

MINUTES of the Fortieth Meeting held by the Fourth Council of the City of Chilliwack in the Council Chambers, City Hall, on Monday, July 19, 2010, at 3:00 pm.

PRESENT: All members of Council, except Councillor McLean.

In addition, the following members of staff were present:

P.D. Monteith, Chief Administrative Officer
 K.D. Graham, City Clerk
 I. Crane, Director of Development
 R.L. Carnegie, Director of Corporate Services
 J. Spencer, General Manager of Community Development/Deputy CAO
 D. Blain, Director of Engineering
 G. MacPherson, Director of Public Works
 G. Pederson, Director of Parks, Recreation and Culture
 D. Wells, Deputy Director of Corporate Services
 K. Fraser, Deputy Director of Finance
 G. Schipper, Manager of Regulatory Enforcement
 G. Villeneuve, Manager of Current Planning
 R. Ryall, Fire Chief
 R.E. Sanderson, Manager of Transportation and Drainage
 T. Friesen, Assistant Manager Environmental Services
 B. Kurtz, Utilities Superintendent, Electrical/Mechanical
 G. White, Subdivision Application Manager
 J.L. McMurray, Recording Secretary

Mayor Gaetz was Chair and called the Meeting to order at 3:00 pm.

Adoption of Minutes

Huttema) That the Minutes of the Regular Meeting of Council held July 5, 2010,
 Janzen (be adopted, as circulated.

Carried unanimously

Consent Agenda

Attrill) That the following bylaws be now reconsidered, finally passed and adopted,
 Clark (that they be signed and the corporate seal affixed thereto:

“Zoning Bylaw Amendment Bylaw 2010, No. 3691”
 (Text amendment to create a new CD-22 Zone – RZ000631)

“Zoning Bylaw Amendment Bylaw 2010, No. 3692”
 (5648 Vedder Road – RZ000631)

“Bylaw Notice Enforcement Bylaw Amendment Bylaw 2010, No. 3711”

Carried unanimously

Monthly/Quarterly Reports

- Attrill) That the Operational Services Second Quarter Report for the period April to
Stam (June, 2010, be received for information.

Carried unanimously

Departmental Reports

- Janzen) Recommendation that Council reject the non-compliant tenders submitted by
Huttema (James Johnson Enterprises Ltd. and Bervin Construction Ltd. for the
“Wastewater Treatment Plant Maintenance Building Addition”; that Council
award the said tender to Gerry Enns Contracting Ltd., in the amount of
\$242,962.72 (including net taxes); and further, that the Mayor and Clerk be
authorized to sign any necessary documentation.

Carried unanimously

- Stam) Recommendation that the “Downtown Property Delegation Bylaw 2010,
Clark (No. 3712” be given introduction and three readings; and further, that staff be
directed to report to Council before signing documents to complete a sale of any
portions of the property located at 9260 Young Road.

Carried unanimously

The bylaw was read a first time.

- Attrill) That “Downtown Property Delegation Bylaw 2010, No. 3712” be read a second
Huttema (and third time.

Carried unanimously

The bylaw was read a second and third time by title.

- Stam) Recommendation that the Minutes of the Public Safety Advisory Committee
Janzen (meeting held June 9, 2010, be received for information; and further, that the
following recommendations be approved:

“(1) *That the Public Safety Advisory Committee recommend to Council that a student be hired for the summer to paint over graffiti on City owned property and privately owned properties with the permission of the owners; that a photograph of the graffiti and the location be recorded and information forwarded to the RCMP; and further, that this recommendation apply only to graffiti that can be reached without ladders.*

(2) *That the Public Safety Advisory Committee recommend to Council that City staff explore a municipal regulation to control panhandling.”*

Carried unanimously

Departmental Reports (continued)

- Attrill) That Council approve the following resolution with respect to the Chilliwack
Clark (Economic Partners Corporation (“CEPCO”) Partnering Agreement, Declaration
of Trust, Licence to Occupy Public Open Space and loan guarantee documents:

WHEREAS the City is the legal and beneficial owner of all of the shares of Chilliwack Economic Partners Corporation;

AND WHEREAS the City has previously entered into partnering agreements with and provided loan guarantees to CEPCO for the purpose of CEPCO providing the public with municipal services on behalf of the City;

AND WHEREAS the City’s previous loan guarantee will expire October 6, 2010 and the City wishes to provide a new loan guarantee to CEPCO;

AND WHEREAS CEPCO and the City agree to enter into a partnering agreement, pursuant to which the City will provide assistance by way of a loan guarantee to CEPCO and CEPCO will provide municipal services on behalf of the City to the residents of Chilliwack and to the general public;

