

**MINUTES OF THE REGULAR MEETING OF COUNCIL
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Monday, December 11, 2006 at 2:00 pm**

COUNCIL MEMBERS PRESENT

Bob Haney	Councillor
Chip Olver	Councillor
Ossi Treutler	Councillor (departed at 4:35 p.m.)
Chris MacDonald	Councillor
Karen Sorensen	Councillor and Deputy Mayor
Justin Burwash	Councillor and Acting Mayor

COUNCIL MEMBERS ABSENT

John Stutz	Mayor
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ADMINISTRATION PRESENT

Robert Earl	Town Manager
Tom Maier	Manager of Corporate Services
Randall McKay	Manager of Planning & Development
Troy Pollock	Senior Planner
Alison Ortwein	FCSS Supervisor
Mary Brewster	Manager of Community Services
Michelle Gurney	Manager of Communications
Cheryl Hyde	Municipal Clerk (Recording Secretary)

PUBLIC HEARING – Business License Bylaw 22-9

1.0 CALL TO ORDER

In the absence of the Mayor, the Deputy Mayor called the public hearing for Business License Bylaw 22-9 to order at 2:00 p.m.

2.0 OVERVIEW BY ADMINISTRATION

Business License Bylaw 22-9 is an update of Bylaw 22-8, with changes recommended to improve the overall administration, enforcement and quality of the business licensing bylaw and also consolidate the fee schedule changes made in Business License Amending Bylaw 255.

3.0 PUBLIC SUBMISSIONS

There were no public submissions.

4.0 COUNCIL QUESTION PERIOD

Administration provided the following information in response to questions from Council:

- Non-resident license fees would be the same as resident fees.
- Gross revenue deductions would be based on total annual income, not income derived only from sales in Banff.

- Businesses qualifying for the gross revenue discount would be charged only Schedule B fees. The proposed discount to a \$100 flat rate was coordinated through Banff Lake Louise Tourism.
- Temporary sales license fees are purposely set at a higher rate than resident license fees to ensure temporary sales face the same types of costs as local business owners.
- Any businesses impacted by changes to the bylaw will be notified, as will businesses that have not been exempt from fees in the past but have not been paying them. Businesses are advised of the appeal process.

5.0 ADJOURNMENT

COU06-327 Moved by Councillor Haney to adjourn the public hearing at 2:33 p.m.

REGULAR MEETING

1.0 CALL TO ORDER

In the absence of the Mayor, the Deputy Mayor called the meeting to order at 2:33 p.m.

2.0 APPROVAL OF AGENDA

2.1. Meeting Agenda

COU06-328 Moved by Councillor Olver to approve the agenda of the regular meeting of Council with the following additions:

- Under Delegations add item 3.4 Pedestrian Crossing Lights

CARRIED

2.2. Long-Term Agenda

Council received the long-term agenda as information.

3.0 DELEGATIONS

3.1. Earth Tech Canada – 100 Year Recognition

Earth Tech Canada (formerly Reid Crowther and Partners) can trace their roots back 100 years to 1906. One of their first clients was the public works department of the Dominion of Canada, and one of their first projects was the design of utility lines to service the Banff "townsite." To commemorate their 100th anniversary, Earth Tech presented a plaque to Council celebrating this long-term partnership.

3.2. Alberta Dairy Council – Milk Container Recycling Program

Roberta Windrum of the Alberta Dairy Council gave Council an overview of the milk container recycling program in Banff.

3.3. Advertising on Town of Banff Website

Jim Swanson spoke to his written submission. Mr. Swanson is opposed to the Town of Banff's plan to solicit advertising on the municipal website because it puts the municipality in competition with commercial business who may rely on revenue from advertising. Mr. Swanson feels there is a limited pool of advertising opportunities available and participation by the Town of Banff would reduce the options available to small business.

Administration provided the following information in response to questions from Council:

- Banff Lake Louise Tourism currently does not sell advertising on its site.

- Administration did consider the impact that the plan to advertise may have on local businesses. The Town of Banff plan is to use a sponsorship model, which is different than the Google advertising model used by many small businesses, including Mr. Swanson's.
- Any funds realized from advertising would be put toward website maintenance.

