



**MINUTES OF THE VIRTUAL PUBLIC HEARING AND REGULAR
MEETING OF COUNCIL**
of the Town of Banff in the Province of Alberta
Virtual Council Meeting
Monday, 2022 March 28, at 2:00 p.m.

COUNCIL MEMBERS PRESENT

Corrie DiManno	Mayor	(Remote Participation)
Ted Christensen	Councillor and Deputy Mayor	(Remote Participation)
Grant Canning	Councillor and Acting Mayor	(Remote Participation)
Chip Olver	Councillor	(Remote Participation)
Barb Pelham	Councillor	(Remote Participation)
Hugh Pettigrew	Councillor	(Remote Participation)
Kaylee Ram	Councillor	(Remote Participation)

COUNCIL MEMBERS ABSENT

None

ADMINISTRATION PRESENT

Kelly Gibson	Town Manager	(Remote Participation)
Silvio Adamo	Director, Protective Services, and Fire Chief	(Remote Participation)
Jason Darrah	Director, Communications & Marketing	(Remote Participation)
Darren Enns	Director, Planning & Development	(Remote Participation)
Adrian Field	Director, Engineering	(Remote Participation)
Alison Gerrits	Director, Community Services	(Remote Participation)
Paul Godfrey	Director, Operations	(Remote Participation)
Chris Hughes	Director, Corporate Services	(Remote Participation)
Barbara King	Director, Human Resources	(Remote Participation)
Randall McKay	Manager, Strategic Initiatives and Special Projects	(Remote Participation)
Dave Michaels	Manager, Development Services	(Remote Participation)
Carla Bitz	Resource Recovery Coordinator	(Remote Participation)
Emma Sanborn	Development Planner	(Remote Participation)
Renée Lavergne	Information Governance Coordinator	(Remote Participation)
Lisa Lee	Executive Assistant	(Remote Participation)
Tara Johnston	Legislative Advisor	(Remote Participation)
Libbey McDougall	Municipal Clerk	(Remote Participation)



1.0 CALL TO ORDER

To confirm Members of Council, who all participated virtually due to the ongoing COVID-19 Pandemic, as present, the following roll call was conducted:

ROLL CALL:

Present: (6): Mayor DiManno, Councillor Canning, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

Mayor DiManno called the virtual Regular Meeting of Council to order at 2:02 p.m.

2.0 APPROVAL OF AGENDA

2.1 Agenda for the 2022 March 28 Public Hearing and Virtual Regular Meeting of Council

COU22-74 **Moved by** Councillor Pettigrew

That the Agenda for today's meeting be amended by adding an Item of Urgent Business entitled "Item 12.2, Verbal Request for Direction: Flag Policy and Recognition of the War in Ukraine".

For: (6): Mayor DiManno, Councillor Canning, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

MOTION CARRIED

COU22-73 **Moved by** Councillor Canning

That the Agenda for the 2022 March 28 Virtual Public Hearing and Regular Meeting of Council be approved, **as amended**.

For: (6): Mayor DiManno, Councillor Canning, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

MOTION CARRIED



2.2 2022 Council Workplan

COU22-75 **Moved by** Councillor Ram

That the 2022 Council Workplan (Attachment) be received for the Corporate Record.

For: (6): Mayor DiManno, Councillor Canning, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

MOTION CARRIED

3.0 PUBLIC HEARING ITEMS

Councillor Ram declared a pecuniary conflict of interest with respect to Item 3.1 Public Hearing Request for Decision: Proposed Bylaw 450 – Land Use Bylaw Amending Bylaw – A Bylaw to Introduce Sports Equipment Rental as a New Use Within the CA, CB, CD, CS and CT Land Use Districts, and abstained from the discussion and voting, as she owns a sports equipment rental store. Councillor Ram left the virtual Council meeting at 2:04 p.m. and returned to the meeting at 3:10 p.m. after the vote on the last motion was declared.

3.1 Public Hearing Request for Decision: Proposed Bylaw 450 - Land Use Bylaw Amending Bylaw - A Bylaw to Introduce Sports Equipment Rental as a New Use Within the CA, CB, CD, CS and CT Land Use Districts

The Mayor opened the Public Hearing for Proposed Bylaw 450 at 2:05 p.m. The Municipal Clerk confirmed that the required advertising and notice of hearing requirements were met.

Council, by unanimous consent, received the presentation from Administration for the Corporate Record.

