

TOWN OF BANFF
ORDER OF BUSINESS
Special Council Meeting
Town of Banff Council Chambers
Monday, September 29, 2014 at 2:00 p.m.

1.0 CALL TO ORDER

2.0 APPROVAL OF AGENDA

2.1 Special Meeting Agenda

Recommendation:

That council approve the agenda for the September 29, 2014 special meeting of council.

3.0 BYLAWS AND STAFF REPORTS

3.1 Request for Decision: Bylaw 340 - Parking Initiatives Petition Bylaw

Recommendation:

That council choose action from one of the following legislated options:

- a) Give second and third readings to and pass Parking Initiatives Petition Bylaw 340; or
- b) Fix a date before December 14, 2014 for a vote of the electors on Parking Initiatives Petition Bylaw 340.

4.0 ADJOURNMENT

Agenda prepared by: Tara Johnston-Lee

All recommendations as presented are for discussion purposes only, and should not be considered as the opinion or direction of council.

REQUEST FOR DECISION

Subject: Parking Initiatives Petition Bylaw 340



Presented to: Council

Date: September 15, 2014

Submitted by: Kelly Gibson, Acting Town
Manager

Agenda #: 3.1

RECOMMENDATION

That council choose action from one of the following legislated options:

- 1) give second and third readings to and pass Parking Initiatives Petition Bylaw 340, or
- 2) fix a date before December 14, 2014 for a vote of the electors on Parking Initiatives Bylaw 340.

BACKGROUND

Reason for Report

On July 31, 2014, a petition was filed with the Town of Banff. On August 27, 2014 the petition was declared sufficient in meeting the requirements of the *Municipal Government Act (MGA)*.

The electors have petitioned for a bylaw to repeal Bylaw 337 and 11 council motions (COU14-210, COU14-211, COU14-212, COU14-213, COU14-214, COU14-215, COU14-216, COU14-217, COU14-218, COU14-219, and COU14-220) made at the June 9, 2014 regular meeting of council.

On September 15, 2014 council received public submissions, gave first reading to Bylaw 340 and directed administration to schedule a special meeting for September 29, 2014 to give further consideration to Bylaw 340.

Response Options

As stipulated in Section 233(4) of the MGA, after giving Bylaw 340 first reading, council is now required to:

- a) within 30 days of September 15, pass the bylaw, or
- b) fix a date within 90 days of September 15 for a vote of the electors on the bylaw.

Should council schedule a vote of the electors, the electors would vote as to whether they are in favour of Parking Initiative Petition Bylaw 340.

ATTACHMENTS

1. Request for Decision – Bylaw 340 – Presented September 15, 2014
 2. Draft minutes of the September 15, 2014 special meeting of council
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Circulation date: _____ September 15, 2014 _____

Submitted By: _____
Tara Johnston-Lee

Reviewed By: _____
Kelly Gibson, Acting Town Manager

REQUEST FOR DECISION

Subject: Parking Initiatives Petition Bylaw 340



Presented to: Council

Date: September 15, 2014

Submitted by: Robert Earl, Town Manager

Agenda #: 4.1

RECOMMENDATION

That council choose action from one of the following legislated options:

- a) Give first reading to Parking Initiatives Petition Bylaw 340 and schedule a date before October 15, 2014 to give further consideration to either:
 - i) giving second and third readings to and passing Bylaw 340, or
 - ii) fixing a date before December 14, 2014 for a vote of the electors on Bylaw 340.
- b) Give three readings to and pass Parking Initiatives Petition Bylaw 340. If council wishes to give three readings during a single meeting, council must unanimously agree “to go to third reading of the bylaw”.
- c) Give first reading to Parking Initiatives Petition Bylaw 340 and fix a date before December 14, 2014 for a vote of the electors on Bylaw 340.

BACKGROUND

Reason for Report

Bylaw 340 provides for the repeal of Bylaw 337 and 11 council motions made at the June 9, 2014 regular meeting of council as petitioned for by the electors of Banff.

Summary of Issue

On July 31, 2014, a petition was filed with the Town of Banff. On August 27, 2014 the petition was declared sufficient in meeting the requirements of the *Municipal Government Act (MGA)*.