3.4. Pedestrian Crossing Lights – Joe Lee

Mr. Lee appeared several weeks ago before Council with a request that pedestrian safety at the intersection at Banff Avenue and Fox Street be addressed, and was present today to inquire about the status of his request. Administration reported that Engineering and Bylaw Services have collected data at the site with respect to the number of vehicles and pedestrian crossing patterns. A recommendation is expected to come to council for a decision in February 2007. Mr. Lee will be notified of the date for submission of the report.

4.0 **ADOPTION OF PREVIOUS COUNCIL MINUTES**

4.1. Minutes of the November 27, 2006 Regular Meeting of Council

COU06-329 Moved by Councillor Haney to approve the minutes of the November 27, 2006 regular meeting of council as presented.

CARRIED

4.2. Minutes of the November 28, 2006 Special Meeting of Council

COU06-330 Moved by Councillor MacDonald to approve the minutes of the November 28, 2006 special meeting of council as presented.

CARRIED

4.3. Minutes of the December 4, 2006 Special Meeting of Council

COU06-331 Moved by Councillor Burwash to approve the minutes of the December 4, 2006 special meeting of council with the following amendment:

- Under Item 3.0, delete the directions to administration (four bullet points) provided by Councillor Olver at the beginning of the discussion.

CARRIED

5.0 **UNFINISHED BUSINESS**

No unfinished business was considered.

6.0 **COMMITTEE REPORTS**

No committee reports were submitted.

7.0 **INQUIRIES**

There were no inquiries.

8.0 **STAFF REPORTS/BYLAWS**

8.1. 2007 Operating and Capital Budgets

Administration presented the final drafts of the 2007 operating and capital budgets for Council's approval.

The Small Business Association of Banff submitted written comments directly to Council. The comments were not read into the record.

COU06-332 Moved by Councillor Haney to approve the 2007 operating budget as presented.

CARRIED
Treutler opposed.

COU06-333 Moved by Councillor Treutler to approve the 2007 capital budget as presented.

CARRIED

COU06-334 Moved by Councillor Olver to direct administration to bring a report to Council on December 18, 2006 outlining the process that would be followed to obtain public opinion on the possibility of entering into short and long-term debt.

Discussion

Administration advised on the proposed future projects that are identified for debt financing:

- The community recreation centre project will be brought before council in 2007, and recommended strategies will include a public consultation process.
- The street lighting project in late 2007 or early 2008 will involve discussion with utility companies to identify revenue streams for the project.
- The Bow River watermain project identified in 2011 will have a public consultation component.

DEFEATED
Olver in favour.

8.2. Business License Bylaw 22-9

COU06-335 Moved by Councillor Haney to give second reading to Bylaw 22-9, a bylaw of the Town of Banff in the province of Alberta to provide for licensing of businesses operating within the town of Banff.

Discussion

- Concern was raised over the License Inspector's powers granted under Sections 12 and 45 of the proposed bylaw.

(Section 12: "No License shall be issued to a Business which, in the opinion of the Licence Inspector, is not necessary to meet the purposes and objectives of the Town as are set out in the "Town of Banff Incorporation Agreement" made between the Government of Canada and the Government of the Province of Alberta as of the 12th day of December, 1989 and further referred to in the Town of Banff Land Use Bylaw, the Banff Community Plan, Banff National Park Management Plan and Appropriate Use Guidelines.")

Section 45: "A License Inspector may refuse an Application if, in the opinion of the License Inspector, the Business would not satisfy the Appropriate Use Guidelines as set forth in the Banff National Park Management Plan or the Purposes of the Town as set forth in the Town of Banff Land Use Bylaw.

Administration advised that, while the license inspector is granted power to refuse a license not necessary to meet the purposes and objectives of the Town of Banff, all applicants have the option of appealing any decision to Council.")

- Further concern was raised over inclusion of the third "Whereas" clause: "And whereas Banff is, first and foremost, a town within a National Park and World Heritage Site whose purposes and

objectives are set out in the Banff National Park Management Plan and Banff Incorporation Agreement.” Discussion centred on whether or not this clause would be necessary to help interpret the bylaw in the event of a legal challenge.