AND WHEREAS the City has considered the services to be provided by CEPCO on behalf of the City and believes the services to be of benefit to the public of the City of Chilliwack;

AND WHEREAS CEPCO has arranged financing for this transaction with the Bank of Montreal (“Bank”),

NOW THEREFORE COUNCIL RESOLVES THAT:

1. Staff are directed to prepare and cause to be published and posted a notice in accordance with the requirements of the *Community Charter* in respect of:
 - a. the intention of the City to enter into a partnering agreement with CEPCO;
 - b. assistance to CEPCO by way of a Guarantee for a demand loan revolving credit facility; and,
 - c. assistance by way of a partnering agreement,

all of which are for a term no longer than 5 years.
2. Pursuant to section 8(1) and 21(a) of the *Community Charter*, the City will provide assistance to CEPCO in the form of a guarantee of its \$5,000,000.00 demand loan revolving credit facility, and CEPCO will provide the municipal services over the next five years as outlined in the Partnering Agreement; and that as indebtedness of CEPCO to the Bank reduces, the City’s guarantee will reduce accordingly.

Departmental Reports (continued)

-) 3. Subject to notice, the City is authorized to enter into and the Mayor and
(City Clerk are authorized to execute a guarantee of CEPCO's indebtedness to the Bank of Montreal, which guarantee shall be limited to \$5,000,000.00, plus interest, not to exceed a term of 5 years. The guarantee shall be limited as above and shall otherwise be in the form and with the content of the Guarantee Agreement, Term Sheet and draft Loan Facility Letter received from the Bank and attached for reference to the Staff Report dated July 14, 2010.
4. Subject to notice, the Mayor and City Clerk are authorized to execute:
- a. the Term Sheet provided by the Bank of Montreal;
 - b. the Facility Letter provided by the Bank of Montreal;
 - c. the Partnering Agreement between the City and CEPCO dated for reference September 29, 2010;
 - d. the Licence to Occupy Public Open Space between the City as trustee for CEPCO and the City dated for reference September 29, 2010;
 - e. the Guarantee for Indebtedness of an Incorporated Company by the City to the Bank of Montreal dated for reference September 29, 2010;
 - f. all other documentation necessary to give effect to the Partnering Agreement and the loan guarantee of \$5,000,000.00 to CEPCO for a period not to exceed 5 years.

that staff be directed to obtain a Letter of Credit from CEPCO to secure the amount equivalent to the cost of construction and maintenance of the Legacy Trail in the amount of \$176,750.00, as committed to under the previous Partnering Agreement; and further, that the Mayor and Clerk be authorized to sign any necessary documentation.

Carried unanimously

- Attrill) Recommendation that Council approve the issuance of Development Permit
Clark (DP000517 with respect to property located at 100E - 6640 Vedder Road, subject to the recommendations of the Design Review Panel.

Carried unanimously

- Stam) Recommendation that application ALR00220 for non-farm use within the
Huttema (Agricultural Land Reserve, with respect to property located at 6167 Tyson Road, be forwarded to the Agricultural Land Commission without support.

Carried unanimously

Committee Liaison Reports

Councillor Attrill reported on the Design Review Panel and Public Safety Advisory Committee meetings and the tour of the Chilliwack Cultural Centre.

Councillor Janzen reported on the progress of the Health Contact Centre and expressed thanks to the Councillors, Fraser Health, BC Housing, Pacific Community Resources and the dedicated group of citizens working on this project.

Councillor Stam reported on the Tourism Chilliwack Board; the positive results of the promotional advertising for Chilliwack that aired on CTV in May and June; “Business on the Green” Golf Tournament held on June 17, 2010; Tourism’s new website “The Great Outside”; and, the “Slow Food Cycle Tour Event” to be held in Chilliwack on August 22, 2010.

Attrill) That, in accordance with Section 90(1)(c), (e) and (g) of the *Community Charter*,
Clark (Council hold a Closed meeting to discuss personnel issues, property and
litigation.

Carried unanimously

The regular meeting adjourned at 3:12 pm and reconvened at 7:00 pm.

PRESENT: All members of Council, except Councillor McLean.

In addition, the following members of staff were in attendance:

J. Spencer, Deputy Chief Administrative Officer
K.D. Graham, City Clerk
I. Crane, Director of Development
G. Villeneuve, Manager of Current Planning
G. Schipper, Manager of Regulatory Enforcement
G. White, Subdivision Application Manager
J.L. McMurray, Recording Secretary

Section 57 Show Cause Hearing – 7630 Nixon Road

Show Cause Hearing with respect to building permit requirements (health and safety) following alterations and/or renovations as a result of a marijuana grow operation on the premises located at 7630 Nixon Road.

