

MINUTES OF A REGULAR MEETING OF COUNCIL HELD IN THE TOWN OF CRESTON COUNCIL CHAMBERS, 238 – 10TH AVENUE NORTH ON TUESDAY, JANUARY 28th, 2020 AT 4:00 P.M.

PRESENT Mayor Ron Toyota
Councillor Jen Comer
Councillor Arnold DeBoon
Councillor Jim Elford
Councillor Ellen Tzakis
Councillor Karen Unruh
Councillor Joanna Wilson

STAFF Mike Moore, Chief Administrative Officer
Ross Beddoes, Director of Community Services
Steffan Klassen, Director of Finance & Corporate Services
Jared Riel, Fire Chief
Marsha Neufeld, Executive Assistant
Bev Caldwell, Corporate Officer

MEDIA Lorne Eckersley, Creston Valley Advance
Jensen Shields, Juice FM

GALLERY Dallas Magrum, Resident
Allan Clement, Resident
Marnie Temple, Resident
James Wallis, Resident

CALL TO ORDER Mayor Toyota called the Regular Meeting to order at 4:00 p.m.

AGENDA

18-20 Moved by Councillor DeBoon, seconded by Councillor Comer
THAT the Agenda for the Regular Council Meeting of January 28th, 2020, be adopted.
MOTION CARRIED

MINUTES

19-20 Moved by Councillor Unruh, seconded by Councillor Comer
THAT the Minutes of the Regular Council meeting held January 14th, 2020, be adopted.
MOTION CARRIED

20-20 Moved by Councillor DeBoon, seconded by Councillor Unruh
THAT the Minutes of the Regular Committee of the Whole meeting held January 21st, 2020, be adopted.
MOTION CARRIED

DELEGATIONS

- None at this time.

ITEMS OF BUSINESS

Tilted Brick Gallery re Creston Education Centre Rental Space

21-20 Moved by Councillor Tzakis, seconded by Councillor Wilson
THAT the following Recommendation from the Regular Committee of the Whole meeting held January 21st, 2020, be adopted as follows:
RECOMMENDATION NO. 1:
THAT the request from the Tilted Brick Gallery Association, for a reduced rental fee for classroom space in the Creston Education Centre, be received; AND FURTHER, THAT Council approves a grant to The Tilted Brick Gallery Association, in the amount of \$6,000, to assist with the rental costs for one classroom in the Creston Education Centre for a one-year period (reducing the monthly rental fee from \$1,000 to \$500 per month), with funds being allocated from the Town of Creston Grant Budget.
MOTION CARRIED

Parks Booking Policy

- 22-20 Moved by Councillor DeBoon, seconded by Councillor Elford
THAT the following Recommendation from the Regular Committee of the Whole meeting held January 21st, 2020, be adopted:
RECOMMENDATION NO. 2:
THAT the Council Direction Request and Staff Briefing Notes from the Director of Community Services, regarding the Parks Booking Policy, be received; AND FURTHER, THAT staff is directed to bring forward for Council's consideration, a draft Parks Booking Policy and appropriate draft amendments to the Parks, Trails and Public Places Regulations Bylaw, following a review by legal counsel.
MOTION CARRIED

Development Permit 04/19 re 320 – 20TH Avenue S.

- 23-20 Moved by Councillor Unruh, seconded by Councillor DeBoon
THAT the following Recommendation from the Regular Committee of the Whole meeting held January 21st, 2020, be adopted:
RECOMMENDATION NO. 3:
THAT the Council Direction Request and Staff Briefing Notes from the Director of Community Services, regarding Development Permit 04/19 for 320 – 20th Avenue South, be received; AND FURTHER, THAT staff is directed to draft Development Permit No. 04/19 to Mireille and William Wittig (the owners) for the property legally described as Lot 1, District Lot 891, Kootenay District Plan 2506, except part included in Plan 6030, PID: 009-936-882, and located at 320 – 20th Avenue South, Creston, to allow for an addition to the existing single family residence, for Council's consideration at an upcoming Regular Council meeting.
MOTION CARRIED

