Lands".
- 16. Village of Harrison Hot Springs**
Letter dated July 27, 2006 replying to a letter from the Mayor regarding "Proposal by the Competition Council - Limitations to Tax Class 4 Heavy Industrial Lands".
- 17. Town of View Royal**
Letter dated August 4, 2006 advising that they had received the City's letter of June 13, 2006 regarding proposal by Competition Council – Limitations to Class 4 – Major Industrial lands.
- 18. Pitch-In British Columbia**
Letter thanking Council for their membership in Pitch-In in BC, and extending an invitation to attend their Annual Meeting on September 15, 2006 in Vancouver.

19. Minister of Energy, Mines and Petroleum Resources

Letter dated July 31, 2006 responding to the Mayor's letter regarding Bill 30, the second *Miscellaneous Statutes Amendment Act* of 2006 (MSA Act), which clarifies the respective roles of the provincial and local governments concerning public utilities.

20. Falun Gong - Victoria Group

Letter dated July 29, 2006 attaching a report regarding harvesting organs in China and requesting motions be passed to end this practice.

21. Keith Wyton, Chair, Save Our Valley Alliance (SOVA)

Copies of various e-mails received regarding the issue of safe drinking water.

- (a) E-mail dated August 4, 2006 to the Alberni-Clayoquot Regional District Chair regarding Timberwest.
- (b) E-mail dated August 4, 2006 to the Beaver Creek Improvement District regarding Island Timberlands and a Watershed Assessment Program.
- (c) E-mail dated August 5, 2006 to the Minister of Agriculture and Lands regarding the formation of Community Watershed Protection Plans on private managed forest lands.

22. City of Williams Lake

Letter dated August 2, 2006 advising of their resolution that their Council does not support the current US/Canada Softwood Lumber Agreement.

*Mealey/Patterson
That Informational Correspondence Items numbered 1 through 22
be received and filed.*

Carried

G. UNFINISHED BUSINESS

NIL

H. BYLAWS

1. "Fire Regulation Bylaw, Amendment No 3, Bylaw No. 4638"

*Solda/Mealey
That "Fire Regulation Bylaw, Amendment No. 3, Bylaw No. 4638, be now finally adopted, signed by the Mayor and Clerk, sealed with the corporate seal and numbered 4638.*

Carried

2. "Development Application Notice Bylaw, No. 4614"

*Mealey/Patterson
That "Development Application Notice Bylaw, No. 4614" be now finally adopted, signed by the Mayor and Clerk, sealed with the corporate seal and numbered 4614.*

Carried

3. City Planner - Advisory Planning Commission

Mealey/Whiteman

That the report of the Advisory Planning Commission Meeting held on July 20, 2006 be received. Items H.4 - H.8 are addressed by the Advisory Planning Commission's recommendations.

Carried

**4.1. Letter from Z. Marchak -
"Zoning Amendment No. 50 (3911 Cedar Street and 5464 Tebo Avenue -
(Marchak, May and Jenkins), Bylaw No. 4641"**

Mealey/McLeman

That the letter of intent from Z. Marchak received August 14, 2006 withdrawing the application to rezone properties at 3909 and 3911 Cedar Street ("Zoning Amendment No. 50 (3911 Cedar Street and 5464 Tebo Avenue - (Marchak, May and Jenkins), Bylaw No. 4641", be received.

Carried

5. "Zoning Amendment No. 51 (D. Beecroft and D. Paquette), Bylaw No. 4642"

Mealey/Solda

That Council for the City of Port Alberni endorse the Advisory Planning Commission's recommendation to proceed with consideration of Bylaw No. 4642 and final adoption be subject to:

- a) Receipt of preliminary layout approval for the proposed subdivision from the City of Port Alberni Approving Officer.*
- b) That the developer work with the Parks Department on the type and amount of landscaping required along the northern property line with the cemetery and that the applicant pay the cost of the agreed upon plant material.*
- c) That any landscaping and screening be installed in a location and manner that is very sensitive to the gravesites in Greenwood Cemetery and that if landscaping and screening is not feasible on the cemetery side, that the City work with the developer on alternative screening options.*

Carried

Mealey/Patterson

That "Zoning Amendment No. 51 (D. Beecroft and D. Paquette), Bylaw No. 4642", be now introduced and read a first time.