The electors have petitions for a bylaw to repeal Bylaw 337 and 11 council motions (COU14-210, COU14-211, COU14-212, COU14-213, COU14-214, COU14-215, COU14-216, COU14-217, COU14-218, COU14-219, and COU14-220) made at the June 9, 2014 regular meeting of council.

Section 233 of the MGA defines council’s duties on receiving a petition. Within 30 days of the declaration that a petition is sufficient, it is council’s duty to give first reading to a bylaw dealing with the subject matter of the petition and any other matter the council considers necessary. Parking Initiatives Petition Bylaw 340 is being presented to council for first reading.

As stipulated in Section 233(4) of the MGA, after giving Bylaw 340 first reading, council will be required to:

- a) within 30 days of September 15, pass the bylaw, or
- b) fix a date within 90 days of September 15 for a vote of the electors on the bylaw.

Should council schedule a vote of the electors, the electors would vote as to whether they are in favour of Parking Initiative Petition Bylaw 340.

Response Options

Council must choose from one of the following options on September 15, 2014:

- a) Give first reading to Parking Initiatives Petition Bylaw 340 and schedule a date before October 15, 2014 to give further consideration to:
 - a. giving second and third readings to and pass Bylaw 340,or
 - b. fixing a date before December 14, 2014 for a vote of the electors on Bylaw 340.
- b) Give three readings to and pass Parking Initiatives Petition Bylaw 340. If council wishes to give three readings during a single meeting, council must unanimously agree “to go to third reading of the bylaw”.
- c) Give first reading to Parking Initiatives Petition Bylaw 340 and fix a date before December 14, 2014 for a vote of the electors on Bylaw 340.

IMPLICATIONS OF DECISION

Budget

At the August 27 special meeting, council directed administration to return at the September 15, 2014 special meeting of council with:

1. the costs associated with discontinuing the user pay parking trial earlier than anticipated; and
 2. the costs and effects on the research being conducted associated with discontinuing the parking data collection program earlier than originally anticipated.
- i. If the user pay parking trial (and other related initiatives of data collection and enforcement) were to be stopped early on September 16, then the overall net-negative impact would be \$52,402. This value is comprised of \$25,098 cost savings from cancelling the contractor carrying out the work subtracted from the anticipated \$77,500 loss in revenue.
- ii. The cost of discontinuing the parking data collection program earlier than anticipated on the research gathered is difficult to quantitatively assess. However, the principal value of the trial is to monitor parking behavior at peak and off-peak periods, information that would help inform future decisions by council and the community. Reducing the trial period from 13 weeks to six weeks would diminish the quality of the data.

Based on costs incurred for the 2013 general election, it is estimated that the cost to hold a vote of the electors would be approximately \$7,400.

ESS Election System and Software - Supplies	\$ 500.00
ESS Election System and Software - Shipping	\$ 100.00
Election Workers	\$ 3,000.00
Advertising -3 weeks - two newspapers	\$ 1,050.00
Graphic Design - Ads	\$ 130.00
Ballot Shipping	\$ 120.00
Ballot Printing & Layout	\$ 2,500.00

Internal Resources

Any of the available response options could be accommodated using existing internal resources.

Communication

The public will be informed of any changes to the trial's end date through the town's regular communication channels. Should council proceed with a vote of the electors on Bylaw 340, a communication plan will be developed and executed to provide information to the public in advance of such a vote.

Council Strategic Priorities

The user-pay parking trial, increased enforcement and monitoring systems have been recommended in response to two of council's 2014 priorities. The following extracts relate to the goals of user-pay parking as a method to discourage long term parking in the downtown core.

Park and Walk - A Walkable Community

The lack of parking for visitors downtown is limiting our economic prosperity and our sustainability as a national park community.

Banff is an eminently walkable community, and we have a good local and regional transit system. The Town's priority is to continue to explore options to increase parking capacity, preferably without making our residential taxpayer bear the brunt of costly new infrastructure. We will continue to pilot programs that increase parking availability and improve parking stall turnover, and commit to those that prove successful. We will continue to encourage residents and employees to commute more sustainably, and leave their vehicles at home.