Structural Change Application re 1404 Cook Street

- 24-20 Moved by Councillor DeBoon, seconded by Councillor Comer
THAT the following Recommendation from the Regular Committee of the Whole meeting held January 21st, 2020, be adopted:
RECOMMENDATION NO. 4:
THAT the application from Romano's Runaway Lanes Limited for a Liquor Primary Structural Change from the British Columbia Liquor and Cannabis Regulation Branch, be received; THAT Council supports the application by Romano's Runaway Lanes Limited for the Structural Change Application to the British Columbia Liquor and Cannabis Regulation Branch, to increase the total occupancy of the liquor service area from 50 persons to 100 persons located at 1404 Cook Street, Creston; AND FURTHER, THAT the Liquor and Cannabis Regulation Branch be advised that Council 'opts out' of the public process with respect to this application.
MOTION CARRIED

Development Permit DP-05/18 re 1625 Northwest Boulevard

- 25-20 Moved by Councillor DeBoon, seconded by Councillor Unruh
THAT the following Recommendation from the Special Regular Committee of the Whole meeting held December 18th, 2018, be adopted:
RECOMMENDATION:
THAT Council consider the application for Development Permit DP-05/18 to Byron Murtack (the owner) for the property legally described as Lot 2, District Lot 892, Kootenay District, Plan NEP58861 Except Plan NEP62103; and located at 1625 Northwest Boulevard, to allow for the development of a new gas station and convenience store; AND FURTHER, THAT staff is directed to issue Development Permit DP-05/18 to Byron Murtack subject to the owner providing to the Municipality, security in the form of an Irrevocable Letter of Credit (or other acceptable security) to ensure the performance of conditions with respect to landscaping and/or to correct any unsafe condition which may result from a contravention of the conditions in the Permit. The letter of credit shall be in the amount of \$25,000. MOTION CARRIED

Council Orientation and Council Scope of Duties Policies

- 26-20 Moved by Councillor Wilson, seconded by Councillor Tzakis
 THAT the following Recommendation from the Regular Committee of the Whole meeting held March 19th, 2019, be adopted:
RECOMMENDATION:
 THAT staff be directed to review and update the Council Orientation and Council Scope of Duties Policies and bring forward to a future Committee of the Whole meeting. MOTION CARRIED

Dual Charger Fast Charging Station – Cook Street Parking Lot

- 27-20 Moved by Councillor Comer, seconded by Councillor Unruh
 THAT the following Recommendation from the Regular Committee of the Whole meeting held April 16th, 2019, be adopted:
RECOMMENDATION:
 THAT Council hereby enters into a Memorandum of Understanding with FortisBC to apply to Natural Resources Canada in May for funding to install a Dual Charger Fast Charging Station in the Cook Street Parking Lot. MOTION CARRIED

- 28-20 Moved by Councillor Elford, seconded by Councillor Comer
 THAT the following Recommendations from the Regular Committee of the Whole meeting held May 14th, 2019, be adopted:

Rezoning Application re 908 Northwest Boulevard

RECOMMENDATION:
 THAT Council direct Staff to draft a Zoning Amendment Bylaw to rezone 908 Northwest Boulevard from M-1 to C-1 for Council consideration.

Affordable Housing Solutions for Creston

RECOMMENDATION:
 THAT Council direct Staff to explore various opportunities on affordable housing solutions in Creston. MOTION CARRIED

- 29-20 Moved by Councillor DeBoon, seconded by Councillor Unruh
 THAT the following Recommendations from the Special Regular Committee of the Whole meeting held May 21st, 2019, be adopted:

Development Variance Permit Application re 1700 McLaren Street

RECOMMENDATION:
 THAT Council direct Staff to proceed with the public notice regarding Development Variance Permit Application 01/19 with respect to the requirement for a sidewalk within the proposed cul-de-sac of the 1700 McLaren Street development.

Zoning and Official Community Plan Amendments re 616 – 16th Ave. S.

RECOMMENDATION:
 THAT Council direct staff to draft the appropriate Zoning Amendment Bylaw and Official Community Plan Amendment Bylaw with respect to the property located at 616 – 16th Avenue South to be presented to Council for first and second readings at a future meeting of Council.

