

MINUTES of the **REGULAR MEETING** of the **COUNCIL** of the **DISTRICT OF MISSION** held in the Council Chambers of the Municipal Hall, 8645 Stave Lake Street, Mission, British Columbia, on April 19, 2010 commencing at 6:30 p.m.

Council Members Present: Mayor James Atebe
Councillor Terry Gidda
Councillor Paul Horn
Councillor Danny Plecas
Councillor Mike Scudder
Councillor Jenny Stevens

Council Members Absent: Councillor Heather Stewart

Staff Members Present: Glen Robertson, chief administrative officer
Dennis Clark, director of corporate administration
Kelly Ridley, deputy director of corporate administration
Jennifer Russell, legislative assistant

Mayor Atebe announced that the late item "Temporary Industrial Permit Application TP10-002 (Kerr Properties 002 Ltd.) – 31322 Caswell Avenue" has been deferred to the regular council meeting of May 3, 2010 due to Councillor Stewart's absence.

1. DELEGATIONS AND PRESENTATIONS

Graham Hayman, Public Outreach Consultancy Inc.
Re: Street Fundraising for Canadian Red Cross

Mr. Graham Hayman and Mr. Joel Cherry from Public Outreach Consultancy Inc., appeared before council to ask for a business licence for street fundraising in the downtown core. Mr. Hayman provided an overview of the company's business model and fundraising methods and stated:

- street fundraising is more efficient and less intrusive than the door-to-door method;
- Public Outreach Consultancy Inc. is contracted by the Red Cross for only face to face monthly donations, and are paid a flat hourly rate, not by commission;
- respect, a low key presence and low pressure fundraising are the basis of their success;
- the street representatives are trained to be safety conscious and to not create any disruption or disturbance on the sidewalk;
- they are looking to be near a high flow of foot traffic, however once a person wishes to speak with them, they move off to a quieter, safer area to conduct the personal business of donation, as they do need to ask for personal information;
- the street representatives do not actively solicit or canvass, they make their presence known by wearing logo attire and by offering a conversational "Do you have a moment to talk about (name of charity)?"; and

- they want to be good citizens in the community and go to great lengths to ensure a safe environment to conduct their business.

In response to questions from council, Mr. Cherry stated:

- in 2009 7.5% of total funds raised for the Canadian Red Cross went toward fundraising and 7.5% to administration, totalling 15%, which is low in terms of administrative budgets for a registered charity in Canada;
- they do not work for charities with administrative costs over 20%;
- the response from local businesses depends on the neighbourhood, however the positive feedback has outweighed the negative; and
- they have a strict policy of not going within 3 metres of a doorway of a local business, and do not accept any cash donations.

The mayor thanked Mr. Hayman and Mr. Cherry for the information.

Moved by Councillor Horn, and

RESOLVED: That Public Outreach Consultancy Inc. be granted a business licence to conduct street fundraising in the downtown area, provided that specific locations and conditions be arranged with staff.

MOTION FAILED FOR WANT OF A SECONDER.

RC10/193
APR. 19/10

Business Licence Application – Street Fundraising

Moved by Councillor Scudder, seconded by Councillor Plecas, and

RESOLVED: That Public Outreach Consultancy Inc. be advised that the District of Mission will not issue a business licence for street fundraising due to possible safety concerns from sidewalk congestion and potential loitering complaints.

OPPOSED: Councillor Horn

CARRIED

RC10/194
APR. 19/10

Lynne Christensen Re: Residential/Urban Burning Bylaw

Ms. Lynne Christensen appeared before council to express concern regarding the allowance of backyard fire pits in District's current burning bylaw.

