

Minutes of a Meeting of the Council of the Regional Municipality of Wood Buffalo held in the Council Chamber at the Municipal Offices in Fort McMurray, Alberta, on Tuesday, May 8, 2018, commencing at 6:00 p.m.

Present: Don Scott, Mayor
Mike Allen, Councillor
Bruce Inglis, Councillor
Sheila Lalonde, Councillor
Keith McGrath, Councillor, via teleconference
Phil Meagher, Councillor
Verna Murphy, Councillor
Jeff Peddle, Councillor
Jane Stroud, Councillor
Claris Voyageur, Councillor

Absent: Krista Balsom, Councillor

Administration: Annette Antoniak, Chief Administrative Officer
Audrey Rogers, Chief Legislative Officer
Jamie Doyle, Deputy Chief Administrative Officer
Elsie Hutton, Chief Financial Officer
Mark Fortais, A/Director, Public Works and Transit Services
Matthew Hough, Director, Engineering
David Leflar, Director, Legal Services
Brad McMurdo, A/Director, Planning and Development
Anita Hawkins, Legislative Officer

Call to Order - In 7th Floor Boardroom at 2:30 p.m.

Mayor D. Scott called the meeting to order at 2:41 p.m.

Motion to Move In Camera

MOTION:

THAT the meeting move in camera pursuant to sections 23(1) and 24(1) of the *Freedom of Information and Protection of Privacy Act*.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Jeff Peddle, Councillor
SECONDER:	Jane Stroud, Councillor
FOR:	Scott, Allen, Inglis, Lalonde, McGrath, Meagher, Murphy, Peddle, Stroud, Voyageur
ABSENT:	Balsom

2.1. Advice from Officials

(In Camera pursuant to section 24(1) of the *Freedom of Information and Protection of Privacy Act*)

2.2. Local Public Body Confidences and Advice from Officials

(In Camera pursuant to sections 23(1) and 24(1) of the *Freedom of Information and Protection of Privacy Act*)

Recess:

A recess occurred between 5:03 p.m. and 6:12 p.m., at which time the meeting was reconvened in the Council Chamber.

Motion to Reconvene in Public

MOTION:

THAT the meeting reconvene in public.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Bruce Inglis, Councillor
SECONDER:	Phil Meagher, Councillor
FOR:	Scott, Allen, Inglis, Lalonde, McGrath, Meagher, Murphy, Peddle, Stroud, Voyageur
ABSENT:	Balsom

Extension of meeting time

MOTION:

THAT section 32.1 of the Procedure Bylaw be waived to allow the meeting to extend beyond 10:00 p.m.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Bruce Inglis, Councillor
SECONDER:	Jane Stroud, Councillor
FOR:	Scott, Allen, Inglis, Lalonde, McGrath, Meagher, Murphy, Peddle, Stroud, Voyageur
ABSENT:	Balsom

Adoption of Agenda - In Council Chamber at 6:12 p.m.

3.1. Motion to Approve Agenda

MOTION:

THAT the Agenda be adopted as presented.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Phil Meagher, Councillor
SECONDER:	Mike Allen, Councillor
FOR:	Scott, Allen, Inglis, Lalonde, McGrath, Meagher, Murphy, Peddle, Stroud, Voyageur
ABSENT:	Balsom

Minutes of Previous Meetings

4.1. Regular Council Meeting - April 24, 2018

THAT the Minutes of the Regular Council Meeting held on April 24, 2018 be approved as presented.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Mike Allen, Councillor
SECONDER:	Jeff Peddle, Councillor
FOR:	Scott, Allen, Inglis, Lalonde, McGrath, Meagher, Murphy, Peddle, Stroud, Voyageur
ABSENT:	Balsom

4.2. Special Council Meeting - May 1, 2018

THAT the Minutes of the Special Council Meeting held on May 1, 2018 be approved as presented.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Jeff Peddle, Councillor
SECONDER:	Claris Voyageur, Councillor
FOR:	Scott, Allen, Inglis, Lalonde, McGrath, Meagher, Murphy, Peddle, Stroud, Voyageur
ABSENT:	Balsom

Recognition**5.1. Emergency Preparedness Week (May 6 - 12)**

Mayor D. Scott recognized May 6 - 12, 2018 as the Emergency Preparedness Week.