Zoning and Official Community Plan Amendments

RECOMMENDATION:
 THAT Council direct staff to draft the appropriate Zoning Amendment and Official Community Plan Amendment Bylaws to be presented at a future meeting of Council with respect to the proposed 2019 bulk Zoning and Official Community Plan Bylaw amendments as presented. MOTION CARRIED

- 30-20 Moved by Councillor Wilson, seconded by Councillor Comer
 THAT the following Recommendations from the Regular Committee of the Whole meeting held June 18th, 2019, be adopted:

Kootenay-Wide Inter Community Business Licence Bylaw

RECOMMENDATION:

THAT Council authorizes staff to proceed with a draft Kootenay-Wide Inter Community Business Licence Bylaw and bring forward to a future meeting for first, second and third readings.

Town Hall Rest Area Project

RECOMMENDATION:

THAT Council authorizes staff to proceed with the Town Hall Rest Area Project, to be funded from the Downtown Beautification budget in the amount of six thousand dollars (\$6,000).

Development Variance Permit Application 02/19 re 307 – 23rd Avenue N.

RECOMMENDATION:

THAT Council consider Development Variance Permit Application 02/19; AND FURTHER, THAT Council direct staff to proceed with the required public notice for the Development Permit Application. MOTION CARRIED

Zoning Amendment Application re 519 – 16th Avenue S.

- 31-20 Moved by Councillor DeBoon, seconded by Councillor Tzakis
 THAT the following Recommendation from the Regular Committee of the Whole meeting held July 23rd, 2019, be adopted:

RECOMMENDATION:

THAT the Council Direction Request from the Director of Municipal Services, regarding a Zoning Amendment Application for 519 – 16th Avenue South, be received; AND FURTHER, THAT staff is authorized to commence with the Public Hearing process for 519 – 16th Avenue South, and draft the required Zoning and Official Community Plan Amending Bylaws for Council's consideration at an upcoming Regular Council Meeting. MOTION CARRIED

- 32-20 Moved by Councillor Unruh, seconded by Councillor Comer
 THAT the following Recommendations from the Regular Committee of the Whole meeting held August 20th, 2019, be adopted:

Permissive Tax Exemption Application Review Committee Appointments

RECOMMENDATION:

THAT Councillors Karen Unruh and Ellen Tzakis be appointed to the Permissive Tax Exemption Application Review Committee to review and bring forward recommendations regarding the 2020 – 2022 permissive tax exemption applications; AND FURTHER, THAT Council approves a cap for allowable permissive tax exemptions in the amount of 1.5 percent of the estimated total amount of municipal taxation based on 2019 assessed values.

Reallocate Budgeted Paving Funds

RECOMMENDATION:

THAT Council approves the transfer of budgeted paving funds from the Schikurski Park Walking Path Budget in the amount of twenty-seven thousand dollars (\$27,000) to pave the trail on the south side of Valley View Drive between Ibbitson Street and Hawkview Drive.

Development Variance Permit Application 03/19 re 1516 Hillside Street

RECOMMENDATION:

THAT Council direct staff to proceed with the required public notice process regarding Development Variance Permit Application 03/19 with respect to 1516 Hillside Street, Creston, British Columbia.

Woodstove Exchange Program**RECOMMENDATION:**

THAT Council authorizes the Town of Creston's participation in the Regional District of Central Kootenay's 2019/2020 Woodstove Exchange Program to provide a one hundred-dollar (\$100) per woodstove rebate for Town of Creston residents or property owners, to a maximum of twenty (20) woodstoves. MOTION CARRIED

33-20

Moved by Councillor DeBoon, seconded by Councillor Unruh

THAT the following Recommendations from the September 10th, 2019 Regular Committee of the Whole meeting, be adopted:

Garbage to Utility Billing Communications Strategy**RECOMMENDATION:**

THAT Council approves the Garbage to Utility Billing Communications Strategy; THAT Council authorizes the preparation of a draft Solid Waste Bylaw to incorporate solid waste collection with utility billing and to remove solid waste collection from taxation; AND FURTHER, THAT Council directs staff to bring forward additional information regarding business rates with respect to solid waste collection from other municipalities.