Ms. Christensen stated:

- safety should be the prime concern with intentional fires in yards on small lots, particularly during the dry season;
- fire pits detract from the appearance of a neighbourhood because of debris left around the fire area and smoke and ash blowing into the air;
- burning releases noxious fumes and carbon dioxide into the air, which goes against the community's goals of reducing greenhouse gas emissions;

- in close living quarters, one should not have to worry about safety, appearance, or noxious fumes because a neighbour is allowed to choose to have a fire in their backyard;
- the bylaw states that permitted fires should not interfere with a neighbour's enjoyment of their property due to drifting smoke, ash or unpleasant odour, however some backyard fires are not properly managed, and neighbours are forced to suffer with drifting smoke and worry about their safety with drifting embers;
- encouraging people to have backyard fires does not enhance the 'green' or 'clean air' community that we advocate, even if it is only clean wood being burned;
- children are learning to be 'green' at school, and we should reinforce this in residential areas where we have a choice to make a difference;
- if residents like to watch a fire, then they should either install a fireplace inside the home or go to a designated campsite; and
- our surrounding municipalities have banned backyard burning for many of the same reasons mentioned here.

Ms. Christensen asked that the fire and rescue service personnel be used for the big issues they were hired for, and made the following recommendations:

- (a) that there be a minimum lot size for burning permits, such as 3 acres or larger;
- (b) that former fire pit permit holders be contacted and reminded of recycling and reusing concepts; and
- (c) that former fire pit permit holders be contacted and reminded of the parks and recreation opportunities where safe fires can be held in the proper facilities.

Mayor Atebe thanked Ms. Christensen for the information. He further stated that this issue has been the subject of ongoing discussion and council is working to find a balance.

2. ADOPTION OF INFORMATIONAL ITEMS

Moved by Councillor Horn, seconded by Councillor Plecas, and

RESOLVED: That the following items be received as information:

- (a) report from the environmental coordinator dated April 13, 2010 – Curbside Compost Pilot Project;
- (b) report from the environmental coordinator dated April 14, 2010 – Household Hazardous Waste Collection day;
- (c) Ferndale Institution Population Profile – April 2010;
- (d) Mission Institution Report – March 2010;
- (e) minutes of the Mission Healthy Community Select Committee hosted workshop held on March 4, 2010;
- (f) minutes of the Mission Abbotsford Transit Committee meeting held on January 28, 2010; and

- (g) minutes of the Mission Abbotsford Transit Committee meeting held on February 25, 2010.

CARRIED

A report from the fire chief dated April 12, 2010 (Fire Pit Permits) was provided for council's information.

RC10/196
APR. 19/10

Moved by Mayor Atebe, seconded by Councillor Horn, and

RESOLVED:

1. That staff provide a report with a cost analysis for removing or reducing the renewal fees for fire pit permits; and
2. That staff provide a report with a comprehensive strategy for backyard fire pits, that might include a minimum lot size, provision for gas fuelled portable campfire devices, and a penalty for contravening the bylaw.

CARRIED

3. RESOLUTION TO RESOLVE INTO COMMITTEE OF THE WHOLE

RC10/197
APR. 19/10

Moved by Councillor Scudder, seconded by Councillor Plecas, and

RESOLVED: That council now resolve itself into committee of the whole.

CARRIED

4. ADMINISTRATION AND FINANCE

Councillor Stevens assumed the Chair.

RC10/198
APR. 19/10

Council Conference Policy

Moved by Councillor Scudder, and

RECOMMENDED: That Policy CON.1 Council Attendance at Conferences be amended to:

1. Provide the mayor and each council member with a three year conference budget at the commencement of each new council term, as follows:
 - a. a three year conference budget for each councillor of \$7,000
 - b. a three year conference budget for the mayor of \$12,000.
2. Permit the mayor and council members to carry forward unexpended funds from their individual conference budgets, in the first and second year of the three year council term.
3. Include that all council members may attend UBCM, LMLGA, or other similar conferences annually, and that each council member may attend one FCM conference during their three year term.

4. Amend the three year financial plan commencing in 2012, to reflect the policy changes.

CARRIED

RC10/199
APR. 19/10

Minutes of the Economic Development Select Committee Meeting held on February 18, 2010

The minutes of the Economic Development Select Committee meeting held on February 18, 2010 were provided for the committee's information.

Staff were directed to forward the draft committee minutes to council in the future.

5. PLANNING

Councillor Gidda assumed the Chair as the alternate for Councillor Stewart.