Community Plan Goals:

- Provide a transportation system that encourages and complements pedestrian movement and cycling
- Provide a transportation system that enhances the resident and visitor experience
- Provide infrastructure that meets the future needs of resident and visitors
- Increase parking facilities to accommodate day visitors and commuters
- Reduce and manage traffic volume and parking needs downtown
- Banff will remain competitive with other worldwide destinations

Toward a Sustainable Transportation System

A limited land base and Banff's commitment to being an environmental role model means we cannot build our way out of traffic congestion and lack of parking. The community must embrace more creative solutions to managing traffic volumes, particularly at peak travel times.

The Town's priority is to implement the strategies of the integrated Transportation Master Plan adopted in 2013. We will continue to educate on and encourage the use of alternative modes of transportation.

Community Plan Goals:

- Provide a transportation system that is economically and environmentally sustainable
- To be an environmental role model
- Provide a transportation system that enhances the resident and visitor experience
- Reduce and manage traffic volume and parking needs downtown

Legislation/Policy

Sections 220 to 226 of the Municipal Government Act apply to all petitions to a council. Bylaw 340 is consistent with applicable sections of the *Municipal Government Act*.

Other

ATTACHMENTS

1. Bylaw 340 – Parking Initiatives Petition Bylaw
2. Bylaw 337 – Traffic Bylaw Amendment Bylaw No. 4

Circulation date: September 8, 2014

Submitted By: Adrian Field & Tara Johnston-Lee

Reviewed By: Robert Earl, Town Manager

TOWN OF BANFF

BYLAW 340

Parking Initiatives Petition Bylaw

The Council of the Town of Banff, in the Province of Alberta, duly assembled, ENACTS AS FOLLOWS:

1.0 PROVISIONS

- 1.1 That the following resolutions of the Council of the Town of Banff are repealed:
- i. Motion COU14-210 - Moved by Mayor Sorensen that council direct administration to implement a 2014 pilot user pay parking system from August 1 to October 31, 2014.
 - ii. Motion COU14-211 - Moved by Councillor Olver that council direct administration to implement the 2014 pilot user pay parking system in the surface parking lot located on the 200 block of Bear Street (across from Bison Courtyard) with the associated capital costs of \$5,000 being funded by user pay parking revenues.
 - iii. Motion COU14-212 - Moved by Councillor Olver that council direct administration to implement the 2014 pilot user pay parking system in the surface parking lot located on the 200 block of Beaver Street North (behind the Visitor Center) with associated capital costs of \$5,000 being funded by user pay parking revenues.
 - iv. Motion COU 14-213 - Moved by Councillor Olver that council direct administration to implement the 2014 pilot user pay parking system in the surface parking lot located on the 100 block of Bear Street (beside Town Hall) with associated capital costs of \$5,000 being funded by user pay parking revenues.
 - v. Motion COU14-214 - Moved by Councillor Standish that council direct administration to implement the 2014 pilot user pay parking system in the surface parking lot located on the 100 block of Buffalo Street East (behind the Clock Tower Mall) with the associated capital costs of \$5,000 being funded by user pay parking revenues.
 - vi. Motion COU14-215 - Moved by Councillor Standish that council direct administration to implement the 2014 pilot user pay parking system in the surface parking lot located on the 100 block of Beaver/Caribou Street (behind the Mount Royal Hotel) with associated capital costs of \$5,000 being funded by user pay parking revenues.

- vii. Motion COU14-216 - Moved by Mayor Sorensen that council direct administration to:
 - implement a vendor supplied advanced License Plate Recognition technology enforcement system from July 15 to October 31, 2014 with an estimated net cost of approximately \$15,000 funded from user pay parking revenues; and
 - implement a parking data collection program in the downtown core from July to October 31, 2014 with an associated operating costs of \$80,000 funded from user pay parking revenues.
- viii. Motion COU14-217 - Moved by Mayor Sorensen that council give first reading to Bylaw 337 – Traffic Bylaw Amendment Bylaw No. 4 as presented.
- ix. Motion COU14-218 - Moved by Councillor Standish that council give second reading to Bylaw 337 – Traffic Bylaw Amendment Bylaw No. 4 as presented.
- x. Motion COU14-219 - Moved by Councillor Olver that council go to third reading of Bylaw 337 – Traffic Bylaw Amendment Bylaw No. 4.
- xi. Motion COU14-220 - Moved by Councillor Standish that council give third reading to Bylaw 337 – Traffic Bylaw Amendment Bylaw No. 4 as presented.