Carried

Mealey/Patterson

That "Zoning Amendment No. 51 (D. Beecroft and D. Paquette), Bylaw No. 4642", be read a second time.

Carried

6. "Official Community Plan Amendment No. 37 (4555 Helen Street - Sabo), Bylaw No. 4645"

Mealey/Solda

That Council for the City of Port Alberni endorse the Advisory Planning Commission's recommendation to proceed with Bylaw No. 4645 and 4646 and final adoption be subject to:

- a) Submit an adequate landscape/screening plan for the site including a cost estimate.*
- b) Provide security for the landscaping and screening based on the required plan and cost estimate.*
- c) Submit a site plan showing existing buildings, access and a parking layout.*
- d) Provide security for the parking based on the required plan and cost estimate.*

Carried

Mealey/Chopra

That "Official Community Plan Amendment No. 37 (4555 Helen Street - Sabo), Bylaw No. 4645", be now introduced and read a first time.

Carried

Mealey/Whiteman

That "Official Community Plan Amendment No. 37 (4555 Helen Street - Sabo), Bylaw No. 4645", be read a second time.

Carried

7. "Zoning Amendment No. 53 (4555 Helen Street - Sabo), Bylaw 4646"

Mealey/Solda

That "Zoning Amendment No. 53 (4555 Helen Street - Sabo), Bylaw 4646", be now introduced and read a first time.

Carried

Mealey/McLeman

That "Zoning Amendment No. 53 (4555 Helen Street - Sabo), Bylaw 4646", be read a second time.

Carried

8. Setting a Public Hearing for Bylaw Numbers 4641, 4642 and 4645 and 4646

Mealey/Whiteman

That the following three Bylaws be advanced to a Public Hearing on Wednesday, September 6, 2006 at 5:00 pm in the Council Chambers at City Hall.

- 1. "Zoning Amendment No. 51 (D. Beecroft and D. Paquette), Bylaw No. 4642",*
- 2. "Official Community Plan Amendment No. 37 (4555 Helen Street - Sabo), Bylaw No. 4645", and*
- 3. "Zoning Amendment No. 53 (4555 Helen Street - Sabo), Bylaw 4646".*

Carried

9. "5 Year Financial Plan Bylaw 2006-2010, Amendment No. 1, Bylaw No. 4639"

Chopra/Solda

That "Five Year Financial Plan Bylaw 2006-2010, Amendment No. 1, Bylaw No. 4639", be now introduced and read a first time.

Carried

Chopra/Mealey

That "Five Year Financial Plan Bylaw 2006-2010, Amendment No. 1, Bylaw No. 4639", be read a second time.

Carried

Chopra/Patterson

That "Five Year Financial Plan Bylaw 2006-2010, Amendment No. 1, Bylaw No. 4639", be read a third time.

Carried

10. "City of Port Alberni Industrial Tax Exemption Bylaw 2006, Bylaw No. 4640"

Whiteman/Mealey

That "City of Port Alberni Industrial Tax Exemption Bylaw 2006, Bylaw No. 4640" be amended to reflect a construction value of \$100 thousand for the qualification of minimum projects.

Carried

Chopra/Whiteman

That "City of Port Alberni Industrial Tax Exemption Bylaw 2006, Bylaw No. 4640" be now introduced and read a first time.

Carried

Chopra/Mealey

That "City of Port Alberni Industrial Tax Exemption Bylaw 2006, Bylaw No. 4640", be read a second time.

Carried

Chopra/Solda

That "City of Port Alberni Industrial Tax Exemption Bylaw 2006, Bylaw No. 4640", be read a third time.

