

**MINUTES OF THE REGULAR MEETING OF COUNCIL  
of the Town of Banff in the Province of Alberta  
Town Hall Council Chamber  
Monday, July 18, 2011 at 12:30 pm**

**COUNCIL MEMBERS PRESENT**

Karen Sorensen	Mayor
Leslie Taylor	Councillor
Stavros Karlos	Councillor and Deputy Mayor
Chip Olver	Councillor and Acting Mayor (attended via speaker phone; left at 12:49 p.m.)
Paul Baxter	Councillor
Brian Standish	Councillor
Grant Canning	Councillor

**COUNCIL MEMBERS ABSENT**

**ADMINISTRATION PRESENT**

Robert Earl	Town Manager
Adrian Field	Manager of Engineering
Darren Enns	Senior Planner
Randall McKay	Manager of Planning & Development
Cheryl Hyde	Municipal Clerk (Recording Secretary)

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**1.0 CALL TO ORDER**

The Mayor called the July 18, 2011 regular meeting of Council to order at 12:30 p.m.

**2.0 APPROVAL OF AGENDA**

2.1. Meeting Agenda

COU11-156 Moved by Councillor Karlos to approve the agenda of the July 18, 2011 regular meeting of Council with the following amendments:

- Reverse items 5.1 and 5.2
- Under New Business add 10.1 History of Banff's Skateboarding Laws
- Under New Business add 10.2 Traffic on the July 1 Weekend

**CARRIED**

2.2. 2011 Council Priorities and Workplan

Accepted as information.

**3.0 DELEGATIONS**

3.1. Eric Harvie - Land Use Bylaw Review

Mr. Harvie stated that he was speaking as a representative of the Banff business community, albeit not all businesses.

Specific to the Request for Decision being presented to Council today, Mr. Harvie feels the information demonstrates a disconnect between the opinions of the general public versus

the opinions of the business community. He believes administration has done a good job of assembling the comments and presenting a balanced review of all public feedback, and is doing a good job on the commercial floor space project. He has no criticism of the Request for Decision.

Mr. Harvie then commented on the recommendation in the Request for Decision for an external review of five proposals to possibly amend the Land Use Bylaw. He unequivocally agrees with this approach if Council supports an external review. Further review is essential because **Council doesn't have buy in from the business community**. He believes **there's a lot more to be addressed** that implementation of any of the five proposals will have intended and unintended consequences and economic impact. He recommends that the external review be undertaken by a working group made up of council members, business community representatives and members of the public. The working group would hire an expert if they found it necessary, with funding to be determined at that time. The primary tool used by the working group would be the commercial floor space inventory. Mr. Harvie recommends that the working group be formed, then put on hold until the inventory is complete (estimated this fall). He further recommends that any of the proposals relating to housing contained in appendix A of the Request for Decision be forwarded to the working group for review.

3.2. The Association for Mountain Parks Protection and Enjoyment (AMPPE) - Land Use Bylaw Review

Council accepted a written submission from AMPPE as information.

**4.0 ADOPTION OF PREVIOUS COUNCIL MINUTES**

4.1. Minutes of the June 27, 2011 Regular Meeting of Council

COU11-157 Moved by Councillor Standish to approve the minutes of the June 27, 2011 regular meeting of council with the following amendments:

- under COU11-148 change the reference to the YMCA to YWCA, and add "located at the intersection of Mountain Avenue and Spray Avenue."

**CARRIED**

**5.0 UNFINISHED BUSINESS**

5.1. Bow River Siphon/Pedestrian Bridge Project

Councillor Olver left the meeting at 12:49 p.m.

COU11-158 Moved by Councillor Standish to direct administration to pursue the replacement of the sanitary pipes crossing the Bow River with a new pedestrian bridge and utility crossing.

**CARRIED**

5.2. Land Use Bylaw Review - Phase 2; Public Engagement Summary  
Administration spoke to a written report contained in today's agenda package.

COU11-159 Moved by Councillor Karlos to direct administration to seek an economic review of the proposal to reduce the number of permitted uses for Grocery Store and Service Station properties in Banff with the assistance of a working group consisting of stakeholders and members of the general public.

**CARRIED**  
**Karlos and Baxter opposed**

COU11-160 Moved by Mayor Sorensen to direct administration to seek an economic review of the proposal to enact distinct regulations for formula fast food businesses in Banff with the assistance of a working group consisting of stakeholders and members of the general public.