2.0 REPEAL

2.1 Bylaw 337, Traffic Bylaw Amendment Bylaw No.4, is repealed.

3.0 ENACTMENT

3.1 This bylaw comes into force when it receives third reading and is signed by the Mayor and the Town Manager or designates.

READ A FIRST TIME this 15th day of September, 2014.

READ A SECOND TIME this xx day of month, 20xx.

READ A THIRD TIME this xx day of month, 20xx.

SIGNED AND PASSED this _____ day of _____, 2014.

Karen Sorensen
Mayor

Robert Earl
Town Manager

TOWN OF BANFF

BYLAW 337

Traffic Bylaw Amendment Bylaw No.4

A Bylaw to Amend the Traffic Bylaw to Include Provisions for Zone Controlled Space Parking

The Council of the Town of Banff, in the Province of Alberta, duly assembled, ENACTS AS FOLLOWS:

1.0 CITATION

- 1.1 This bylaw may be cited as Bylaw 337 – Traffic Bylaw Amendment Bylaw No. 4.

2.0 INTERPRETATION

- 2.1 In this bylaw, any reference to another Town of Banff bylaw shall refer to that bylaw currently in effect and will include any and all amendments to such bylaw or any other bylaw passed in substitution.

3.0 PROVISIONS

- 3.1 Traffic Bylaw 16-7, as amended, is further amended by adding the following after section 32:
 - 32.1 The Town Engineer may authorize parking spaces on any street or in any parking lot or parkade to be designated as Zone Controlled Spaces and cause to be installed a Payment Terminal, or offer a cellular phone payment service for the payment for the use of a space.
 - 32.2 No Owner or operator shall allow a vehicle to remain in a Zone Controlled Space for longer than the period of time indicated on the applicable Traffic Control Device or in the instructions on the Payment Terminal.
 - 32.3 The Owner or operator shall pay for the use of the Zone Controlled Space in accordance with the instructions on the Payment Terminal or given by the cellular phone payment service.
 - 32.4 Payment may be made at the Payment Terminal either by:
 - a) the deposit of funds;
 - b) electronic payment by credit card; or
 - c) the activation of an account by a cellular phone payment service.
 - 32.5 No Owner or operator shall park a Vehicle or allow a Vehicle to remain parked in the Zone Controlled Space for longer than the period of time for which payment was made.

- 32.6 No Owner or operator may park a Vehicle in a Zone Controlled Space:
- a) where prohibited by a Traffic Control Device; or
 - b) contrary to the instructions on the Payment Terminal.
- 32.7 Immediately after parking the Vehicle in a Zone Controlled Space the Owner or operator shall purchase the use of the space by inputting on the Payment Terminal or the cellular phone payment service the:
- a) zone in which the Vehicle is parked;
 - b) the license plate number of the Vehicle parked in the Zone Controlled Space; and
 - c) depositing a form of payment described in section 32.4.
- 3.2 Traffic Bylaw 16-7, as amended, is further amended by adding the following definition of “Payment Terminal” to Schedule “A” - Definitions section 1 and renumbering the section accordingly:
- h) **Payment Terminal** means a device operated and maintained by the Town of Banff or its agents for the collection of parking fees and the regulation of parking spaces.
- 3.3 Traffic Bylaw 16-7, as amended, is further amended by adding the following definition of “Zone Controlled Space” to Schedule “A” - Definitions section 1:
- z) **Zone Controlled Space** means: that portion of a street, parking lot or parkade where parking is subject to charge and regulation in accordance with the applicable Traffic Control Device.