Citizen Budget Process**RECOMMENDATION:**

THAT Council approves the continuation of the Citizen Budget Process for the next three years, being 2019, 2020 and 2021, in the amount of two thousand, five hundred dollars (\$2,500) per year.

Development Permit 01/19 re 806 Canyon Street**RECOMMENDATION:**

THAT Council directs staff to draft Development Permit No. 01/19, for Council consideration during an upcoming Regular Council Meeting, conditional upon security and off-street parking requirements being met.

Permissive Tax Exemptions**RECOMMENDATION:**

THAT Council approves the twenty-five (25) permissive tax exemption applications for 2020, 2021 and 2022 as presented, to include the permissive portion for the property located at 1411 Canyon Street at one hundred (100) percent; AND FURTHER, THAT Council authorizes the preparation of draft Permissive Tax Exemption Bylaw (2020, 2021 and 2022) for consideration during an upcoming Regular Council Meeting.

Public Art Piece**RECOMMENDATION:**

THAT Council approves the purchase of the "The Awakening" public art piece located at the intersection of Pine Street and Canyon Street in the amount of sixteen thousand dollars (\$16,000) to be funded from the Downtown Beautification budget.

MOTION CARRIED

34-20

Moved by Councillor Wilson, seconded by Councillor Comer

THAT the following Recommendations from the Regular Committee of the Whole meeting held October 15th, 2019, be adopted:

Crawford Hill Reservoir Lands**RECOMMENDATION:**

THAT Council directs staff to continue to investigate the required actions, partnerships and funding required for developing the former Crawford Hill reservoir lands into a public park; AND FURTHER, THAT Council directs staff to bring the aforementioned opportunity back to a future Committee of the Whole Meeting in January 2020 for further review and direction.

Creston Valley-Kootenay Lake Tourism**RECOMMENDATION:**

THAT Council supports the Creston Valley-Kootenay Lake Tourism application to become the designated recipient of the Municipal and Regional District Tax (MRDT) to be collected within the Town of Creston and RDCK Electoral Areas B and C; AND FURTHER, THAT a letter be provided to Creston Valley-Kootenay Lake Tourism indicating the Town of Creston's support for the implementation of the sales tax within the defined Municipal and Regional District Tax boundary.

Solids Dewatering Facility Project**RECOMMENDATION:**

THAT Council directs staff to proceed with design and construction as recommended in the Technology Options Evaluation (recommended option – 'Geomembrane Tubes') and prepare the 2020 Budget to reflect the increased Solids Dewatering Facility project cost of \$878,850 of which the Town of Creston will provide 35% funding and the Columbia Brewery will provide 65% funding. MOTION CARRIED

Environment and Climate Change Canada re Species at Risk

- 35-20 Moved by Councillor Unruh, seconded by Councillor Comer
THAT correspondence from Environment and Climate Change Canada, seeking comments regarding a Consultation process on amending Schedule 1 of the *Species at Risk Act*, be received. MOTION CARRIED

Rural Evidence Review Project – University of British Columbia

- 36-20 Moved by Councillor Elford, seconded by Councillor Comer
THAT correspondence from the University of British Columbia, regarding its Rural Evidence Review Project, be received; AND FURTHER, THAT staff is directed to promote the Union of British Columbia Rural Evidence Review Project (an ongoing research study to understand rural and remote community priorities for health care across British Columbia) by posting a link to the survey results on the Town's website. MOTION CARRIED

Kootenay Region Skate Canada BC/YK re Discretionary Grant Application

- 37-20 Moved by Councillor Unruh, seconded by Councillor Elford
THAT the Discretionary Grant Application from the Kootenay Region Skate Canada BC/YK, be received; AND FURTHER, THAT Council approves a Discretionary Grant in the amount of \$500 to the Kootenay Region Skate Canada BC/YK, to assist with expenses related to the Regional Championships which is being held in Creston February 21st to 23rd, 2020. MOTION CARRIED

