

**MINUTES OF THE REGULAR MEETING OF COUNCIL
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Monday, February 26, 2018 at 2:00 pm**

COUNCIL MEMBERS PRESENT

Karen Sorensen	Mayor
Grant Canning	Councillor
Ted Christensen	Councillor and Acting Mayor
Corrie DiManno	Councillor and Deputy Mayor
Chip Olver	Councillor
Peter Poole	Councillor
Brian Standish	Councillor

COUNCIL MEMBERS ABSENT

ADMINISTRATION PRESENT

Robert Earl	Town Manager
Chris Hughes	Manager, Finance
Randall McKay	Director, Planning and Development
Jennifer Laforest	Planner
PH Gagnon	Engineering Coordinator
Connie Grace	Destination Events Coordinator
Chad Townsend	Manager, Environmental Services
Claudia Rustenburg	Engineering Services Technician
Colin Harris	Recreation Initiatives Coordinator
Tara Johnston-Lee	Municipal Clerk

1.0 CALL TO ORDER

The Mayor called the February 26, 2018 meeting of council to order at 2:00 p.m.

2.0 APPROVAL OF AGENDA

2.1 Regular Meeting Agenda

COU18-48 Moved by Councillor DiManno that council approve the agenda for the February 26, 2018 regular meeting of council as presented.

CARRIED

2.2 For Information: 2018 Council Workplan

Received as information.

3.0 ADOPTION OF PREVIOUS COUNCIL MINUTES

3.1 Minutes of the February 12, 2018 Public Hearing and Regular Meeting of Council

COU18-49 Moved by Councillor Standish that council adopt the minutes of the February 12, 2018 public hearing and regular meeting of council as presented.

CARRIED

4.0 DELEGATIONS

There were no delegations.

Minutes approved by: _____

5.0 PUBLIC INPUT ON AGENDA ITEMS

5.1 Public Verbal Submissions

5.1.1. Stavros Karlos, Sidewalk Seating Policy

Councillor Canning and Councillor Poole declared a conflict of interest and left the room at 2:09 p.m.

Mr. Karlos asked that council consider:

- amendments to the policy to allow for non-contiguous seating on Bear Street in anticipation of the Bear Street Woornerff and new ALGC regulations;
- continued sidewalk seating on Caribou street;
- harmonizing the policy with new AGLC regulations;
- setting fees to correlate with administrative costs to the Town. It is his opinion that that a scaled fee structure in line with the Whistler model would be more fair to smaller businesses than a flat rate model;
- addressing seats on public property.

Councillor Canning and Councillor Poole returned to the meeting at 2:15 p.m.

5.2 5.1.2. Stavros Karlos, Trails Master Plan Implementation Update – Sharrows

Mr. Karlos provided his opinion that research indicates that sharrows do not achieve the goal of getting people safely using bicycles as an active mode of transportation and that council should consider instead reducing speed limits to 30 km/hr and providing for protected bike lanes.

5.3 Public Written Submissions

5.3.1 Reg Bunyan, Bow Valley Naturalists – Commercial Display Fireworks in Banff

Received as information.

5.2.2. Heather Imrie, Bear Street Woornerff

Received as information and added to the agenda package for this meeting.

6.0 UNFINISHED BUSINESS

None considered.

7.0 BYLAWS AND STAFF REPORTS

7.1 Borrowing Bylaws – 2018 Capital Projects

Bylaw 390 – Borrowing Bylaw – Bus Shelters Installations

Bylaw 391 – Borrowing Bylaw – Transit Bus Storage

Bylaw 392 – Borrowing Bylaw – Transit Hub

Councillor DiManno declared a conflict of interest as she is an employee of the Bow Valley Regional Transit Services Commission and left the meeting at 2:29 p.m.

