

Town of Drumheller

COUNCIL MEETING

MINUTES



June 9, 2008

Council Chamber, Town Hall

703 - 2nd Ave. West, Drumheller, Alberta

PRESENT:

MAYOR:

Bryce Nimmo

COUNCIL:

Andrew Berdahl

Karen Bertamini

Blaine McDonald

Don Guidolin

Sharel Shoff

CHIEF ADMINISTRATIVE OFFICER/ENGINEER:

Ray Romanetz

ACTING DIRECTOR OF INFRASTRUCTURE SERVICES:

Steve Huculak

DIRECTOR OF CORPORATE SERVICES:

Michael Roy

DIRECTOR OF COMMUNITY SERVICES:

Paul Salvatore

RECORDING SECRETARY:

Linda Handy

ABSENT: Councillor Terry Yemen

1.0 CALL TO ORDER

2.0 MAYOR'S OPENING REMARKS

2.1 Mayor B. Nimmo presented a letter from Hon. Ron Liepert, Minister of Health and Wellness announcing that effective April 1, 2009 governing responsibility for ground emergency medical services (EMS) will become a health system responsibility. In his letter, Hon. Ron Liepert states, *"Under the authority of the Health Services Board and with leadership from Alberta Health and Wellness, health regions are putting transition teams in place to transfer governance responsibility. Municipal grant funding of \$55 m for*

ambulance will continue for 2008/2009."

2.2 Mayor B. Nimmo presented a letter from Hon. Ray Danyluk, Minister of Municipal Affairs announcing the payment of 2008/09 unconditional municipal grant in the amount of \$23,960.

2.3 Mayor B. Nimmo presented a letter from Hon. Ray Danyluk, Minister of Municipal Affairs inviting the Town of Drumheller to provide submissions for the seventh annual Minister's Awards for Municipal Excellence.

2.4 Mayor B. Nimmo presented a letter from Hon. Ray Danyluk, Minister of Municipal Affairs regarding the municipal census that the Town of Drumheller will be conducting this June. In his letter, Hon. Danyluk agrees to allow the Town of Drumheller to conduct follow-up interviews by telephone for residents who would not be able to response to the door-to-door census.

2.5 Mayor B. Nimmo presented a letter from Hon. Luke Ouellette, Minister of Transportation in response to the Town of Drumheller's request for upgrading of Highway 575 on a more timely basis. In his letter, Hon. Ouellette advised that the former Town Council was offered a cost share proposal, 30% municipal share and 70% provincial share, in February 2006 to advance this project. He advised that if Council wishes to pursue this proposal they should contact Brian Reid, Infrastructure Manager in Red Deer.

2.6 Mayor B. Nimmo presented a letter from Mr. Annon Hovde, Chairman Kneehill Regional Water Services Commission requesting that the boundaries as specified in the water supply agreement between the Town of Drumheller and the Kneehill Regional Water Services Commission be adjusted to include the Hamlet of Kathryn.

2.7 Mayor B. Nimmo announced that June 7- 9, 2008 is MS Society Awareness.

3.0 PUBLIC HEARING

Mayor Nimmo called the public hearing to order at 4:40 PM

Mayor Nimmo advised that the purpose of the public hearing is to consider Bylaw 16.08 being a bylaw to amend the Land Use Bylaw No. 10.08 by re-designating the area in Lots 11 & 12 of Block 3 in Plan 5212 JD (210 9th Avenue SE) in Drumheller.

He asked Secretary, L. Handy if there were any written submissions. Secretary, L. Handy advised there were correspondence from Municipal Planning Commission, Palliser Regional Municipal Services and Fredrick Bernhardt which he will speak to.

Mayor B. Nimmo asked if anyone was present to speak in favour or against the proposal.

Fredrick Bernhardt stated that he wished to speak against the proposal. He stated that his concerns as expressed in his correspondence (copies circulated to Council) are as follows:

- 1) Spot zoning – He stated that the parcel of land is surrounded by R2 properties;
- 2) Neighboring property owners opposed – He presented a signed petition of neighboring property owners opposing the redevelopment of the subject property to a more intensive use.