**CARRIED**  
**Baxter and Sorensen opposed**

COU11-161 Moved by Mayor Sorensen to direct administration to provide a review, by the end of December 2011, of the historic mix of business offerings in the commercial district in 2001 and 2006 with the intention of establishing whether or not the ratio of formula based businesses has increased or decreased over time.

**CARRIED**

COU11-162 Moved by Councillor Karlos to direct administration to seek an economic review of the proposal to establish location and/or quantity controls for Souvenir and Gift Shops in Banff with the assistance of a working group consisting of stakeholders and members of the general public.

COU11-163 Moved by Councillor Baxter to amend motion COU11-161 by adding the following statement: "... and to direct the working group to include a recommendation on the percentage of tax decreases offered to any business that would be negatively impacted by this decision."

**DEFEATED**  
**Baxter in favour**

The vote followed on motion COU11-161: to direct administration to seek an economic review of the proposal to establish location and/or quantity controls for Souvenir and Gift Shops in Banff with the assistance of a working group consisting of stakeholders and members of the general public.

**DEFEATED**  
**Canning in favour**

COU11-164 Moved by Mayor Sorensen that, recognizing council is not in favour of an economic review of the proposal to establish location and/or quantity controls for Souvenir and Gift Shops in Banff, to direct administration to create regulatory language on this proposal.

**DEFEATED**

COU11-165 Moved by Mayor Sorensen to direct administration to provide a review, by the end of December 2011, of the historic mix of business offerings in the commercial district in 2001 and 2006 with the intention of establishing whether the number of Souvenir Shops is on the rise or on the decline.

**CARRIED**  
**Karlos and Baxter opposed**

COU11-166 Moved by Councillor Karlos to postpone a decision on whether or not to seek an economic review of the proposal to conduct a merit-based review of Commercial Development

Allotments in Banff until the commercial floor space inventory project has been completed.

**CARRIED**  
**Standish and Canning opposed**

COU11-167 Moved by Councillor Karlos to postpone a decision on whether or not to seek an economic review of the proposal to allow commercial floor space transferability in Banff until the commercial floor space inventory project has been completed.

**CARRIED**  
**Canning opposed**

COU11-168 Moved by Councillor Taylor to direct administration to draft a terms of reference for a Land Use Bylaw Phase 2 Working Group and provide them to council for debate and approval at the August 15, 2011 regular meeting.

**CARRIED**

COU11-169 Moved by Councillor Karlos to direct administration to proceed to the stage of drafting regulatory language for removing barriers through deferred payments-in-lieu of housing and parking for small, local, non-formula businesses.

**CARRIED**  
**Karlos opposed**

COU11-170 Moved by Councillor Baxter to direct administration to seek an economic review of the proposals listed below with the assistance of a working group consisting of stakeholders and members of the general public:

- Removing barriers through deferred payments
- Building bedrooms for employees
- Re-districting government lands in the compound
- Housing fees
- Linking intensification “bedrooms” to specific housing types

**DEFEATED**  
**Baxter in favour**

COU11-171 Moved by Councillor Karlos to direct administration to proceed to the stage of drafting regulatory language for building bedrooms for employees.

**CARRIED**

COU11-172 Moved by Councillor Standish to direct administration to proceed to the stage of drafting **regulatory language for preserving Banff’s physical character (business frontage limits)** with special reference to protecting non-conforming properties and allowing additional frontage for grocery stores and corner properties.

**CARRIED**  
**Baxter opposed**

Councillors Karlos and Canning declared a pecuniary interest as they believed the next topic up for discussion, establishing regulations for eating and drinking establishments, may have a financial implication for their businesses. They left the meeting at 3:48 p.m.

COU11-173 Moved by Councillor Standish to direct administration to proceed to the stage of drafting regulatory language for eating and drinking definitions.

**CARRIED**

Councillors Karlos and Canning returned to the meeting at 3:49 p.m.

COU11-174 Moved by Councillor Karlos to direct administration to proceed to the stage of drafting regulatory language for downtown liquor stores.

**CARRIED**

COU11-175 Moved by Councillor Karlos to direct administration to proceed to the stage of drafting regulatory language for downtown building heights with consideration of non-conforming sites.

COU11-176 Moved by Councillor Taylor to amend motion COU11-175 by adding the following to end of the motion: "... and with consideration of different approaches on Banff Avenue and Bear Street appropriate to preventing a canyon effect."