- COU18-50 Moved by Mayor Sorensen that council give second reading to Bylaw 390 – Borrowing Bylaw - Bus Shelter Installations.
CARRIED
Christensen opposed
- COU18-51 Moved by Councillor Standish that council give third reading to Bylaw 390 – Borrowing Bylaw - Bus Shelter Installations.
CARRIED
Poole and Christensen opposed
- COU18-52 Moved by Mayor Sorensen that council give second reading to Bylaw 391 – Borrowing Bylaw – Transit Bus Storage.
CARRIED
Christensen opposed
- COU18-53 Moved by Councillor Olver that council give third reading to Bylaw 391 – Borrowing Bylaw – Transit Bus Storage.
CARRIED
Poole and Christensen opposed
- COU18-54 Moved by Councillor Canning that council give second reading to Bylaw 392 – Borrowing Bylaw – Transit Hub.
CARRIED
Christensen opposed
- COU18-55 Moved by Councillor Standish that council give third reading to Bylaw 392 – Borrowing Bylaw – Transit Hub.
CARRIED
Christensen opposed

Councillor DiManno returned to the meeting at 2:32 p.m.

7.2 Bylaw 420 – Land Use Bylaw Amending Bylaw – Cannabis and Cannabis Related Business Definitions

- COU18-56 Moved by Mayor Sorensen that council give second reading to Bylaw 420- Land Use Bylaw Amending Bylaw – Cannabis and Cannabis Related Business Definitions with the following amendments:
- i. Insert the following underlined words below to the definition of Cannabis Production Facility:

Cannabis Production Facility means a premise used for growing, producing, testing, destroying, storing, or distribution of Cannabis authorized by a license

issued by the federal Minister of Health. Distribution of Cannabis does not include a Storefront Cannabis Retail use.

ii. Add the following as Provision 2.2:

2.2 Town of Banff Land Use Bylaw, as amended, is hereby amended by adding the following underlined words to the definition of Retail Store, General in Section 2.0 Interpretive Clauses:

Retail Store, General is defined to mean the retail sale of groceries, beverages, baked goods, household goods, clothing, jewelry, furniture and appliances, hardware, printed matter, confectionery, gifts and souvenirs, tobacco, pharmaceutical and personal care items, automotive parts and accessories, office equipment, stationery and similar goods from within an enclosed building. Minor public services, such as postal services and film processing depots are permitted within general retail stores. General retail stores include convenience retail stores but does not include Storefront Cannabis Retail or Cannabis Related Sale

CARRIED

COU18-57 Moved by Councillor Olver that council give third reading to Bylaw 420 - Land Use Bylaw Amending Bylaw – Cannabis and Cannabis Related Business Definitions as amended.

CARRIED

7.3 Program Update and Application Fees Sidewalk Seating Café Policy

Councillor Canning declared a conflict of interest as he owns a business on Bear Street with sidewalk seating and left the meeting at 2:33 p.m.

Councillor Poole declared a conflict of interest as he is a business owner with sidewalk seating and a landlord on Bear Street and left the meeting at 2:33 p.m.

COU18-58 Moved by Mayor Sorensen that council direct administration to return with options for amendments to Fees and Charges Bylaw 388 – Schedule O to increase the sidewalk seating fees based on:

- i. full service versus counter service establishments ; and
- ii. the number of table and chairs.

CARRIED

COU18-59 Moved by Mayor Sorensen that council direct administration to remove sidewalk seating encroachments into the required 2.0m pedestrian zone on Caribou Street.

COU18-60 Moved by Councillor DiManno that council amend motion COU18-59 by adding the following words in underline to the motion:

“that council direct administration to remove sidewalk seating encroachments into the required 2.0m pedestrian zone on Caribou Street and Wolf Street.”

CARRIED
Olver and Christensen opposed

The vote followed on motion COU18-59 as amended: that council direct administration to remove sidewalk seating encroachments into the required 2.0m pedestrian zone on Caribou Street and Wolf Street.