- 3) Mold, mildew and water problems exist at this property.
- 4) Construction has commenced at this property.
- 5) Promised Rezoning – He questioned whether the property owner has been promised that the rezoning will be automatically approved and whether a development permit has been issued.
- 6) Town has previously rejected single property rezoning – He referred to the parking lot across from the Old Hospital which was denied rezoning for a multi-family units and asked the Town to be consistent in their policies.
- 7) Multi-family Housing normally not landscaped – He stated that multi-family units are operated as a business with the main objective of the owner being to maximize the rent received and minimize the expenses. He referred to the attached pictures and noted some problems of multi family housing with regards to landscaping, parking, garbage bins and water being diverted to public alley.
- 8) Parking – He stated that most families have more than one vehicle and / or trailer or recreational vehicle. He further stated that the current zoning bylaw only requires one (1) parking space per dwelling unit which would mean a number of additional vehicles parking on the street.
- 9) Other Uses – He stated that the subject property has the ability to be used for other uses than what is being proposed. He stated that the zoning should be associated with the land and not the building.
- 10) Current Zoning Bylaw – He stated that the current zoning bylaw is loose and permits duplexes in almost every zone as well as secondary suites, multi-family and tourist homes.
- 11) Commercial versus residential tax mill rate – He stated if multi-family units should be levied taxes at the commercial mill rate or residential mill rate. He stated that they are operating a business.
- 12) Other properties – He referred to another property located in the community which is zoned P - Community Service District and is unoccupied and oversized. He asked the Town the intentions for this property.

Paul Meyers stated that he wished to speak against the proposal. He stated that he lives next door to the former day care facility. He stated that he was not aware of the proposed reclassification until he received notice in mail. He further stated that at that time he researched the differences of the two zonings and had immediate issues with regard to parking. He stated that he has three vehicles and if the four owners/renters of the proposed fourplex has the same number, there would be an additional twelve vehicles requiring parking, which would that their vehicles would require street parking. He stated that this would impact the neighbourhood. He stated that he is concerned about any future owner and what would be developed on this property as the R4 zoning would allow for a variety of uses, such as an apartment building. He stated that a multi-family unit would impact the value of his property.

Questions from Council.

In response to a question from Council, P. Meyers stated that parking was not an issue when the building was being used as a day care facility because the vehicles were not there for 24 hours of the day.

Those speaking in favour -

Enayat Sharafi stated that he wished to speak in favour of the proposed rezoning. He stated that after hearing the concerns, he wished to provide a response. He stated that the mold problem has been resolved by installing weeping tile to prevent leakage into the basement. He further advised that the ease trough was not properly constructed and has since been replaced. He stated that he has installed new siding on the building as well. He stated that there is no sign of leakage now. He stated that the building provides for six existing parking stalls and he intends to allow for four more parking stalls in the rear of the building. He stated that the lot has a large frontage and this would allow for four additional parking spaces on the street. He explained that at least 10 – 12 cars can park there without taking up the neighbour spaces. He stated that he has received comments from the neighbors on how the building exterior has improved. He stated that he has planted trees and grass at the front of the property.

Councillor B. McDonald asked for clarification on the proposed development. E. Sharafi advised that he intends to build a four plex in a few years. He stated that there is a combination of commercial and residential mix within that area. He stated that the building is 7400 sq. ft. which is too large for a single home. He stated that in his opinion, the Town has a shortage of rental properties and he feels that a fourplex is a solution to this problem.

Mayor Nimmo asked for rebuttals.

F. Bernhardt advised that although there may be residential and commercial mixed areas, this property in question is totally surrounded by residential properties. He stated that the Town needs to provide one area solely for multi-family housing. It should not be done in a hodge-podge stage. He asked Council to consider the underlying zoning of the property not the improvements to the property.

Mayor Nimmo closed the public hearing at 5:00 pm.

4.0 ADOPTION OF AGENDA

Additions to agenda: 6.3 Delegation – Alberta Employment, Immigration & Industry – to be removed; 8.1.4 moved to 2.6; 15.1 to be removed.

MO2008.119 Bertamini, Guidolin moved the adoption of the agenda as amended. Carried.

5.0 MINUTES

5.1 ADOPTION OF REGULAR COUNCIL MEETING MINUTES

5.1.1 Council Regular Meeting – May 26, 2008

MO2008.120 Shoff, Berdahl moved the adoption of the regular minutes of Council meeting

held on May 26, 2008. Carried.

5.2 MINUTES OF MEETINGS PRESENTED FOR INFORMATION

5.3 BUSINESS ARISING FROM THE MINUTES

6.0 DELEGATIONS

6.1 Golden Hills School Division Drumheller Composite High School Renovations – Tom Zariski, Principal of DCHS and Don Hartman, Director of Facilities for Golden Hills provided an update on the status of their project. D. Hartman referred to the display boards and explained the proposed changes to the existing floor plan. He further explained that the existing floor area of 11,000 sq. metres will be reduced to 7400 sq. metres with the elimination of the junior high wing. He stated that DCHS was originally designed for 1100 student enrolment and the school only has an enrolment of 650. T. Zariski explained that the entrance to the school will be totally renovated and will become the student gathering area, including the cafeteria. He stated that there will be an open environment concept with glass walls to provide for a view from the Administration / office area and gymnasium. He stated that the current gymnasium will be converted into a combination of the library and computer labs. He advised that a ski light will be installed over this area to allow for natural light. D. Hartman advised that during the renovations, which will be carried out over a period of two years, students will be moved to Central School. He explained that the Outreach School will be moved to the former House of Chan with renovations to be carried out at this building as well during the summer. This move will be permanent (five year lease and option for a further five year lease).