4.0 SEVERABILITY

- 4.1 If any clause in this bylaw is found to be invalid, it shall be severed from the remainder of the bylaw and shall not invalidate the whole bylaw.

5.0 ENACTMENT

- 5.1 This bylaw comes into force when it receives third reading and is signed by the Mayor and the Town Manager or designates.
- 5.2 The Town Manager is authorized to consolidate Traffic Bylaw 16-7.

READ A FIRST TIME this 9th day of June, 2014.

READ A SECOND TIME this 9th day of June, 2014.

READ A THIRD TIME this 9th day of June, 2014.

SIGNED AND PASSED this 11th day of June, 2014.

2014.06.11
Karen Sorensen
Mayor

2014.06.11
Robert Earl
Town Manager

MINUTES OF THE SPECIAL MEETING OF COUNCIL
of the Town of Banff in the Province of Alberta
Town Hall Council Chamber
Monday, September 15, 2014 at 9:00 a.m.

COUNCIL MEMBERS PRESENT

Karen Sorensen	Mayor
Stavros Karlos	Councillor
Brian Standish	Councillor and Deputy Mayor
Grant Canning	Councillor and Acting Mayor
Ted Christensen	Councillor
Corrie DiManno	Councillor

COUNCIL MEMBERS ABSENT

Chip Olver	Councillor
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ADMINISTRATION PRESENT

Robert Earl	Town Manger
Adrian Field	Manager of Engineering
Tara Johnston-Lee	Municipal Clerk (Recorder)

1.0 CALL TO ORDER

The Mayor called the September 15, 2014 special meeting of council to order at 9:00 a.m.

2.0 APPROVAL OF AGENDA

2.1 Meeting Agenda

COU14-279 Moved by Councillor DiManno that council approve the agenda of the September 15, 2014 special meeting of council as presented.

CARRIED

3.0 PUBLIC INPUT ON BYLAW 340

3.1 Verbal Submissions

3.1.1 Bev Abelseth

Ms. Abelseth provided the following comments:

- Public morale is low in Banff and there is a general sense of government mistrust.
- Council without delay should put forward the wishes of the people to increase the moral of the community.

3.1.2 Jon Whelan

Mr. Whelan provided the following comments:

- He is concerned with the process of the determination of sufficiency of the petition.
- When counting valid petitioners, the removal of names was based on technicalities and the names should not have been removed.

In response to question from council, administration provided that the petition was declared sufficient and that advice was sought from both Municipal Affairs and legal counsel on the process to determine the sufficiency requirements for each petitioner.

3.1.3 Colleen Critchley

Ms. Critchley provided the following comments:

- Paid parking and opposition to it is not unique to Banff.
- Changing the habits of people is difficult and fear of change and desire to keep free parking leads to emotional debate.
- Parking is subsidized by all taxpayers.
- Making driving more expensive makes places more livable.
- Council should continue with the trial as having reliable data is valuable for those on all sides of the debate.

3.1.4 Alanna Pettigrew

Ms. Pettigrew, representative for the petition, provided the following comments:

- Council is expected to rescind all motions listed in the petition and are requested to give all three readings and pass Bylaw 340 at this meeting.
- Any future consideration of any form of paid parking should not take place until a plebiscite has been held.

3.1.5 Greg Christou

Mr. Christou provided the following comments:

- Having to pay for parking means people will spend less money in shops and restaurants.
- Visitors come from Calgary to enjoy the Park and do not want to have to pay for parking.

3.1.6 Leslie Taylor

Ms. Taylor provided the following comments in addition to her written submission:

- This council is tasked with considering the recommendations made in the Transportation Master Plan.
- Petition and election processes are valuable and important.
- Following process when considering a petition is important as it has serious consequences and can overturn a council's beliefs.
- In this situation, a plebiscite would not be a good use of taxpayer money as the question would be based on a trial that is likely over.
- Council should consider their timing in acting in response to the petition and take into consideration that some people in the community think that the trial is valuable.

3.1.7 Nancy DeDalt

Ms. DeDalt provided the following comments:

- Council should complete the trial as far as possible.
- More information allows council to make the best decisions for the community.