Carried

I. REPORTS

1. Accounts

Chopra/Mealey

That the certification of the Director of Finance dated August 14, 2006 be received and the cheques numbered 91421 to 91753 inclusive, in payment of accounts totalling \$1,374,500.58 be approved.

Carried

2. Planning

Mealey/Patterson

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

Carried

3. Fire Department

Solda/Patterson

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

Carried

4. Engineering

McLeman/Mealey

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

Carried

**5. Show Cause Hearing - Property Maintenance - 5497 Woodland Cres. W.
(Lot 43, Section 9, Alberni District, Plan VIP 590050 - Tam and Chau Lee)**

Chopra/Mealey

That the report dated August 3, 2006 regarding the alleged infractions and a resolution to declare the property a nuisance and require remedial action, be received.

Carried

The owner of 5497 Woodland Cres. W. was provided an opportunity to address Council, but was not in attendance.

Chopra/Mealey

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 vacant property located at 5497 Woodland Crescent W., Port Alberni, BC, legally described as Lot 43, Section 9, Alberni District, Plan VIP590059, PID#018-801-552 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:*

Clear the land of noxious weeds and grass over 6" in height and remove the debris.

And be it further resolved that the City Clerk of the City of Port Alberni be and is hereby authorized in default of such remedial measures being undertaken by the owners, to carry out or have such work carried out and the expense charged to the owners. 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

6. City Clerk - Vancouver Island Health Authority Expression of Interest for a Primary Health Care/Community Services Centre

Solda/Whiteman

That the report from the City Clerk dated August 3, 2006 attaching a draft Expression of Interest from the Vancouver Island Health Authority (VIHA) regarding a Primary Health Care/Community Services Centre to be located in proximity to West Coast General Hospital, and inviting the City of Port Alberni to participate at no cost, be received and Council endorse the City's participation, as well as requesting an extension of the August 31st deadline.

Carried

7. Manager of Human Resources and Community Development, UBCM Community Health Promotion - Round 2 Request for Preliminary Project Proposals

Solda/McLeman

That the report from the Manager of Human Resources and Community Development dated August 8, 2006 be received and Council endorse the proposal from the Union of British Columbia Municipalities (UBCM) call for proposals for funding health promotion and activities which will augment and support the Safe Communities Initiative, especially the Quality of Life Indicators survey, and the recommendation to proceed to work with community partners to prepare and submit a preliminary project proposal, be approved.

Carried

**8. City Planner - Development Permit Report - 3555 Johnston Road
(Pacific Rim Centre)**

Mealey/Patterson

That the report from the City Planner dated August 9, 2006 providing background on Development Permit No. 05-01 for the Pacific Rim Shopping Centre on Johnston Road, be received and Development Permit No. 05-01 be amended by replacing and/or adding some of the Schedule B development plans with the following revised development plans:

- 1. Site Plan - Drawing No. AO (dated July 31, 2006)*
- 2. Landscaping Plan - Drawing No. CDL-1 (dated August 9, 2006)*
- 3. Building E - Drawing No. A1 and A2 (dated July 31, 2006)*
- 4. Elevation plans for each building showing the new signage to be placed within the gable roof and deleting the smaller sign band area.*
- 5. Safety fence detail.*
- 6. Two freestanding signs detail.*

Carried

9. Director of Parks and Recreation - Age Categories

Whiteman/Solda

That the letter from Mr. Bryan be received and Council endorse the recommendation from the Director of Parks and Recreation, in his report dated August 3, 2006, that data pertaining to age categories will be collected in their Island Communities' Survey done each year, and changes to the current system will be considered at that time.

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/Patterson

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 a letter be sent to the Vancouver Island Association of Wood Processors (VIAWP) in support of their concern over a proposal to privatize or eliminate CAT2 timber sales.

Carried

L. ADJOURNMENT

Mealey/Patterson

That the meeting adjourn at 9:39 pm.

Carried

Mayor

Clerk