Tipping Fees for Yard Waste at the Creston Landfill Site

- 38-20 Moved by Councillor DeBoon, seconded by Councillor Tzakis
THAT the copy of the letter from the Creston Climate Action to the Regional District of Central Kootenay, requesting the Regional District to reconsider its decision not to waive the tipping fees at the Creston Landfill site for the disposal of yard waste materials on a year-round basis, be received. MOTION CARRIED

Heritage Week Proclamation

- 39-20 Moved by Councillor Elford, seconded by Councillor Comer
THAT the request from Heritage BC for the Town of Creston to issue a proclamation for "Heritage Week", be received; AND FURTHER, THAT the Mayor is authorized to issue a Proclamation to declare the week of February 17th to 23rd, 2020 as "Heritage Week" in the Town of Creston. MOTION CARRIED

Panago Creston Request re Parking Stalls

- 40-20 Moved by Councillor Tzakis, seconded by Councillor Elford
 THAT the request from Panago Creston for permission to use two Town owned parking stalls during building renovations, be received; AND FURTHER, THAT Council approves the exclusive use of two designated parking stalls in the Cook Street Parking Lot, by Panago Creston, during the renovation project period to the Panago building on Canyon Street, from approximately February 9th to 26th, 2020, for the purposes of storing a disposal bin and a Sea-Can. MOTION CARRIED

Development Permit 04/19 re 320 – 20th Avenue S.

- 41-20 Moved by Councillor Elford, seconded by Councillor Wilson
 THAT Council approves the issuance of Development Permit 04/19 to Mireille and William Wittig, for the property legally described as Lot 1, District Lot 891, Kootenay District, Plan 2506, except part included in Plan 6030 (PID 009-936-882), and located at 320 – 20th Avenue South, Creston, to allow for the development of an addition to the existing single family dwelling. MOTION CARRIED

Regulating Pests and Vermin

- 42-20 Moved by Councillor Tzakis, seconded by Councillor Unruh
 THAT the Request for Decision and Staff Briefing Note from the Director of Community Services, regarding regulations with respect to pests and vermin, be received; AND FURTHER, THAT Council consider three readings to Property Maintenance Amendment Bylaw No. 1906, 2020 and Bylaw Notice Enforcement Amendment Bylaw No. 1907, 2020, at the January 28th, 2020 Regular Council meeting. MOTION CARRIED

BYLAWS**Fees and Charges Amendment Bylaw No. 1908, 2020**

- 43-20 Moved by Councillor DeBoon, seconded by Councillor Unruh
 THAT Fees and Charges Amendment Bylaw No. 1908, 2020, be adopted. MOTION CARRIED

Property Maintenance Amendment Bylaw No. 1906, 2020

- 44-20 Moved by Councillor Wilson, seconded by Councillor DeBoon
 THAT Property Maintenance Amendment Bylaw No. 1906, 2020, be read a first time by title and second time by content. MOTION CARRIED
- 45-20 Moved by Councillor Tzakis, seconded by Councillor Elford
 THAT Property Maintenance Amendment Bylaw No. 1906, 2020, be read a third time by title. MOTION CARRIED

Bylaw Notice Enforcement Amendment Bylaw No. 1907, 2020

- 46-20 Moved by Councillor DeBoon, seconded by Councillor Comer
 THAT Bylaw Notice Enforcement Amendment Bylaw No. 1907, 2020, be read a first time by title and second time by content. MOTION CARRIED
- 47-20 Moved by Councillor Unruh, seconded by Councillor Elford
 THAT Bylaw Notice Enforcement Amendment Bylaw No. 1907, 2020, be read a third time by title. MOTION CARRIED

NEW BUSINESS

No new business at this time.

REPORTS OF REPRESENTATIVES

Councillor DeBoon reported on his attendance at a Creston Valley Regional Airport Society meeting, a Trails for Creston Valley Society meeting, Regional District of Central Kootenay Joint (and East) Resource Recovery Committee meetings, a Technical Building Advisory Committee meeting, and the Open House at Spectrum Farms.

Councillor Elford reported on his attendance at a Regional District of Central Kootenay Economic Action Partnership meeting, a Creston Community Forest meeting, a Technical Building Advisory Committee meeting, an Arrow Creek Water Commission meeting, and the Open House at Spectrum Farms.