3.1.8 Kathy Arney

Ms. Arney provided the following comments:

- Council should stay the course on the parking trial.
- A constructive thoughtful process was employed before action was taken on a difficult issue.
- It is important that data is collected for strategic planning purposes.

3.1.9 Connie Brill

Ms. Brill provided the following comments:

- User pay parking is a difficult issue and it is appreciated that a trial is taking place before further consideration is given to it.
- There is support for user pay parking rather than the general taxpayer paying for it all.
- Council should complete as much of the trial as possible to gain as much data as possible.

3.1.10 David Watson

Mr. Watson provided the following comments:

- There has not yet been a good discussion on the merits of paid parking.
- Paid parking will keep people out of Banff.
- He is concerned with paid parking in residential neighbourhoods and its effects on commuters.

3.1.11 Allan Buckingham

Mr. Buckingham provided the following comments:

- He is supportive of conducting trials as good decisions are based on information, data and experience.
- Council should continue to work to keep tax payments for citizens down.

3.1.12 Ossi Treutler Sr.

Mr. Treutler provided the following comments:

- The majority of people in Banff are against paid parking.
- It would be a mistake by council to overrule the people.

3.1.14 Lorraine Widmer-Carson

Ms. Widmer-Carson provided the following comments in addition to her written submission:

- We should not wish to limit people in the national park; however cars and people are not the same thing.
- Paid parking can subsidize other transportation initiatives to encourage a friendlier walkable downtown.
- She supports public trust and the democratic process.

3.1.15 Katie Tuff

Ms. Tuff provided the following comments in addition to her written submission:

- Paid parking is both a local issue and regional and international tourist issue and they should be considered separately.

- The data being collected is important for good decision making.
- Council has a responsibility to see the trial through.

3.1.16 Christine Kauffman

Ms. Kauffmann asked the following:

- If local people were hired by the user pay parking contractors?
 - Administrative response: At least one.
- Where the people hired by the user pay parking trial contractors live while working in town?
 - Administrative response: Unknown.
- How tax dollars are used related to parking?
 - Administrative response: Maintenance, snow removal and general upkeep.

Ms. Kauffmann also provided the following comments:

- The number of tax dollars spent on a plebiscite would be insignificant in the scheme of things if used to determine what the citizens want.
- There is currently a lot of community anger.
- Paid parking will not alleviate the problem with the number of cars in the Town of Banff.

3.1.17 Bruce Campbell

Mr. Campbell provided the following comments:

- In his experience, over 300 vehicles a year are relocated by his company.
- If these vehicles were to be relocated voluntarily as a result of paid parking it would open up more parking stalls.
- Paid parking in its current form may not be the answer but paid parking should be considered when looking at the transportation system as a whole.

3.1.18 Jon Whelan

Mr. Whelan added the following comment:

- Despite comments to the contrary, in his experience, not all of the visitors he has spoken to support paid parking.

3.2. Written Submissions

3.2.1 Mark Bowes

Received as information.

3.2.2 Pat Haney

Received as information.

3.2.3 Christopher Lamothe

Received as information.

3.2.4 Philip and Stormy Monod

Received as information.

3.2.5 Charles (Chic) Scott

Received as information.

3.2.6 Leslie Taylor

Received as information.

3.2.7 Fabio Wagner

Received as information.

3.2.8 Lorraine Widmer-Carson

Received as information.

3.2.9 Chris Neve

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

3.2.10 Jeff O'Leary

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

3.2.11 Katie Tuff

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

4.0 BYLAWS AND STAFF REPORT

4.1 Bylaw 340 – Parking Initiatives Petition Bylaw

COU14-280 Moved by Mayor Sorensen that council give first reading to Parking Initiative Petition Bylaw 340 and direct administration to schedule a special meeting for September 29 for further consideration of Bylaw 340.

CARRIED

5.0 ADJOURNMENT

COU14-281 Moved by Councillor DiManno that council adjourn the September 15, 2014 special meeting of council at 10:13 a.m.

CARRIED

Karen Sorensen
Mayor

Tara Johnston-Lee
Municipal Clerk