Nathan Muirhead, Lawyer, representing the property owner, 0829222 BC Ltd., informed Council the owner felt they had not received formal notice of what remediation steps are required to bring the building into compliance and due to a court order preventing the owner from entering onto the property to complete any alterations, Mr. Muirhead requested that more time be provided before registering a notice on title.

Section 57 Show Cause Hearing – 7630 Nixon Road (continued)

Stam) That, after due consideration to the presentation provided at the Hearing,
 Attrill (Council hereby directs that, pursuant to Section 57 of the *Community Charter*,
 notice be filed on title with the Registrar of the BC Land Title and Survey
 Authority with respect to deficiencies arising from building permit requirements
 for the premises located at 7630 Nixon Road.

Carried unanimously

Public Hearing“Zoning Bylaw Amendment Bylaw 2010, No. 3709” (RZ000666)

Public Hearing on the proposal to rezone property located at 9395 Windsor Street from an R1-A (One Family Residential) Zone to an R1-D (Infill Small-Lot One Family Residential) Zone.

Letter and petition of opposition received from Karel Logan, 9385 Windsor Street, received July 19, 2010.

Charles Lenz, 9355 Windsor Street, voiced opposition to the application and expressed concern that the proposal is not in keeping with the neighbourhood’s character and streetscape. Mr. Lenz stated that this was the only opportunity to speak and give an opinion on what is done with the subject property.

Donald Cleal, 9360 Windsor Street, voiced opposition to the proposal.

Clark) That the representations with respect to “Zoning Bylaw Amendment Bylaw
 Attrill (2010, No. 3709” be received for information.

Carried unanimously

Temporary Use Permit (TUP00001)

Public Hearing on Temporary Use Permit TUP00001 (renumbered from TCP00080), with respect to property located at 45446 Reece Avenue, to permit the operation of a 25 child daycare operation.

Natasha Lundgren, Applicant, “Playing to Learn Childcare Centre”, to be located at 45446 Reece Avenue, submitted the following documentation:

Letters of support from:

- Barb Presseau, Coordinator, Chilliwack Community Services, 45938 Wellington Avenue, dated July 12, 2010;
- Sheri Klippenstein, dated July 15, 2010 (address not provided);
- Geraldine MacPherson, received July 16, 2010 (address not provided); and,
- Tekoa David, #5 – 9456 Fletcher Street, dated July 16, 2010;

Temporary Use Permit (TUP00001) (continued)

Petitions of support from:

- Joe Moore, #54 – 9252 Hazel Street, received July 16, 2010;
- Donalda Greger, 45437 Reece Avenue, received July 19, 2010; and,
- Krysta Pear, #2 – 46356 Margaret Avenue, received July 19, 2010.

The Applicant also submitted photos of the subject area documenting parking on Reece Avenue and traffic during peak hours, received July 19, 2010.

Lydia Nickle, 45467 Reece, voiced opposition of the proposal stating that 25 children are too many for a residential daycare. She stated further concerns regarding safety of the children; increase in traffic; and, lack of parking.

Trudy Kafka, 9606 Spanish Corral, voiced opposition, stating that the zoning regulations for a maximum of 8 children in a residential unlicensed daycare are in place for a reason. She stated concerns about the safety of the children; additional traffic; and, the cul-de-sac being used as a turn-around.

Cindy Williams, 45434 Reece Avenue, voiced opposition due to increased traffic; parking problems; and, the noise level of 25 children in the back yard.

Elaine Griffiths, 45468 Reece Avenue, voiced opposition and concern regarding parking; the use of her driveway for turning around; and, an increase in traffic.

Lise Cloutier, 45434 Reece Avenue, voiced opposition to the application due to parking issues; safety of the children in the daycare; and, safety of the neighbourhood children. Ms. Cloutier stated that a commercial endeavour of 25 children does not belong on a residential street.

Randy Ginter, 45459 Reece Avenue, voiced opposition to a residential neighbourhood being turned into commercial use. Mr. Ginter raised further concerns with respect to the noise; traffic; and, parking.

Peter Soth, 45437 Reece Avenue, voiced support of the application, stating that he has 2 children in the daycare and does not see a concern with 25 children. Mr. Soth stated that parking should not be an issue as the daycare can accommodate 4 cars in the driveway.