5.2. National Public Works Week

Mayor D. Scott read a proclamation acknowledging May 20 - 26, 2018 as National Public Works Week.

New Business**6.1. Bylaw No. 18/010 - Land Use Bylaw Text Amendment Sign Provisions for the Parks and Recreation District****MOTION:**

THAT Bylaw No. 18/010, being a text amendment to the Land Use Bylaw specific to Part 7A – Rural Servicing Sign Provisions be read a first time; and

THAT the public hearing be scheduled for June 12, 2018.

RESULT:	CARRIED AS FIRST READING [UNANIMOUS]
MOVER:	Mike Allen, Councillor
SECONDER:	Jane Stroud, Councillor
FOR:	Scott, Allen, Inglis, Lalonde, McGrath, Meagher, Murphy, Peddle, Stroud, Voyageur
ABSENT:	Balsom

6.2. 2018 Capital Budget Amendments – Amended, Cancelled and Consolidated Projects

Linda Ollivier, Director, Financial Services, provided an overview of the 2018 Capital Budget amendments.

MOTION:

THAT the 2018 Capital Budget Amendments as summarized on Attachment 1 (2018 Capital Budget Amendments – Amended, Cancelled and Consolidated Projects dated May 8, 2018) be approved; and

THAT the revised Cash Flow of Capital Projects as summarized on Attachment 2 (2018 Capital Budget Amendments – Amended, Cancelled and Consolidated Projects - Cash Flow Summary, dated May 8, 2018) be approved.

Disconnect and Exit

Councillor K. McGrath was inadvertently disconnected from the meeting at 6:25 p.m. and was unable to reconnect prior to the next vote being taken, therefore, in accordance with section 9 of the Procedure Bylaw, Councillor K. McGrath was deemed to have left the meeting at that time.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Jane Stroud, Councillor
SECONDER:	Jeff Peddle, Councillor
FOR:	Scott, Allen, Inglis, Lalonde, Meagher, Murphy, Peddle, Stroud, Voyageur
ABSENT:	Balsom, McGrath

6.3. First Quarter 2018 Financial Performance Update

Linda Ollivier, Director, Financial Services, provided an overview of the 2018 First Quarter Financial Update.

MOTION:

THAT the First Quarter 2018 Financial Performance Update be accepted as information.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Phil Meagher, Councillor
SECONDER:	Jeff Peddle, Councillor
FOR:	Scott, Allen, Inglis, Lalonde, Meagher, Murphy, Peddle, Stroud, Voyageur
ABSENT:	Balsom, McGrath

6.4. 2018 - 2020 Fiscal Management Strategy

Elsie Hutton, Chief Financial Officer, presented the 2018 - 2020 Fiscal Management Strategy.

MOTION:

THAT the 2018 – 2020 Fiscal Management Strategy, dated May 8, 2018, be accepted as information.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Mike Allen, Councillor
SECONDER:	Jeff Peddle, Councillor
FOR:	Scott, Allen, Inglis, Lalonde, Meagher, Murphy, Peddle, Stroud, Voyageur
ABSENT:	Balsom, McGrath

Unfinished Business

7.1. Bylaw No. 18/008 - 2018 Property Tax Rate Bylaw

Philip Schofield, Regional Assessor presented the 2018 Tax Rate Bylaw.

The following motion was presented by Councillor J. Peddle:

"THAT Bylaw No. 18/008, being the 2018 Property Tax Rate Bylaw be read a second time."

Darryl Woytkiw, Willow Lake resident, representing the Rural Coalition, requested the addition of a rural small business property class.

Nicole Gardener, spoke in support of reducing the rural non-residential taxes.

Andrew Thorne, resident, spoke to potential economic benefits realized by enticing new businesses/services to the rural service area.