Councillor K. Bertamini asked if with the cost of the removal of hazardous materials and the extensive renovations wouldn't a new school have been more cost effective. D. Hartman stated that renovations are the preferred option because the dormitory and Kaleidoscope Theatre are attached to the school and they will not be renovated. In addition to this, the International Students Program would have been lost and they want to keep the continuity of this program. He explained that building a new school would have extended the project by a further year. He stated that Golden Hills School Division qualified for the maximum level of grant funding for renovations. Councillor D. Guidolin asked if further expansion has been considered. D. Hartman stated that the Province has standardized metal portables for school expansion and if required in the future, these portables can be bolted together to provide additional space for 500 students. Councillor A. Berdahl asked for clarification that the renovations will allow for 650 students of which 100 are international students. T. Zariski confirmed yes. Councillor S. Shoff asked if the proposed changes will be for the betterment of teaching the students. T. Zariski stated that currently each teacher may have two classrooms to teach from and this will be reduced to one classroom. He further explained that one room can be combined for two subjects, such as Art and Social Studies. The purpose is to maximize the use of space. Councillor A. Berdahl asked if DCHS intends to partner with other groups, such as the Kaleidoscope

Theatre. T. Zariski stated that there is potential for the school to partner with the Football Association. D. Hartman stated that other partnerships, such as Cosmetology can be partnered with the private sector. In response to a question from R. Romanetz, T. Zariski stated that the gymnasium has to be large enough to accommodate the anticipated student enrolment due to physical education being a mandatory subject. He further stated that the core building with an addition to the gymnasium could accommodate 1000 students. In response to a question on the future of Central School, D. Hartman stated that there are sufficient grant dollars to demolish this building.

Mayor Nimmo thanked T. Zariski and D. Hartman for their presentation.

6.2 Believe Festival – Gerald Martynes provided an overview of the Believe Festival which will be held on July 19th at the Canadian Badlands Passion Play Site. He stated that this event will attract 1500 youth and it is hoped that it will be an annual event. He stated that currently Clean Slate Media is a non profit society which will have a charitable status shortly. He stated that he along with the partners created the society in Drumheller and it is youth oriented. The purpose is to positively influence the youth in Drumheller and area.

He stated that the event is Christian oriented and is supported by several large churches in the Calgary and Edmonton area. He stated that many colleges and universities have been invited to the event to provide information to the youth on education, etc. He explained that the event will be a way to educate the youth in hopes that they will make better decisions for their future. He stated that bands from all over North America will perform and he asked Council for permission to relax the Noise Bylaw to 1:00 AM. He stated that many of their volunteers are working for the Relay for Life event but shortly thereafter this event, they will canvass the area and advise the adjacent neighbors of the Believe Festival. He stated that security will be provided on site from the Drumheller Institution and Christian Motorcycle Association. He advised that EMS volunteers will be on site. He intends to discuss the event with the RCMP.

MO2008.120 Bertamini, Shoff that Council authorize the CAO to relax the Noise Bylaw 25.98 to allow for the Believe Festival 2008 to be held at the Canadian Badlands Passion Play Site / Ski Hill on July 19, 2008 from 10:00 PM to Saturday, July 20, 2008 at 1:00 AM.

Councillor A. Berdahl asked the affiliations of the Believe Festival. G. Martynes advised that there are three partners, himself, his wife and another business man in the community. Council K. Bertamini stated that it is important that the residential area be canvassed either verbally or by leaving a brochure of the event at their door so that they are aware of the late night activities. Councillor K. Bertamini applauded the efforts of G. Martynes and partners for their efforts in bringing this event to the community for the youth.

Vote on Motion: Carried.