CARRIED
Christensen and Olver opposed

COU18-61 Moved by Councillor Olver that council direct administration return with amendments to Sidewalk Seating Policy C109 that would guide enforcement for sidewalk seating compliance as follows:

- i. one written warning,
- ii. issuance of fine,
- iii. revocation of permit for remaining of year with no refund;
- iv. business allowed to re-apply the following year.

COU18-62 Moved by Mayor Sorensen that council amend motion COU18-61 by removing the words in strikeout and adding the words in underline:

“that council direct administration to return with amendments to Sidewalk Seating Policy C109 that would guide enforcement for sidewalk seating compliance as follows:

- i. ~~one warning~~ two written warnings,
- ~~ii. issuance of fine,~~
- iii. revocation of permit for remaining of year with no refund;
- iv. business allowed to re-apply the following year.”

CARRIED
Olver and DiManno opposed

The vote followed on motion COU18-61 as amended: that council direct administration to return with amendments to Sidewalk Seating Policy C109 that would guide enforcement of sidewalk seating compliance as follows:

- i. two written warnings,
- ii. revocation of permit for remaining of year with no refund;
- iii. business allowed to re-apply the following year.

CARRIED

COU18-63 Moved by Councillor DiManno that council direct administration to investigate Alberta Liquor and Gaming Commission guideline amendments and return with a report outlining how they related to sidewalk seating in Banff.

CARRIED

Councillor Canning returned to the meeting at 3:45 p.m.

7.4 Bear Street Woornerff – Scope of Work

Councillor Poole declared a conflict of interest as he is a landlord on Bear Street and remained outside of the meeting.

- COU18-64 Moved by Councillor Olver that council direct administration to provide options for the replacement of the underground utilities as part of the design of the Bear Street Woornerff.

CARRIED

Councillor Poole returned to the meeting at 3:56 p.m.

7.5 Commercial Display Fireworks in Banff Events

- COU18-65 Moved by Councillor DiManno that council direct administration to replace commercial display fireworks as the culmination to Town events at Canada Day, Halloween and New Year's Eve with commercial special effect pyrotechnics and/or performances using existing event fireworks budgets.

CARRIED

7.6 Trails Master Plan Implementation Update – Sharrows

Ryan Martinson representing Stantec presented the research report and answered questions from council.

The report was received as information.

7.7 Trails Master Plan Implementation Update – Signage

The report was received as information.

7.8 Pedestrian Traffic Trends 2014-2017

The report was received as information.

7.9 The Basement Youth Drop-In Centre

The report was received as information.

8.0 COMMITTEE AND BOARD REPORTS

8.1 Minutes of the October 18, 2017 Meeting of the Bow Valley Waste Management Commission

Received as information.

8.2 Minutes of November 21, 2017 Meeting of the Bow Valley Waste Management Commission

Received as information.

8.3 Minutes of the November 21, 2017 Organizational Meeting of the Bow Valley Waste Management Commission

Received as information.

8.4 Minutes of the December 20, 2017 Meeting of the Bow Valley Waste Management Commission

Received as information.

8.5 Minutes of the January 17, 2018 Meeting of Municipal Planning Commission

Received as information.

9.0 CORRESPONDENCE

None received.

10.0 NEW BUSINESS

None considered.

11.0 PUBLIC INPUT ON AGENDA ITEMS

11.1 Hugh Pettigrew – Bear Street Woornerff

Mr. Pettigrew provided his opinion that:

- the replacement of underground utilities on Bear Street are required and should be supported before installing surface improvements;
- commercial businesses on Bear Street are the beneficiaries of the woornerff and the funding could come from a local improvement levy or if that is not possible then council should consider adjusting the commercial mill rate.

12.0 ADJOURNMENT

COU18-66 Moved by Councillor Standish that council adjourn the February 26, 2018 regular meeting of council at 4:45 p.m.

CARRIED

Karen Sorensen
Mayor

Tara Johnston-Lee
Municipal Clerk

Minutes approved by: _____