RC10/200
APR. 19/10

Carhoun and Sons Enterprises Ltd. Request for Variance from Section 108 of Zoning Bylaw - Streamside Protection and Enhancement Areas: Update on Status of Discussions with Fisheries and Oceans Canada

Moved by Mayor Atebe, and

RECOMMENDED: That council send a letter to Fisheries and Oceans Canada reconfirming its previous resolution regarding the significance of the proposed Carhoun and Sons Enterprises Ltd. (CSE) project as it relates to the goals, objectives and policies of the District of Mission's official community plan, and the exceptional circumstance of Policy LAN.54 "Streamside Protection Enhancement Area Variance Process", and request that Fisheries and Oceans Canada reconsider its recommendation outlined in its letter dated March 18, 2010.

OPPOSED: Councillor Horn
Councillor Stevens

CARRIED

RC10/201
APR. 19/10

Industrial Development Permit Area Guidelines – Official Community Plan Amendment

Moved by Councillor Horn, and

RECOMMENDED:

1. That the director of corporate administration prepare a bylaw to amend District of Mission official community plan bylaw 4052-2008 to:
 - a. delete all text within "Area K Industrial Business Park Development Permit Area" in its entirety from Part IV – Development Permit Areas,
 - b. delete "O (i) and O (iii)" in their entirety from Schedule 1, Part IV – Development Permit Areas,

- c. insert "Industrial Development Permit Area" in its entirety after Development Permit Area J and before Development Permit Area L;
2. That the bylaw be considered for first reading at the regular council meeting on April 19, 2010;
3. That following such a reading, the bylaw be forwarded to a public hearing on May 25, 2010;
4. That upon due consideration of Sections 879 and 881 of the *Local Government Act*, a consultation referral go forward to School District No. 75; and
5. That in accordance with Section 882 of the *Local Government Act*, council has considered the District of Mission official community plan amending bylaw in conjunction with the District of Mission's financial plan (includes capital expenditure plan and operating expenditure plan) and waste management plan.

CARRIED

RC10/202
APR. 19/10

Minutes of the Regular Meeting of Council (Public Hearing) held on March 22, 2010

The minutes of the regular meeting of council (public hearing) held on March 22, 2010 were provided for the committee's information.

6. ENGINEERING AND PUBLIC WORKS

Councillor Gidda assumed the Chair.

RC10/203
APR. 19/10

Water Shortage Response Plan and Lawn Sprinkling Ban for 2010

Moved by Councillor Horn, and

RECOMMENDED:

1. That District of Mission water bylaw 2196-1990 be amended by:
 - (a) deleting Section 5.1 in its entirety and replacing it with the following:

"5.1 Sprinkling Restrictions

The Engineer may for the purpose of reducing water demands from the works, order all consumers to suspend or stop using water for fountains, gardens, or lawn, or may regulate the days and/or hours for using water for the same.

The Engineer shall cause to be published a notice of such restrictions in a newspaper having a circulation in the Municipality.

The minimum annual water conservation strategy be as follows:

 - a. **Stage One**
Conservation Advisory
October 1 to April 30.
 - i. No watering restrictions except where there is an order from the

Engineer.

- ii. Water conservation education is provided to the public.

b. Stage Two

Twice-Weekly Sprinkling

May 1, 2010 to June 30, 2010 and September 1, 2010 to September 30, 2010.

Even numbered addresses: Wednesday and Saturday, 6:00am – 8:00am

Odd numbered addresses: Thursday and Sunday, 6:00am – 8:00am

No Person shall carry out sprinkling of lawns using hose connected sprinklers, soaker hoses or automatic in-ground sprinklers except in the accordance with the following restrictions:

- i. Twice-weekly sprinkling as per above;
- ii. All hoses must be equipped with spring-loaded shut-off devices;
- iii. Garden irrigation, watering of flowers, shrubs and vegetables and car washing on grass or gravel areas may be carried out using a hand-held wand or a hose equipped with a spring-loaded shut off device; and
- iv. Where lawn is newly seeded or sodded, a person may obtain a Sprinkling Permit from the Engineering Department of the District to carry out sprinkling of the new lawn between the hours of 6:00am and 8:00 am daily for a two week period during the months of May, June and September 2010, upon payment of the applicable fees prescribed in Schedule "A".

c. Stage 3

Total Lawn Sprinkling Ban

July 1 to August 31, 2010

And May, June and September as triggered by Dickson Lake level or Maclure Reservoir recharge.