3.2 Public Input on Proposed Bylaw 450- Land Use Bylaw Amending Bylaw - A Bylaw to Introduce Sports Equipment Rental as a New Use Within the CA, CB, CD, CS and CT Land Use Districts

3.2.2 Public Hearing Verbal Submissions

Council, by unanimous consent, received the following Verbal Submissions for the Corporate Record:

- 3.2.1.1 Jason Funnell, Owner, Black Tie Ski Rentals of Banff (In Favour of Proposed Bylaw 450)
- 3.2.1.2 Tanya Otis, Co-Owner, Black Tie Skis Banff (In Favour of Proposed Bylaw 450)

3.2.1.1 Public Hearing Written Submissions

Council, by unanimous consent, received the following Written Submissions for the Corporate Record:

- 3.2.1.1 Richard James Fischer, Les Clefs D'Or Concierge: Email, Received 2022 March 18
- 3.2.1.2 Darren VanMackelbergh, General Manager, Banff Park Lodge Collection of Hotels: Letter, Dated 2022 March 18
- 3.2.1.3 Oxford Properties Group, represented by Steve Sandercott, Director Hotels: Letter, Dated 2022 March 17
- 3.2.1.4 Bill Squarebriggs, President, Sunset Alpine: Letter, Dated 2022 March 18
- 3.2.1.5 Manny Orellana, Prospective Clefs D'or member: Email, Received 2022 March 24
- 3.2.1.6 Frank Denouden: Email, Received 2022 March 25
- 3.2.1.7 Robin Dufresne, Head Concierge, Banff Park Lodge: Email, Received 2022 March 26



3.2.1.8 Jason Funnell, Owner, Black Tie Ski Rentals of Banff: Email, Received 2022 March 26

3.2.1.9 Tanya Otis, Director, Media & Communications, Pursuit: Email, Received 2022 March 27

3.3 Closing Comments from Administration

There were no closing comments from Administration.

3.4 Council Question Period

There were no questions from Council.

3.5 Close of the Public Hearing

The Mayor closed the Public Hearing for Bylaw 450 at 2:38 p.m.

3.6 Consideration of Second and Third Readings of Proposed Bylaw 431, Land Use Bylaw Amendment Administration of Development Permits

COU22-76 **Moved by Mayor DiManno**

That Council give second reading to proposed Bylaw 450.

For: (5): Mayor DiManno, Councillor Canning, Councillor Olver, Councillor Pelham, and Councillor Pettigrew

MOTION CARRIED



COU22-77 **Moved by** Mayor DiManno

That Bylaw 450 be amended as follows:

- In section 2.1.2 by deleting General Retail Stores, Personal Service Shops Convenience retail store;
- By adding a new section 2.1.12 - Amending Section 12.1.3 by inserting the following words in underline:

Permitted Uses:

- Convenience retail store
- General retail store
- Personal service shop
- Hotels
- Public parks

- In section 2.1.4 by deleting General Retail Stores, Personal Service Shops Convenience retail store;
- By adding a new section 2.1.13 - Amending Section 12.2.3 by inserting the following words in underline:

Permitted Uses:

- Convenience retail store
- General retail store
- Personal service shop
- Hotels
- Public parks

- In section 2.1.10 by deleting General Retail Stores, Personal Service Shops Convenience retail store ; and
- By adding a new section 2.1.14 - Amending Section 12.6.3 by inserting the following words in underline:

Permitted Uses:

- Convenience retail store
- General retail store
- Personal service shop
- Hotels

For: (4): Mayor DiManno, Councillor Canning, Councillor Olver, and Councillor Pelham
Against: (1): Councillor Pettigrew

MOTION CARRIED



COU22-78 **Moved by** Mayor DiManno

That Council give third reading to proposed Bylaw 450, **as amended**.

For: (5): Mayor DiManno, Councillor Canning, Councillor Olver, Councillor Pelham, and Councillor Pettigrew

MOTION CARRIED

4.0 **ADOPTION OF PREVIOUS COUNCIL MINUTES**

4.1 Minutes of the 2022 March 14 Virtual Regular Meeting of Council

COU22-79 **Moved by** Councillor Pettigrew

That the Minutes of the 2022 March 14 Virtual Regular Meeting of Council be adopted.

For: (7): Mayor DiManno, Councillor Canning, Councillor Christensen, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

MOTION CARRIED

5.0 **INVITED PRESENTATIONS**

5.1 Geneviève Poulin, President, Association Canadienne-Française de l'Alberta, Région de Canmore-Banff: Team FRAB Imitative

Council, by unanimous consent, received the Association Canadienne-Française de l'Alberta, Région de Canmore-Banff: Team FRAB Imitative Invited Presentation for the Corporate Record.

6.0 **DELEGATIONS**

There were no Delegations scheduled as part of this meeting.