Jay Telegdi, on behalf of the Rural Coalition, spoke in support of the addition of a rural small business property class.

Melissa Herman, Chipewyan Prairie First Nation member, came forward to support the addition of a rural small business property class to support local opportunities.

MOTION:

THAT Bylaw 18/008 be amended as follows:

1. In section 1, under the heading “TAX RATES FOR MUNICIPAL PURPOSES, IMPOSED IN THE RURAL SERVICE AREA” add the following as the fourth bullet item:

“Tax Rate for Small Business Property” 0.0107008”

2. In Section 2, change the period at the end of subsection (b) to a semicolon, and add the following as a new subsection (c):

“(c) “Small Business Property” has the meaning set out in the *Matters Relating to Assessment Sub-Classes Regulation* without regard to the option described in clause 3(b)(ii) of that regulation and without adopting an alternative date for establishing the threshold number of employees.

3. Add the following as a new section 3.1:

“3.1 The Chief Administrative Officer may from time to time establish procedures to allow for the effective administration of the Small Business Property sub-class tax rate, including without limitation a method for determining and counting full-time employees, and the frequency of that count.”

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Jane Stroud, Councillor
SECONDER:	Bruce Inglis, Councillor
FOR:	Scott, Allen, Inglis, Lalonde, Meagher, Murphy, Peddle, Stroud, Voyageur
ABSENT:	Balsom, McGrath

MOTION:

THAT Bylaw No. 18/008, being the 2018 Property Tax Rate Bylaw, as amended, be read a second time.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Jeff Peddle, Councillor
SECONDER:	Phil Meagher, Councillor
FOR:	Scott, Allen, Inglis, Lalonde, Meagher, Murphy, Peddle, Stroud, Voyageur
ABSENT:	Balsom, McGrath

MOTION:

THAT Bylaw No. 18/008 be read a third and final time.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Phil Meagher, Councillor
SECONDER:	Jeff Peddle, Councillor
FOR:	Scott, Allen, Inglis, Lalonde, Meagher, Murphy, Peddle, Stroud, Voyageur
ABSENT:	Balsom, McGrath

Recess

The meeting recessed at 7:41 p.m. and reconvened at 7:59 p.m.

7.2. Public Hearing - Bylaw No. 18/007

Mayor D. Scott declared the Public Hearing open at 8:00 p.m.

Mayor D. Scott addressed allegations made, within submissions received for the Public Hearing, as to the eligibility of some Council members to take part in the Public Hearing process. Mayor D. Scott confirmed he sought legal advice and he does not believe he has a pecuniary interest in this matter and will be approaching the matter with an open mind.

Councillor S. Lalonde confirmed she has no pecuniary interest in the matter and will also be approaching the matter with an open mind.

William Leonard, employee of Dunvegan Gardens, came forward and raised an objection to Councillor S. Lalonde taking part in this process based on campaign contributions received from the parties opposing the re-zoning application.

MOTION:

THAT the meeting move in camera pursuant to section 27(1) of the *Freedom of Information and Protection of Privacy Act* to receive advice from legal counsel.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Phil Meagher, Councillor
SECONDER:	Claris Voyageur, Councillor
FOR:	Scott, Allen, Inglis, Lalonde, Meagher, Murphy, Peddle, Stroud, Voyageur
ABSENT:	Balsom, McGrath

MOTION:

THAT the meeting reconvene in public.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Jane Stroud, Councillor
SECONDER:	Jeff Peddle, Councillor
FOR:	Scott, Allen, Inglis, Lalonde, Meagher, Murphy, Peddle, Stroud, Voyageur
ABSENT:	Balsom, McGrath

Council met in camera between 8:08 p.m. and 8:13 p.m.

Mayor D. Scott confirmed that Councillor S. Lalonde would be taking part in the Public Hearing process.