- COU06-336 Moved by Councillor MacDonald to postpone the vote on second reading of Bylaw 22-9 until December 18, 2006, pending receipt of more information around the proposed third “Whereas” clause: “And whereas Banff is, first and foremost, a town within a National Park and World Heritage Site whose purposes and objectives are set out in the Banff National Park Management Plan and Banff Incorporation Agreement.”

DEFEATED
MacDonald, Burwash and Treutler in favour.

- COU06-337 Moved by Councillor Olver to amend Bylaw 22-9 by increasing the time allowed for appeal in section 51 from 20 days to 45 days:

“Where an Application has been refused, a License revoked or suspended or an exemption has been refused, the Applicant may appeal the decision to Council. All appeals shall be made in writing addressed to the Manager of Corporate Services of the Town, and received by the Town within ~~20~~ 45 days of the date of issue of the notification of refusal, revocation or suspension.”

CARRIED

- COU06-338 The vote followed on motion COU06-335, to give second reading to Bylaw 22-9.

CARRIED
Treutler and Burwash opposed.

- COU06-339 Moved by Councillor Sorensen to give third reading to Bylaw 22-9, a bylaw of the Town of Banff in the province of Alberta to provide for licensing of businesses operating within the town of Banff.

CARRIED
Treutler and Burwash opposed.

- COU06-340 Moved by Councillor Burwash to direct administration to research the legal implications of the second “Whereas” clause in Bylaw 22-9: “And whereas Banff is, first and foremost, a town within a National Park and World Heritage Site whose purposes and objectives are set out in the Banff National Park Management Plan and Banff Incorporation Agreement,” specifically with regard to the “first and foremost” clause.

CARRIED
Olver opposed.

8.3. Land Use Bylaw Amendment Bylaw 259 – Commercial Allotment Annual Submission Date
Councillor Treutler declared a conflict of interest as he has a business interest in commercial use development allotments, and left the meeting at 4:31 p.m.

Councillor Burwash declared a conflict of interest as his employer has a business interest in commercial use development allotments, and left the meeting at 4:31 p.m.

Administration presented an amendment to the Land Use Bylaw intended to amend the existing annual submission date for commercial use development allotments (CDA) from October 15 to February 15.

961.4m² of previously allocated CDAs have expired and are now eligible for reallocation, and the change of date would allow allocation to occur earlier in 2007.

- COU06-341 Moved by Councillor Olver to give first reading to Bylaw 259, a bylaw of the Town of Banff in the province of Alberta to amend Land Use Bylaw 31-3 with respect to the commercial allotment submission date, and to schedule a public hearing for January 22, 2007.

CARRIED

Councillor Burwash returned to the meeting at 4:35 p.m. Councillor Treutler departed the meeting altogether.

8.4. Calgary West Rural Child Care Initiative

Administration presented the Calgary West Rural Child Care Initiative study for Council's information.

8.5. Building Permits November 2006

Council accepted the November 2006 building permit report as information.

9.0 CORRESPONDENCE

9.1. Minutes of the September 28 and October 26, 2006 Regular Meetings of Bow Valley Regional Housing

Council accepted the minutes of the September 28 and October 26, 2006 regular meeting of Bow Valley Regional Housing as information.

10.0 NEW BUSINESS

10.1.1. Councillor Olver Verbal Items

10.1.1.1. Blog

Councillor Olver reported that web logs, or "blogs" as they are known, were recommended at a recent Federation of Canadian Municipalities (FCM) communications training session. Council recently approved funding for a blog feature on the new municipal website.

10.1.1.2. Communications

Councillor Olver reported that the Communications Director of FCM extended an offer to meet with Council in order to give them a federal government perspective on inter-governmental communication.

10.1.1.3. Report to the Council of the Federation of Canadian Municipalities

Councillor Olver will circulate a recent report from the subcommittee to the Council of the Federation of Canadian Municipalities and will add future minutes of this subcommittee to the regular council agenda.

- COU06-342 Moved by Councillor Olver to direct administration to return with a report investigating environmentally effective methods of constructing new municipal buildings.

CARRIED

11.0 INQUIRIES

There were no inquiries.

12.0 ADJOURNMENT

COU06-343 Moved by Councillor Haney to adjourn at 5:09 p.m.

CARRIED

John Stutz
Mayor

Cheryl Hyde
Municipal Clerk

Minutes approved by: _____