The Engineer is authorized to issue an order prohibiting all lawn sprinkling during the months of July 1 to August 31, 2010, and imposing additional and other restrictions on water use where:

- i. The Dickson Lake Drought Management Plan Criteria is not met; or
- ii. Maclure Reservoir recharge not achieving 3.75m by 5:00 a.m. on two consecutive days;

and the Engineer considers that the forecasted weather conditions make it necessary to do so.

Where the Engineer issues an order under stage three every Person must comply with all water use restrictions specified in the Engineer's order for the time period specified in the order and, without limiting the generality of the foregoing, the following water use restrictions shall apply:

- i. lawn sprinkling of any kind is prohibited (vegetables and flower sprinkling allowed);
- ii. hosing of outdoor surfaces is prohibited;
- iii. hoses must be equipped with spring-loaded shut-off devices;

- iv. use of non re-circulating fountains must be discontinued;
- v. hydrant use permits will not be issued; and
- vi. permits for sprinkling of newly seeded or sodded lawns will not be issued;
- vii. wading pools filled only when required; and
- viii. curtail street flushing.

An exception to the ban may be considered by the Engineer for community sand base fields and/or where there is a high risk of significant and costly damage to the field if watering is stopped. The Engineer will work closely with internal staff and Mission Public Schools to ensure watering of the fields is kept to a minimum to keep the grass from dying.

d. Stage 4

The Engineer is further authorized to issue an order imposing such water use restrictions as the Engineer considers necessary where, because of special circumstances or conditions, such restrictions are necessary to ensure that adequate service can be maintained throughout the District.

e. General

Where the Engineer issues an order under Stage Three or Stage Four:

- i. The order may specify the manner in which notice of the water use restrictions are to be advertised or published;
- ii. Notice of the Engineer's order must be provided to Council at its next scheduled meeting; and
- iii. Council may, by resolution, confirm, vary or rescind the order.

No Person Shall allow water to run to waste, whether wilfully or by permitting pipes, taps, toilets, irrigation systems or other means of distributing or storing water to run or leak and remain unrepaired.

Every person who:

- i. Uses water in contravention of a sprinkling ban or other water use restriction specified in Stage 2 or an order issued by the Engineer Stage 3 or Stage 4; or
- ii. Allows water to run to waste;

Commits an offence under this Bylaw and, in addition to any other penalties which may be imposed, the District may cause Service to the Person's Premises to be shut off until such time as the contravention is remedied and the Person has, where applicable, paid the Reconnection Fee prescribed in Schedule "A" attached to and forming part of this Bylaw."

(b) adding the following to Schedule A:

"SPRINKLING PERMIT FEE

2010 - \$50.00 May1 to June 30, 2010 and September 1 to September 30, 2010 (Daily water permitted from 6:00am to 8:00am for a two week period)

July and August 2010 – No Permits to be issued Watering Ban in Effect

RECONNECTION FEE:

To turn water back on after a temporary disconnection.....\$60"

2. That District of Mission water rates bylaw 2197-1990 be amended by deleting the following from Schedule B:

"Sprinkling Permits
2008 and 2009 - \$ 50.00 in May, June and September
\$100.00 in July and August

Daily watering permitted 6:00 a.m. to 8:00 a.m. for a two week period."

CARRIED

7. RESOLUTION TO RISE AND REPORT

Mayor Atebe resumed the Chair.

RC10/204
APR. 19/10

Moved by Councillor Stevens, seconded by Councillor Scudder, and

RESOLVED: That the committee of the whole now rise and report.

CARRIED

8. ADOPTION OF COMMITTEE OF THE WHOLE REPORT

RC10/205
APR. 19/10

Moved by Councillor Plecas, seconded by Councillor Scudder, and

RESOLVED: That the recommendations of the committee of the whole, as contained in items RC10/192 to RC10/204, except items RC10/193 (street fundraising) and RC10/200 (letter to Department of Fisheries and Oceans), be adopted.

CARRIED

RC10/206
APR. 19/10

Moved by Councillor Gidda, seconded by Councillor Scudder, and

RESOLVED: That the recommendation of the committee of the whole, as contained in item RC10/193 (street fundraising), be adopted.