Council, by show of hands, unanimously agreed to a revised public hearing procedure which would relax the time limit imposed on both Administration and the Applicant in their introduction and opening remarks respectively, and also allow for questions of Council immediately following each presenter. The Chief Legislative Officer then provided an overview of the procedure to be followed in the public hearing.

Jamie Doyle, Deputy Chief Administrative Officer, Brad McMurdo, Acting Director and Dan Fitzgerald, Planner II, Planning and Development, were in attendance to present this matter. Jamie Doyle introduced the matter before Council, provided background information related to the subject area and past development approvals, spoke to the relevant policy and regulatory documents, presented an overview of the property history and identified concerns with the proposed amendment.

He concluded the opening statement by confirming Administration's recommendation to refuse the application as submitted.

Recess

A recess occurred between 9:08 p.m. and 9:23 p.m.

Roberto Noce, Miller Thompson LLP, and Cathryn Chopko-Beck, IBI Group, representing Dunvegan Gardens, provided opening statements for the application before Council.

Roberto Noce mentioned that if the application is not approved, the business will not be able to continue due to lack of income opportunities. He identified a lack of collaboration from municipal staff in working with the applicant to find something that would work for the land owner to bring business opportunities within the community.

Cathryn Chopko-Beck spoke to the development vision for Dunvegan Gardens which is to retain the agricultural/horticultural related focus on the site while adding related activities and business opportunities that respond to new trends in the greenhouse and agri-tainment industry, and outlined the steps taken by the applicant to bring this application forward.

The possibility of deferring this matter to a later date to provide an opportunity for Administration to further work with the applicant was raised.

MOTION:

THAT the meeting move in camera pursuant to s. 27(1) of the *Freedom of Information and Protection of Privacy Act* to receive advice from legal counsel.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Claris Voyageur, Councillor
SECONDER:	Jane Stroud, Councillor
FOR:	Scott, Allen, Inglis, Lalonde, Meagher, Murphy, Peddle, Stroud, Voyageur
ABSENT:	Balsom, McGrath

MOTION:

THAT the meeting reconvene in public.

RESULT:	CARRIED [UNANIMOUS]
MOVER:	Claris Voyageur, Councillor
SECONDER:	Phil Meagher, Councillor
FOR:	Scott, Allen, Inglis, Lalonde, Meagher, Murphy, Peddle, Stroud, Voyageur
ABSENT:	Balsom, McGrath

Council met in camera between 10:05 p.m. and 10:11 p.m.

It was agreed the Public Hearing would proceed as scheduled.

Verbal Presentations:

Rick and Cathy Kirschner, Directors, King's Kids Promotions Outreach Ministries Incorporated, and Fort McMurray resident, spoke in support of the applicant, noting how the business has impacted the community and contributed to the social sustainability of the region.

Jill Edwards, Business Manager, 91.1 The Bridge, spoke in support of the applicant, identifying the number of ways by which the applicant has supported the community over the years.

Susan Smith, Draper resident, spoke in opposition to the re-zoning, as she does not support commercial development within a residential subdivision.

Ruth Mack, Draper resident, spoke in support of the applicant, noting this business is an asset to the community.

Shane Kidd, Draper resident, spoke in support of the applicant for their contribution to the community.

Darryl Woytkiw, representing the Rural Coalition, spoke in opposition to the re-zoning, raising a concern that everyone should have to abide by the bylaws currently in place.

Chelsey Van Ee, Anzac resident, spoke in opposition to the re-zoning, noting the potential negative impact on the local residents based on personal experience.

Tracey DeMartin, Draper resident, spoke in opposition to the re-zoning which could result in commercialization of the area and does not follow the current Land Use Bylaw vision.

Dino DeMartin, Draper resident spoke in opposition to the re-zoning. He also referenced the SDAB decision to allow the applicant one year to rectify the current situation but pointed out the delay in the application coming before Council for consideration.

Recess

A recess occurred between 11:01 p.m. and 11:15 p.m.

Ann Dort-MacLean, representing Girls Inc of Northern Alberta spoke in support of the applicant, outlining the business's contribution to the community.