**CARRIED**

The vote followed on motion COU11-175 as amended: to direct administration to proceed to the stage of drafting regulatory language for downtown building heights with consideration of non-conforming sites, and with consideration of different approaches on Banff Avenue and Bear Street appropriate to preventing a canyon effect.

**CARRIED**

COU11-177 Moved by Councillor Karlos to direct administration to proceed to the stage of drafting regulatory language for downtown lane standards.

**CARRIED**

COU11-178 Moved by Mayor Sorensen to direct administration to proceed to the stage of drafting Council policy for non-conforming sites.

**CARRIED**

COU11-179 Moved by Councillor Taylor to direct administration to proceed to the stage of drafting regulatory language for re-districting government lands in the compound.

**CARRIED**

COU11-180 Moved by Councillor Standish to direct administration to proceed to the stage of drafting regulatory language for fleet servicing in the compound.

**CARRIED**

COU11-181 Moved by Mayor Sorensen to direct administration to direct housing and parking fees to the working group for feedback.

**CARRIED**

COU11-182 Moved by Councillor Standish to direct administration to forward the relevant bylaw relating to parking cash-in-lieu fees to the Finance Committee.

**CARRIED**

Councillor Karlos declared a pecuniary interest as he believed the next topic, potential regulation of extended operating hours, may have a financial implication for his business. He left the meeting at 4:38 p.m.

COU11-183 Moved by Councillor Standish to direct administration to proceed to the stage of drafting regulatory language for consideration of extended operating hours as intensification.  
**DEFEATED**

COU11-184 Moved by Councillor Taylor to address the topic of extended operating hours as intensification under another regulatory framework and bring options back for Council consideration.  
**CARRIED**

Councillor Karlos returned to the meeting at 5:05 p.m.

COU11-185 Moved by Mayor Sorensen to direct administration to proceed with an education program related to signage and exterior speaker regulations followed by enforcement when necessary.  
**CARRIED**

COU11-186 Moved by Councillor Karlos to direct administration to proceed to the stage of drafting regulatory language around exterior retailing.  
**CARRIED**

COU11-187 Moved by Councillor Karlos to direct administration to proceed to the stage of drafting regulatory language for freestanding signs.  
**CARRIED**

COU11-188 Moved by Councillor Karlos to direct administration to proceed to the stage of drafting regulatory language for graphic signage regulations.  
**CARRIED**

COU11-189 Moved by Councillor Standish to direct administration to proceed to the stage of drafting regulatory language for awning type regulations.  
**CARRIED**  
**Baxter opposed**

COU11-190 Moved by Councillor Taylor to direct administration to proceed to the stage of drafting regulatory language for bed and breakfast buffering, providing the following options: a 30 m buffer with a provision exempting properties on different streets, and a removal of the buffer.  
**CARRIED**

COU11-191 Moved by Councillor Taylor to direct administration to proceed to the stage of drafting regulatory language for bed and breakfast licenses needing to be active to renew.  
**CARRIED**



COU11-192 Moved by Councillor Taylor to direct administration to proceed to the stage of drafting regulatory language for bed and breakfast quality standards.

**CARRIED**  
**Karlos and Baxter opposed**

COU11-193 Moved by Councillor Standish to direct administration to proceed to the stage of drafting regulatory language for Type II home occupations.

**CARRIED**

**6.0 COMMITTEE REPORTS**

6.1. Minutes of the June 10 and June 24, 2011 Regular Meeting of the Banff Housing Corporation

Accepted as information.

**7.0 INQUIRIES**

There were no inquiries.

**8.0 STAFF REPORTS/BYLAWS**

No staff reports were submitted.

**9.0 CORRESPONDENCE**

No correspondence was received.

**10.0 NEW BUSINESS**

10.1. History of Banff Skateboarding Laws

Council unanimously agreed to direct administration to submit a report on skateboard enforcement, specifically with respect to enforcement of the time restrictions.

10.2. Traffic on the July 1 Weekend

In response to an inquiry from Councillor Taylor, administration reported that the traffic lanes on the Banff Avenue Bridge were not reversed on the July 1 long weekend because Council approval to do so was received on June 27, which didn't leave enough time to implement.

**11.0 INQUIRIES**

There were no inquiries.

**12.0 ADJOURNMENT**

COU11-194 Moved by Councillor Standish to adjourn at 5:53 p.m.

**CARRIED**

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Karen Sorensen

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Cheryl Hyde

Minutes approved by: \_\_\_\_\_

Mayor

Municipal Clerk