Natasha Lundgren, 210 Fourth Avenue, Applicant and owner of the “Playing to Learn Childcare Centre” to be located at 45556 Reece Avenue, stated that she and her staff are all trained in early childhood development and provide a quality preschool-like licensed daycare. Ms. Lundgren advised that Fraser Health conducted an inspection and do not anticipate any problems with the location of the house itself or for licensing the daycare for 25 children.

Temporary Use Permit (TUP00001) (continued)

Ms. Lundgren further advised Council that she addressed the main concern of the neighbours by reducing the original application from 50 children to 25 children. She affirmed the house can accommodate parking for staff, still allowing for an additional 4 parking spaces for parents to use for drop-off and pickup times, which would be staggered throughout the day from 7:00 am to 12:00 pm and 3:00 pm to 6:00 pm. She also confirmed that a policy for parents will be created asking them to use the driveway whenever possible, therefore not to cause an increase traffic or parking.

In answer to statements regarding the noise levels of the children while outside, Ms. Lundgren acknowledged that she has been operating day care centres for approximately 6 years and has never had a noise complaint. She further commented that in order to address the noise concerns during the day, she is planning on contacting McCammon School to inquire about use of their playground and exploring other options for outdoor activities.

Lydia Nickle, 45467 Reece Avenue, in response to a statement from the Applicant, indicated the reason for more than one signature for some of the addresses on the petition was multiple families live in some homes.

Sandra Swecera, 63800 Yvonne Road, Hope, BC, advised that even though a daycare is licensed for 25 children, it does not mean the children are all there at the same time. She voiced support of the application, stating that she works for Ms. Lundgren and she runs a very good daycare.

Tekeo David, #5 - 9457 Fletcher Street spoke in support of the application, stating that the “Playing to Learn Childcare Centre” is one of the only facilities that offers affordable, part-time, drop-in daycare with good quality programs, and she feels comfortable leaving her child there.

Peter Soth, 45437 Reece, stated that with Chilliwack expanding, it is hard to find daycare and Ms. Lundgren represents a very good daycare where the children are well looked after. He further stated that the daycare located at McCammon School cannot accommodate any more children.

Stam) That the representations with respect to “Temporary Use Permit TUP00001”
Attrill (be received for information.

Carried unanimously

Public Information MeetingDevelopment Variance Permit DVP00522

Public Information Meeting for DVP00522 for property located at 45317 Park Drive, which proposes to vary the urban ancillary lot coverage from 60m² to 102m², to facilitate the construction of a garage/workshop.

There were no representations with respect to DVP00522.

Carried unanimously

City of Chilliwack Council – July 19, 2010Clerk's Reports

Huttema) That "Zoning Bylaw Amendment Bylaw 2010, No. 3709", with respect to
 Janzen (property located at 9395 Windsor Street, be read a second and third time.
 (RZ000666)

Carried unanimously

The bylaw was read a second and third time by title.

Development Reports

Stam) That Council approve the issuance of Temporary Use Permit TUP00001
 Attrill (with respect to property located at 45446 Reece Avenue.

Carried unanimously

Clark) That Council approve the issuance of Development Variance Permit
 Janzen (DVP00522 with respect to property located at 45317 Park Drive.

Carried unanimously

Councillors' Reports

Councillor Stam thanked the Chilliwack Downtown Business Improvement Association, their staff and the downtown merchants for a successful "Party in the Park" held on Friday night at Chilliwack Central Park, and, expressed his hope to see more merchants stay open on the Friday nights to capitalize on the event.

Councillor Janzen reported on the Fraser Health Authority meeting; the initiative announced by Fraser Health and the Minister of Health called "A GP for Me", a program to identify patients without family doctors and connect them to GP's, suggesting that we advocate for Chilliwack as a pilot site in the fall; and, extended congratulations to the Chilliwack Downtown Business Improvement Association for "Party in the Park".

Councillor Huttema congratulated the Chilliwack Downtown Business Improvement Association on "Party in the Park" and encouraged local businesses to remain open.

Councillor Clark reported on the Annual General Meeting of Chilliwack Community Services held on July 6, 2010; her attendance at the tea at Linwood Retirement Home, honouring Alberta Rafferty, the producer of the Lounge Lizard senior magazine; "Party in the Park"; and, reminded the community of the "Music and More" events taking place on Wednesdays at noon in Salish Park.

Councillor Attrill reported on the opening night of "Party in the Park".

Mayor Gaetz called for questions from the public. None were received.

On a motion of Councillor Stam, and seconded by Councillor Janzen, the meeting adjourned at 8:09 pm.

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Mayor

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Clerk