7.0 COMMITTEE OF THE WHOLE RECOMMENDATIONS

8.0 REQUEST FOR DECISION REPORTS

8.1 CAO

8.1.1 Bylaw 12.08 being a bylaw for the regulation of the water works and sewerage systems – 2nd and 3rd reading

M. Roy advised that further to the open houses held in May and brochures mailed to each household, some concerns have been expressed that the Town's conservation measures may be too lenient. He further advised that new conservation measures will apply to all new construction, such as appliances and fixtures. He stated that the Town's bylaw for conservation measures is modelled from the City of Red Deer's bylaw. He stated that the Utility Manager has contacted other communities to see if they have experienced any problems since their conversion to conservation fixtures and he found that this is not the case. He provided an overview of the changes since first reading of the Bylaw given on April 28th as outlined in bold.

MO2008.121 Bertamini, McDonald for second reading to Bylaw 12.08 as amended.

Discussion on Motion:

Councillor B. McDonald referred to Page 4 of the Bylaw and asked if a rebate program will be offered to those residents who comply with the bylaw. M. Roy stated that this is not part of the bylaw but Council could look at incentives as part of their green strategy review. Councillor B. McDonald advised that he had heard that low flush toilets can cause problems. R. Romanetz advised that although there was no negative feedback from those municipalities contacted, areas with low density such as cul de sacs may experience problems if the flow is reduced as there may not be sufficient velocity to move the solids out to the trunk line.

Vote on Motion: Carried.

MO2008.122 McDonald, Shoff for third reading to Bylaw 12.08 as amended. Carried.

8.1.2 Bylaw 13.08 being a bylaw to establish utility rates – 2nd and 3rd readings

M. Roy advised that the only change was an increase to the fixed rate for sewer charges for East Coulee residents.

MO2008.123 Bertamini, Berdahl for second reading to Bylaw 13.08 as amended.

Discussion on Motion:

Councillor A. Berdahl stated that an increase from \$22.00 per month to \$30.00 per month was too much in comparison to the percentage increase for residents not living in East Coulee. Councillor K. Bertamini stated that Council set the rates for cost recovery and to ensure that the utility will pay for itself. She further stated that the figures show that a further increase is warranted to get to this scenario. She stated that Administration is presenting what they found as a balance and in future it will have to be further increased.

She stated that residents that have both water and sewer will see a larger increase overall.

Vote on Motion: Carried.

MO2008.124 Shoff, Karen third reading to Bylaw 13.08 as amended. Carried.

8.1.3 Wastewater Treatment Plant Tenders – Information (part discussion to be held in camera)

R. Romanetz advised that tenders closed on May 8th with only two bids received. The low bid was received from Graham Construction in the amount of \$20m. He stated that the Town's budget put forward in November 2007 for the engineering and construction cost was \$11.6 m with the probable cost as estimated by the engineer at \$13m. He explained that the actual costs for engineering and the contractor fee is \$22 m which is well beyond the \$11.6 m budget approved by Council. He explained that costs have been escalating and tender prices are unpredictable. He further stated that pricing is dependent on the availability of contractors. He stated that the Town is disappointed with only two bids received however the size of the project may have restricted some contractors from bidding. He stated that if the project is packaged in stages, this may provide an opportunity for more contractors to bid resulting in a more competitive bid. He advised that further discussion relating to potential negotiations with the contractor should be moved to in camera for direction from Council.

8.1.4 Request from Kneehill Regional Water Services Commission for water supply – Information (part discussion to be held in camera)

R. Romanetz advised that Mayor Nimmo read the letter earlier in the meeting and because of legal aspects, the matter should be discussed in camera.

8.2 Acting Director of Infrastructure Services

8.3 Director of Corporate Services

8.4 Director of Community Services

9.0 PRESENTATION OF QUARTERLY AND ANNUAL REPORTS BY ADMINISTRATION (next presentation July 7, 2008)

9.1 CAO

9.2 Acting Director of Infrastructure Services

9.3 Director of Corporate Services

9.4 Director of Community Services

10.0 PUBLIC HEARING DECISIONS

10.1 Bylaw 16.08 being a bylaw to amend the Land Use Bylaw No. 10.08 by re-

designating the area in Lots 11 & 12 of Block 3 in Plan 5212 JD (210 9th Avenue SE) in Drumheller – 2nd and 3rd readings

MO2008.125 Bertamini, Guidolin for second reading to Bylaw 16.08.

Discussion on Motion:

Councillor K. Bertamini advised the issues relating to parking, garbage storage, mold and landscaping will be addressed at the development permit approval stage. She stated that Council should only address the issue of intensity of use and whether or not a mixed density is appropriate for the area. She stated that several communities are starting to zone for mixed residential with minimum densities when they develop their Municipal Development Plans. She stated that she believes in this type of mixed zoning. She stated that although she understands the concern of property owners when they hear that a fourplex will be built next to them, there are benefits to having a mixed residential area. She stated that the Municipal Planning Commission will use their own discretion when considering whether multi family housing or an apartment building would fit within a residential area. She stated that a row of duplexes does not work.