William Leonard, employee and Gregoire Lake Estates resident, spoke in support of the applicant, enumerating the social contributions made to the community over the years.

Jodi Thorne, Draper resident, spoke in opposition to the re-zoning, noting the potential negative impact on the local residents and requesting enforcement of the current bylaws as they relate to the properties in question.

Nancy Hueser, Draper resident, spoke in opposition to the re-zoning due to the potential commercial activities which would negatively affect the local residents.

Lyle Hueser, Draper resident, spoke in opposition to the re-zoning, questioning what happens to the rest of the area should the re-zoning be allowed to go ahead.

Andrew Thorne, Draper resident, spoke in opposition to the re-zoning, suggesting that all statutory documents related to the Draper area apply to all.

Michelle Hondl, Draper resident, spoke in opposition to the re-zoning and raised concern with the potential for further similar applications being brought forward should this one be allowed.

Exit and Return

Councillor J. Peddle left the meeting at 11:58 p.m. and returned at 12:01 a.m.

Jim Kostiuk, Draper resident, spoke in opposition to the potential commercialization of the Draper area.

Chris Harper, Draper resident, also spoke in opposition to the re-zoning,

Recess

A recess occurred between 12:10 a.m. and 12:21

Brad Friesen, property owner, spoke in support of the application as a natural progression to the Market Gardens which have been in this location for many years.

Michel Sauvé, Fort McMurray resident and local physician, spoke in opposition to the proposed re-zoning from a medical perspective, specifically with respect to the potential health risks associated with the keeping of farm animals within a flood zone.

Tony Piche, Draper resident, spoke in support of the re-zoning application, noting the applicant is facing the current situation due to errors made over the years by municipal staff.

Gilles Huizinga, Fort McMurray resident, spoke to the potential disruption to the neighbouring properties, and suggested that if there are to be changes made to the area, it should be done through amendments to the statutory plans as opposed to dealing with individual properties.

Sandeep Khokhar, Fort McMurray resident, spoke in opposition to the re-zoning as the applicant is currently in contravention with the Land Use Bylaw. He further suggested that the interests of the business may not be in the residents' best interest.

Denise Martineau, Fort McMurray resident, and member of the Clearwater Heritage River Committee, spoke in opposition to the re-zoning noting the property's proximity to the Clearwater River and the applicant's history of drawing water from a Heritage River without proper approvals.

Frank Creasey, Fort McMurray Tourism, spoke in support of the potential tourism benefits of the development.

Jim Rogers, Fort McMurray resident, spoke in general terms but did not indicate support or opposition to the re-zoning application.

Hope Scanlan, Fort McMurray, spoke in support of the re-zoning, noting the social impact the development has had on families and on the community as a whole.

James Hiltz, Draper resident, spoke in opposition to the re-zoning and to the stress created within the community as a result of the adversity on the matter.

Recess

A recess occurred between 1:41 a.m. and 1:50 a.m.

Roberto Noce, Cathryn Chopko-Beck and Brad Friesen provided closing comments from the applicant.

Jamie Doyle, Brad McMurdo and Dan Fitzgerald came forward for closing statements from the Municipality.

Mayor D. Scott declared the Public Hearing close at 2:04 a.m.

7.3. Bylaw No. 18/007 – Land Use Bylaw and Highway 69/Clearwater River Valley Area Structure Plan – Redistricting, General Text and Map Amendment

MOTION:

THAT second and third readings of Bylaw No. 18/007 be deferred to a Special Council meeting to be held on Tuesday, May 15, 2018, in the Jubilee Centre Council Chambers, commencing at 6:00 p.m.

RESULT:	DEFERRED [UNANIMOUS]
MOVER:	Mike Allen, Councillor
SECONDER:	Phil Meagher, Councillor
FOR:	Scott, Allen, Inglis, Lalonde, Meagher, Murphy, Peddle, Stroud, Voyageur
ABSENT:	Balsom, McGrath

Adjournment

The meeting adjourned at 2:07 a.m.

Mayor

Chief Legislative Officer