Councillor Tzakis reported on her attendance at a Creston Valley Network meeting, a Creston Valley Community Housing Society meeting, a Creston Valley Chamber of Commerce meeting, and the Open House at Spectrum Farms.

Councillor Unruh reported on her attendance at the Crawford Hill Reservoir site lands public Information meeting.

Councillor Wilson reported on her attendance at a Technical Building Advisory Committee meeting, a Creston Valley Library meeting, the Crawford Hill Reservoir site lands public information meeting, and the Open House at Spectrum Farms.

48-20

Moved by Councillor Wilson, seconded by Councillor Tzakis
THAT the verbal reports of Council, be received as presented.

MOTION CARRIED

GIVING OF NOTICES

- COTW – February 18th, March 17th, 2020
- COUNCIL – February 11th, 25th, March 10th, 24th, 2020
- SPECIAL COUNCIL – February 18th, 2020 (Budget Bylaw)

QUESTION PERIOD

Mr. Lorne Eckersley asked if the housekeeping of previous Committee of the Whole recommendations had been an oversight. Mayor Toyota responded that this was a housekeeping issue and ensures that the Council minutes are kept in order.

Mr. Jensen Shields asked if, upon adoption of Property Maintenance Amendment Bylaw No. 1906, 2020, the Town would be enforcing the regulations on certain properties that may have issues with pests or vermin. The Chief Administrative Officer advised that with the adoption of the Bylaw, it will allow the Town to abate situations with respect to pests and vermin issues.

RECESS AND MOVE TO SPECIAL COMMITTEE OF THE WHOLE, FOLLOWED BY A CLOSED COUNCIL MEETING

49-20

Moved by Councillor Unruh, seconded by Councillor Comer
THAT the Regular Council Meeting of January 28th, 2020 be recessed at 4:34 p.m. and by authority of the *Community Charter*, Council move to a Special Committee of the Whole Meeting, followed by a Closed Council Meeting with this meeting being closed from the public and/or news media pursuant to Sub-Section 90(1)(a) personnel issues, (b) nomination of individual for award, (c) labour relations, (e) land issues, (g) litigation or potential litigation affecting the municipality; and Sub-Section 90(2)(c) Ombudsperson investigation.

MOTION CARRIED

RECONVENE

The Regular Council Meeting of January 28th, 2020 reconvened at 5:44 p.m.

AKBLG Resolution re Equitable Police Funding Model

50-20

Moved by Councillor Elford, seconded by Councillor Unruh
THAT Recommendation No. 2 from the Special Committee of the Whole meeting held January 28th, 2020, be adopted:

RECOMMENDATION NO. 2:

THAT the Request for Decision from the Director of Finance and Corporate Services, regarding an equitable police funding model, be received; AND FURTHER, THAT the following resolution be submitted for consideration at the 2020 Association of Kootenay & Boundary Local Governments’ Annual Conference, as follows:

WHEREAS the current RCMP policing model sees BC municipalities over 5,000 in population pay the full provincial cost share (either 70% or 90% depending on the size), while unincorporated areas and municipalities under 5,000 in population pay the provincial police tax rate, which covers up to 50% of the estimated cost of policing;

AND WHEREAS due to this system there is an inequity perceived by municipalities and their taxpayers due to the Province subsidizing policing costs for some taxpayers and not others:

THEREFORE BE IT RESOLVED that the current model of funding RCMP police services be reviewed with consideration given to equitable funding of police services through a provincial police tax based on the assessed value of improvements for the areas served by the detachments.

AND BE IT FURTHER RESOLVED that any provincial contribution towards policing be shared equally with all police taxpayers. MOTION CARRIED

RESOLUTIONS FROM CLOSED MEETING

- No Resolutions to report at this time.

ADJOURNMENT

51-20

Moved by Councillor Elford
THAT the meeting be adjourned at 5:45 p.m.

MOTION CARRIED

CERTIFIED CORRECT:

Mayor Ron Toyota

Bev Caldwell, Corporate Officer