OPPOSED: Councillor Horn

CARRIED

RC10/207
APR. 19/10

Moved by Councillor Gidda, seconded by Councillor Scudder, and

RESOLVED: That the recommendation of the committee of the whole, as contained in item RC10/200 (letter to Department of Fisheries and Oceans), be adopted.

OPPOSED: Councillor Horn
Councillor Stevens

CARRIED

9. BYLAWS

RC10/208
APR. 19/10

Moved by Councillor Gidda, seconded by Councillor Plecas, and

RESOLVED: That the readings of all bylaws included in the Bylaws section of the April 19, 2010 regular council agenda be approved as listed:

- | | | |
|-----|--|---|
| (a) | District of Mission False Alarm Amending Bylaw 5133-2010-2929(4) – a bylaw to remove the words "in the calendar year" from Section 3 | Adoption |
| (b) | District of Mission Water Amending Bylaw 5135-2010-2196(20) – a bylaw to amend sprinkling restrictions | First, Second and Third Readings as amended |
| (c) | District of Mission Water Rates Amending Bylaw 5136-2010-2197(18) – a bylaw to make a housekeeping amendment for sprinkling restrictions | First, Second and Third Readings |
| (d) | District of Mission Official Community Plan Amending Bylaw 5137-2010-4052(9) – a bylaw to incorporate new Industrial Development Permit Guidelines | First Reading |
| (e) | In accordance with Section 882 of the <i>Local Government Act</i> , council has considered District of Mission official community plan amending bylaw 5137-2010-4052(9) in conjunction with the District of Mission's financial plan and waste management plan | -- |

CARRIED

RC10/209
APR. 19/10

Moved by Councillor Horn, seconded by Councillor Plecas, and

RESOLVED: That District of Mission zoning amending bylaw 5124-2010-5050(7) be read a third time.

CARRIED

RC10/210
APR. 19/10

Moved by Councillor Scudder, seconded by Councillor Gidda, and

RESOLVED: That District of Mission zoning amending bylaw 5117-2010-5050(5) be read a third time.

CARRIED

RC10/211
APR. 19/10

Moved by Councillor Gidda, seconded by Councillor Scudder, and

RESOLVED: That District of Mission zoning amending bylaw 5123-2010-5050(6) be read a third time.

OPPOSED: Councillor Horn
Councillor Plecas
Councillor Stevens

DEFEATED

Staff were directed to add consideration of third reading of bylaw 5123-2010-5050(6) to the agenda for the regular council meeting on May 3, 2010, pursuant to Section 131 of the *Community Charter* (mayor's direction to reconsider).

10. MINUTES

RC10/212
APR. 19/10

Moved by Councillor Plecas, seconded by Councillor Gidda, and

RESOLVED: That the minutes of the regular meetings of council held on March 22, 2010 (public hearing) and April 6, 2010 be adopted.

CARRIED

11. OTHER BUSINESS

There was no other business.

12. CHIEF ADMINISTRATIVE OFFICER'S REPORT

The chief administrative officer announced the emergency preparedness open house would be on May 1, 2010 from 12:00 to 4:00 p.m. at the leisure centre.

13. MAYOR'S REPORT

The mayor reported on various activities, meetings and events attended since the last regular council meeting.

14. COUNCILLOR'S REPORTS ON COMMITTEES, BOARDS AND ACTIVITIES

Councillors Horn, Scudder and Stevens reported on various activities, meetings and events attended since the last regular council meeting.

RC10/213
APR. 19/10

Moved by Councillor Horn, seconded by Councillor Scudder, and

RESOLVED: That May 3 through 7, 2010 be proclaimed as "Mental Health Week" within the District of Mission; the District to assume no costs related thereto.

CARRIED

15. QUESTION PERIOD

Council and staff responded to questions and comments from the following people:

Tracy Lyster, Mission:

- (a) Where is the council resolution stating the significance of the Carhoun project as it relates to the OCP?

The chief administrative officer responded that there was reference in the body of the report that went to council at the meeting of August 24, 2010, and the resolution was generated from that.

- (b) The minutes of the August 24th meeting state it was only about the variance, and land use comments were not permitted at that meeting, so why are we discussing land use and OCP issues at this meeting?