7.0 PUBLIC INPUT ON AGENDA ITEMS

7.1 Written Submissions

Council, by unanimous consent, received the following Written Submission for the Corporate Record:

7.1.1 Gary Doyle: Email, Received 2022 March 14 (Item 9.1 Sidewalk Seating Policy C7005 and Outdoor Merchandising Display Policy C121)

7.2.1 Darren Reeder, Executive Director, Banff & Lake Louise Hospitality Association (BLLHA): Letter, Dated 2022 March 27 (Item 9.5, Proposed Bylaw 464, Non-Residential Waste Amending Bylaw)

7.2 Verbal Submissions

There were no Verbal Submissions received for this meeting.

8.0 UNFINISHED BUSINESS

No Unfinished Business was considered at this meeting.

9.0 BYLAWS AND STAFF REPORTS

9.1 Request for Decision: Sidewalk Seating Policy C7005 and Outdoor Merchandising Display Policy C121

COU22-80 **Moved by** Mayor DiManno

That with respect to Item 9.1, Sidewalk Seating Policy C7005 and Outdoor Merchandising Display Policy C121, the following be adopted:

That Council rescind Sidewalk Seating Policy C7005 and approve Sidewalk Seating Policy C7005-1 (Attachment 5).

For: (7): Mayor DiManno, Councillor Canning, Councillor Christensen, Councillor Olver, Councillor Pelham, Councilor Pettigrew, and Councillor Ram

MOTION CARRIED

Minutes approved by: On Original On Original



COU22-81 **Moved by** Mayor DiManno

That with respect to Item 9.1, Sidewalk Seating Policy C7005 and Outdoor Merchandising Display Policy C121, the following be adopted:

Rescind Outdoor Merchandising Display Policy C121 and approve the Outdoor Merchandising Display Policy C5006 (Attachment 7).

For: (7): Mayor DiManno, Councillor Canning, Councillor Christensen, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

MOTION CARRIED

COU22-82 **Moved by** Councillor Pettigrew

That with respect to Item 9.1, Sidewalk Seating Policy C7005 and Outdoor Merchandising Display Policy C121, the following be adopted:

That Council direct Administration to return to a future meeting of Council regarding revised Sidewalk Seating rates within Bylaw 388-4, Fees and Charges Bylaw 2022 that would include:

- Sidewalk seating rates which reflect the discounted market rate of \$14/sqft.

Against: (7): Mayor DiManno, Councillor Canning, Councillor Christensen, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

MOTION DEFEATED



COU22-84 **Moved by** Councillor Canning

That Motion COU22-83 be amended by inserting the following bolded words:

That Council direct Administration to return to a future meeting of Council regarding revised Sidewalk Seating rates within Bylaw 388-4, Fees and Charges Bylaw 2022 that would include:

- a) Sidewalk seating rates **in 2022** which reflect:
- the discounted market rate of \$8/sqft for full service and table service; and
 - the discounted market rate of \$2/sqft for counter service.
- b) **When the 2023 Fees and Charges Bylaw is presented, with revised rates that would include Sidewalk seating rates in 2023 which reflect:**
- **The discounted market rate of \$14/sqft for full service and table service; and**
 - **The discounted market rate of \$4/sqft for counter service.**

For: (6): Councillor Canning, Councillor Christensen, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram
Against (1): Mayor DiManno

MOTION CARRIED

COU22-85 **Moved by** Councillor Olver

That Motion COU22-83 be further amended in subsection a), second bullet, by deleting number “2” preceding the words “/sqft for counter service” and substituting with the number “1.5”. in the second bullet p the following words in ~~strikeout~~ and inserting the following words in underline:

For: (6): Mayor DiManno, Councillor Canning, Councillor Christensen, Councillor Olver, Councillor Pelham, and Councillor Ram
Against (1): Councillor Pettigrew

MOTION CARRIED



COU22-83 **Moved by** Councillor Pelham

That with respect to Item 9.1, Sidewalk Seating Policy C7005 and Outdoor Merchandising Display Policy C121, the following be adopted, **as amended and after amendment:**

That Council direct Administration to return to a future meeting of Council regarding revised Sidewalk Seating rates within Bylaw 388-4, Fees and Charges Bylaw 2022 that would include:

a) Sidewalk seating rates **in 2022** which reflect:

- the discounted market rate of \$8/sqft for full service and table service; and
- the discounted market rate of **\$1.50/sqft** for counter service.

b) **When the 2023 Fees and Charges Bylaw is presented, with revised rates that would include Sidewalk seating rates in 2023 which reflect:**

- **The discounted market rate of \$14/sqft for full service and table service; and**
- **The discounted market rate of \$4/sqft for counter service.**

For: (6): Councillor Canning, Councillor Christensen, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

Against (1): Mayor DiManno

MOTION CARRIED

COU22-87 **Moved by** Councillor Pettigrew

That Motion COU22-86 be amended in the bullet point by deleting the number “8” following the words “discounted market rate \$” and substituting with the number “6”.