R. Romanetz advised that both the Municipal Planning Commission and Palliser Regional Municipal Services have provided comments for Council's review, in particular the pros and cons of spot zoning. He stated that as a Development Officer, it is important that these types of development are properly incorporated into new areas for development as they are more acceptable. He stated that the former facility generated a lot of activity and he assumed that the MPC took this into consideration when recommending approval of the rezoning.

Councillor K. Bertamini referred to the petition and noted an address as being 201A – she asked if this was an existing duplex. R. Romanetz stated that their property is zoned for a duplex which is a permitted use in an R2 zoning.

Councillor A. Berdahl stated that although he has no significant problems with this proposal it does affect the continuity of the neighbourhood and asked if this type of rezoning is consistent with the Town's planning documents. He stated that if the spot zoning is an issue then consideration should be given to rezoning the entire neighbourhood. R. Romanetz advised that property owners purchased their properties within an R2 zoning and to change the entire neighbourhood to an R4 zoning would not be appropriate.

Councillor S. Shoff stated that as with other incidents of spot zoning reclassifications, she has voted against the change in consideration of the people who have bought properties in the area as single family dwellings. She stated that residents in the area have submitted a petition against the proposed change and that Council should recognize the wishes of the people in the area. She stated that the residents do not want a fourplex in their neighbourhood.

Councillor B. McDonald stated that in reviewing the planning report provided by PRMS, it addresses the benefits and pitfalls of spot zoning. He also pointed out that the building is developed to a commercial standard due to the requirements of a daycare and includes wheelchair accessibility and parking requirements. He further stated that in their conclusion, PRMS does recommend that "As the existing building is intended to be utilized for residential purposes at a higher density the proposed options are to support the redesignation as the proposed use will not increase the density permitted due to the parcel size and existing building configuration and permitted uses under the R2 land use district or to refuse the application for land use redesignation and retain a maximum parcel density of duplex or semi-detached dwelling as a permitted use under the R2 land use district". He asked if the rezoning is refused and remains at R2 would this allow for a duplex with secondary suites. R. Romanetz advised that the definition for secondary suites under the Land Use Bylaw would have to be reviewed. He further explained that R2 would allow for secondary suites however the Alberta Building Code and regulations as well as the Land Use Bylaw would have to be reviewed.

Councillor A. Berdahl asked to table the question on the motion until the next Council meeting in order for Administration to research the requirements for secondary suites. Administration was not certain that the motion on the floor could be tabled. Mayor called for the question on the motion.

Vote on motion: Defeated.

CAO, R. Romanetz recommended that Council have Administration review whether the tabling of the motion should have been permitted. After reviewing the Procedure Bylaw, M. Roy, Director of Corporate Services advised that it does appear that as long as all members of Council had spoken to the motion it could have been tabled. He further advised that under Clause 9.18 of the Procedure Bylaw 03.05, a member of Council could provide Notice of Motion to rescind an action of Council. He stated that at Council's next meeting of June 23rd, a majority vote of 2/3 of Council is required to rescind the motion. He explained that MO2008.125 must to be rescinded to start the discussion again.

Councillor K. Bertamini stated that she was serving Notice of Motion intending to rescind MO2008.125 at Council's next meeting of June 23rd, 2008 (2nd reading to Bylaw 16.08).

Mayor Nimmo advised that Councillor T. Yemen would be able to vote on the matter at that time. R. Romanetz clarified that Councillor Yemen would not be able to participate in the discussion or vote on the matter as he was not in attendance at the Public Hearing.

11.0 DELEGATION DECISIONS

12.0 UNFINISHED BUSINESS

13.0 NOTICES OF MOTIONS

14.0 COUNCILLOR REPORTS

14.1 Councillor D. Guidolin advised that he along with Councillor T. Yemen attended the Nacmine Community Hall Meeting held on June 5th and a number of issues were brought forward. He asked how Council should address concerns expressed at Community Hall Meetings. R. Romanetz advised that any administrative concerns should be brought to his attention for a response and matters requiring policy decision would be brought back to Council for direction.

15.0 **IN-CAMERA MATTERS MO2008.126** Bertamini, Shoff to go in camera at 6:45 PM. Carried.

15.1 Wastewater Treatment Plant

15.2 Kneehill Regional Water Services Commission

MO2008.127 McDonald, Bertamini to revert to regular Council meeting at 8:00 PM. Carried.

There being no further business the Mayor declared the meeting adjourned at 8:00 PM.

MAYOR

CHIEF ADMINISTRATIVE OFFICER