The mayor responded that the description of "land use" is just stating the OCP designation.

- (c) Has there been a development application submitted yet?

The mayor responded there had not.

- (d) What will be in the letter, and who will it be sent to?

The chief administrative officer responded that the letter will contain the motion that is in the report that was adopted by council this evening, and will be sent to the Department of Fisheries and Oceans and copied to Randy Kamp, MP.

- (e) Does council know how many trees are in that ravine and how many trees will be lost? Does it know what the greenhouse gas impacts are for removing the trees?

The mayor responded that council does not know those numbers.

- (f) Can you explain how the development will raise the standard for green development in Mission?

The mayor responded that the staff members who wrote the report had left the meeting.

Councillor Horn asked if there would be any other documents sent with the letter to DFO, such as the accompanying staff report?

The director of corporate administration responded that the letter would simply contain the resolution that council adopted.

The mayor clarified that the statement regarding raising the standard for green development in Mission would not be in the letter, and that the letter would be a public document, available to anyone.

- (g) Has the Ministry of Environment been consulted yet?

The chief administrative officer responded that he was not aware of what had taken place, and would ask Mike Younie to answer that question.

- (h) Why is council questioning the opinion from DFO tonight, whereas at the August 24th meeting the DFO opinion was "welcomed"? Why is the DFO expert opinion not being accepted?

The mayor responded that council is reaffirming its support that the conversation continues, at all levels, until that process is complete.

- (i) Could we also look at options to redesign this project as recommended by DFO and see if that is possible on that site?

The mayor responded that at the end of the day if the proposal comes before council for discussion, it may make that decision.

- (j) Do we have a clear understanding of the appeal process that developers have with DFO and other ministries if they are turned down with a HADD or something similar? Could we find out what that process may be?

The mayor responded that council was just being told that the conversation between the parties was going a little further.

Councillor Horn stated that in the information that was forwarded by the proponent, the *Canadian Environmental Assessment Act* (CEAA) process was set out. There is some clarity around that in the documentation provided.

Phyllis Young, Mission:

- (a) How is the CEAA initiated, or how would it relate to the proposed application?

The director of planning responded it was her understanding that when an application comes in to go to a harmful alteration, disruption or destruction (HADD), the DFO forwards it to the process that you are speaking of, and that is when the Ministry of Environment gets involved. In the case of this project, it was never forwarded so they haven't got to that point yet. It will not go that far if the appeal does not go through. It can only get there if DFO agrees to send it, and it is her understanding that they have not done that. The letter would allow it to get the process to let those departments all have their say.

- (b) Is there any idea how much fill would be required to fill in those two steep ravines?

The mayor responded that they did not know that information.

- (c) What is the carbon footprint of all the trucks that would be needed to bring all the fill for the two ravines?

The mayor responded that he didn't know if we would ever get to the point of receiving that kind of information. Those type of questions are encouraged if we do get to the point of a public input session, where council can then ask scientists to provide that kind of information.

- (d) Is there an inventory of land within the District of Mission that is used for compensation purposes?

The chief administrative officer responded that there was no such inventory of lands.

- (e) Is the ban on watering lawns applicable to businesses as well as residential properties? Are golf courses included?

The director of corporate administration responded that the golf courses in Mission are supplied through private wells.

Mayor Atebe stated that the reason behind the watering restrictions is to manage the water consumption during the peak demand times.

Councillor Horn stated that except during the times of a watering ban, any resident or business can apply for a watering permit for a new lawn.

Jeannette Smith, Mission, asked why the temporary industrial permit application was added as a late item, and if there was a time limit on the application.

The chief administrative officer responded that staff realized after the agenda had gone out that council had not dealt with the permit, so we needed to get direction whether or not they wanted any further information. It will be on the agenda for the council meeting on May 3rd, and there is no time limit.

16. ADJOURNMENT

Moved by Councillor Plecas, seconded by Councillor Gidda, and

RESOLVED: That the meeting be adjourned.

CARRIED

The meeting was adjourned at 9:00 p.m.

JAMES ATEBE, MAYOR

DENNIS CLARK, DIRECTOR OF
CORPORATE ADMINISTRATION