For: (4): Mayor DiManno, Councillor Christensen, Councillor Pelham, and Councillor Pettigrew

Against: (3): Councillor Canning, Councillor Olver, and Councillor Ram

MOTION CARRIED



COU22-88 **Moved by** Councillor Canning

That motion COU22-86 be further amended in the bullet point by deleting the number “6” following the words “discounted market rate \$” and substituting with the number “3”.

For: (7): Mayor DiManno, Councillor Canning, Councillor Christensen, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

MOTION CARRIED

COU22-86 **Moved by** Councillor Pelham

That with respect to Item 9.1, Sidewalk Seating Policy C7005 and Outdoor Merchandising Display Policy C121, the following be adopted, **as amended:**

That Council direct Administration to return to a future meeting of Council regarding revised Outdoor Merchandise Display rates within Bylaw 388-4, Fees and Charges Bylaw 2022 that would include:

Outdoor merchandise display rates which reflect:

- the discounted market rate of \$3/sqft

For: (6): Councillor Canning, Councillor Christensen, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

Against (1): Mayor DiManno

MOTION CARRIED

COU22-89 **Moved by** Councillor Olver

That pursuant to Section 3.6 of Procedures Bylaw 44-7, as amended, Section 4.9 be suspended in order that Council may complete the remainder of the Agenda.

For: (7): Mayor DiManno, Councillor Canning, Councillor Christensen, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

MOTION CARRIED

Note: Item 12.1. Confidential Verbal Briefing: Legal Matter Update was scheduled as Time Sensitive to commence at 5:30 p.m. and was dealt with at this time.



COU22-93 **Moved by Mayor DiManno**

That Pursuant to Section 3.6 of Procedures Bylaw 44-7, as amended, Council, with respect to both Item 9.2, Request for Decision: Banff Avenue Bollards, and Item 9.3, Request for Decision: Bear Street Public Art Update, suspend Section 13.12 a) and b) in order to allow Council to reconsider Motion COU22-33 to approve the 2021 – 2031 Capital Budget, as amended.

For: (6): Mayor DiManno, Councillor Christensen, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

MOTION CARRIED

9.2 Request for Decision: Banff Avenue Bollards

Note: This Item was dealt with immediately following Item 12.1, Confidential Verbal Briefing: Legal Matter Update

COU22-94 **Moved by Councillor Olver**

That with respect to Item 9.2, Banff Avenue Bollards, the following be adopted:

That Council further amend the 2021-2031 Capital Budget, approved, as amended, by Council, as amended, as part of the 2022 January 24 Virtual Special Meeting of Council Re: 2022 Budget Finalization, by:

- a) Directing Administration to cancel the Banff Avenue Pedestrian Zone - Bollards project and return \$250,000, of the original \$300,000 request, to the Visitor Paid Parking Reserve; and
- b) Allocating the remaining \$50,000 from the original request of \$300,000, funded through the Visitor Paid Parking Reserve, to be used to maintain and upgrade the existing gates on Banff Avenue.

For: (6): Mayor DiManno, Councillor Christensen, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

MOTION CARRIED



9.3 Request for Decision: Bear Street Public Art Update

Note: This Item was dealt with immediately following Item 9.2, Banff Avenue Bollards.

COU22-95 **Moved by** Councillor Christensen

That with respect to Item 9.3, Bear Street Public Art Update, the following be approved:

That Council further amend the 2021-2031 Capital Budget, as amended, by Council as part of the 2022 January 24 Virtual Special Meeting of Council Re: 2022 Budget Finalization, by including an additional allocation in 2022 of \$38,722.40 to the Bear Street Public Art project to be funded through the Public Art Reserve.

For: (6): Mayor DiManno, Councillor Christensen, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

MOTION CARRIED

COU22-96 **Moved by** Mayor DiManno

That Council approve the amended 2021-2031 Capital Budget, as further amended by Motions COU22-94 and COU22-95.

For: (6): Mayor DiManno, Councillor Christensen, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

MOTION CARRIED



COU22-97 Moved by Mayor DiManno

That Item 12.2, Verbal Request for Decision: Flag Policy and Recognition of the War in Ukraine, be brought forward to be dealt with at this time.

And further that following Items be postponed to the next regular meeting of Council:

- Item 9.4, Request for Decision: 2022 Municipal Census;
- Item 9.5, Request for Decision: Proposed Bylaw 464, Non-Residential Waste Amending Bylaw;
- Item 10.1, Approved Minutes of the 2022 January 20 Virtual Regular Meeting of the Bow Valley Regional Housing Board; and
- Item 11.1, Denise Wheelhouse, Manger, Bowstrings Heritage Foundation: Letter Re: Bowstrings Heritage Foundation's Request to Consider Protecting the Kidney House from Demolition, Dated 2022 March 10.

For: (6): Mayor DiManno, Councillor Christensen, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

MOTION CARRIED

9.4 Request for Decision: 2022 Municipal Census

Note: This Item was postponed to the next regular meeting of Council by way of Motion COU22-97.

9.5 Request for Decision: Proposed Bylaw 464, Non-Residential Waste Amending Bylaw

Note: This Item was postponed to the next regular meeting of Council by way of Motion COU22-97.

10.0 COMMITTEE REPORTS

10.1 Approved Minutes of the 2022 January 20 Virtual Regular Meeting of the Bow Valley Regional Housing Board

Note: This Item was postponed to the next regular meeting of Council by way of Motion COU22-97.



11.0 CORRESPONDENCE

- 11.1 Denise Wheelhouse, Manager, Bowstrings Heritage Foundation: Letter Re: Bowstrings Heritage Foundation's Request to Consider Protecting the Kidney House from Demolition, Dated 2022 March 10

Note: This Item was postponed to the next regular meeting of Council by way of Motion COU22-97.

12.0 NEW/URGENT BUSINESS

- 12.1 Confidential Verbal Briefing: Legal Matter Update

Note: This Item was scheduled as Time Sensitive to commence at 5:30 p.m.

COU22-90 **Moved by** Mayor DiManno

That Council recess at 5:33 p.m., to the call of the chair, to reconvene in a closed meeting, to be conducted in a confidential Zoom Meeting environment, pursuant to Sections 24 (Advice from officials) and 27 (Privileged information) of the *Freedom of Information and Protection of Privacy Act*, to consider confidential matters with respect to Item 12.1 Confidential Verbal Briefing: Legal Matter Update, and that Legal Counsel be invited into Council's closed meeting discussions.

For: (7): Mayor DiManno, Councillor Canning, Councillor Christensen, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

MOTION CARRIED

Council reconvened in closed meeting at 5:45 p.m. with Mayor DiManno in the Chair.

Council recessed in closed meeting at 6:22 p.m.

Council reconvened in public meeting at 6:23 p.m. with Mayor DiManno in the Chair.



Individuals in attendance during the closed meeting discussions with respect to 12.1 Confidential Verbal Briefing: Legal Matter Update:

Clerk: L. McDougall
Legal Advice: Legal Council
Advice: K. Gibson, C. Hughes, J. Darrah

COU22-91 **Moved by Mayor DiManno**

That Council Rise and Report

ROLL CALL VOTE:

For: (6): Mayor DiManno, Councillor Christensen, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

MOTION CARRIED

COU22-92 **Moved by Mayor DiManno**

That Council direct that the closed meeting discussions remain confidential pursuant to Sections 24 (Advice from officials) and 27 (Privileged information) of the *Freedom of Information and Protection of Privacy Act*.

For: (6): Mayor DiManno, Councillor Christensen, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

MOTION CARRIED



12.2 Verbal Request for Direction: Flag Policy and Recognition of the War in Ukraine

Note: This Item was brought forward and dealt with immediately following Item 9.3, Bear Street Public Art Update, by way of Motion COU22-97.

COU22-98 Moved by Councillor Pettigrew

That Council direct Administration to install a ribbon, of sufficient size, in front of Town Hall in the colours of the Ukrainian flag, to be funded through the Budget Stabilization fund up to \$300.

For: (6): Mayor DiManno, Councillor Christensen, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

MOTION CARRIED

13.0 CONFIDENTIAL ITEMS

No Confidential Items were scheduled as part of this meeting.

14.0 ADJOURNMENT

COU22-99 Moved by Councillor Ram

That this Council adjourn at 7:03 p.m.

ROLL CALL VOTE:

For: (6): Mayor DiManno, Councillor Christensen, Councillor Olver, Councillor Pelham, Councillor Pettigrew, and Councillor Ram

MOTION CARRIED

On Original
Corrie DiManno
Mayor

On Original
Libbey McDougall
Municipal Clerk

Minutes approved by: On Original On Original