

# TOWN OF SMITHERS

MINUTES OF THE COMMITTEE OF THE WHOLE MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS, 1027 ALDOUS STREET, SMITHERS, B.C. ON TUESDAY, SEPTEMBER 20, 2011, AT 6:00 P.M.

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Council Present:

Cress Farrow, Mayor  
Norm Adomeit, Councillor  
Jo Ann Groves, Councillor  
Frank Wray, Councillor.

Staff Present:

Deborah Sargent, Chief Administrative Officer  
Leslie Ford, Director of Finance  
Mark Allen, Director of Development Services  
Janice McKay, Recording Secretary.

Council Excused:

Mark Bandstra, Councillor  
Lorne Benson, Councillor  
Charlie Northrup, Councillor.

Staff Excused:

Susan Bassett, Director of Corporate Services  
Andrew Hillaby, Director of Recreation, Parks and Culture  
Keith Stecko, Fire Chief  
Rob Blackburn, Airport Manager  
Wilf Taekema, Director of Works and Operations.

Guests:

Residents of the 4100 and 4200 blocks of Second Avenue (14)

Media Present: K. Koppitz, CFTK-TV.

## 1. CALL TO ORDER

Mayor Farrow called the meeting to order (6:00 p.m.).

## 2. CORRESPONDENCE / REPORTS

2.1

Adomeit/

THAT the agenda be approved and the following items be received:  
a) Letter to residents dated September 13, 2011, from M. Allen, Director of Development Services; b) Letter to residents dated July 15, 2011, from M. Allen, Director of Development Services; c) Report FIN 11-31 dated June 20, 2011, from L. Ford, Director of Finance; d) Report DEV 11-49 dated April 18, 2011, from M. Allen, Director of Development Services; e) Excerpt from the minutes of the Regular Meeting of Council held April 26, 2011; and f) Schedule "A" - *Property Owners' Petition* with Options A (Frontage-Based) and B (Parcel-Based) for 4100 and 4200 Blocks of Second Avenue.

**CARRIED UNANIMOUSLY.**

M. Allen began with a report regarding the following: a) the reason for the letters to residents dated July 15 and September 13; b) a history of street paving in Smithers back to the 1970's when a provincial grant paid for three quarters of the total paving costs for roads on the west/south side of Highway 16; c) the change, in 2003, from Local Improvement Projects under the *Municipal Act*, which required a two-thirds majority, to Local Area Service (LAS) projects under the

*Community Charter* which require a 50% majority; d) the Town's LAS policy sets out the 50%-50% cost-share for property owners and the Town on road paving projects; e) Council's decision in April 2011 that the LAS Charges Policy will remain in effect at 50% for corner lots, rather than 25%; f) Council's decision to waive the requirements for ornamental lighting and sidewalk on one side of the street for the "4100 and 4200 Blocks of Second Avenue Paving Project"; g) the reasons for re-petitioning now, including: i) the Town was unsuccessful in acquiring a Towns for Tomorrow grant; ii) there are new owners on the two blocks; and iii) the change from 25% to 50% for corner lots affects previous cost calculations; h) the estimated costs are based on 2011 construction values with a contingency for unforeseen conditions; i) petitions need to be signed by December 1, 2011, so the Town's portion can be considered in the 2012 Capital Budget discussions; j) if the Town's portion is approved, the contract could be tendered in the spring and work completed in the summer; k) the *Community Charter* allows frontage-based, parcel-based, or assessment-based petition formats; l) a champion for each block is required to take the petition around for signing and a signature means the owner is in favour of the project; m) the petition must be signed by the owners of at least 50% of the parcels and the persons signing must be the owners of parcels that in total represent at least 50% of the assessed value of land and improvements.

D. Sargent advised that the purpose of the meeting tonight is: a) to determine if there is interest in proceeding on a 50%-50% cost-share basis; b) to determine which of the three petition format options is preferred; and c) to start a new budgeting process for 2012, so that Council can deliberate on a funding source for the Town's share of \$375,500.

Home owners present at the meeting made comments and asked questions, as follows: a) the Assessment Appeal Board advised one owner that he has been paying the same amount of taxes as someone on a paved street with a similar house; b) local real estate agents give different answers to home buyers regarding whether or not owners of homes on gravel streets pay less taxes than owners of homes on paved streets; c) two petitions have already been signed by the majority and construction costs continue to increase; d) is it correct that residents living on the same street as The Meadows' did not contribute to the cost of street paving?; e) does the Town contribute towards new subdivisions?; f) how can you ensure that the estimates will not increase and make the project unviable?; g) is there any flexibility with payments, i.e. paying off the remainder just prior to selling a house, as a selling point?; h) it would be preferred if the Town would circulate the petition, rather than naming a block champion; and i) will the new street surface be the same elevation as yards?.

Council advised that: a) all new subdivisions are required to have curbs, gutters, and paved streets; b) the current Council wants to see the project succeed, but this Council cannot fetter the decisions of the new Council; c) this Council has amended policies over the past three years, which will make it easier on future Councils; d) Council must be fair to everyone, as there are people in Smithers who are still paying back their 50%; e) Council will be meeting with Ministers at the Union of British Columbia Municipalities to promote new economic development in our area and equality in the distribution of provincial grants; f) combining the two projects into one could mean that both blocks fail; and g) Council cannot be seen as favouring one street over another when it comes to paving, which is why the petitions must be initiated by residents.

Staff confirmed that: a) the Town does not pay any money towards new subdivisions; b) the position of the current Council is that the Town is not a developer; c) a ten percent contingency is built into the estimates and staff do not foresee a significant increase in paving costs for 2012; d) the amounts indicated on the petition are the maximum that the owner would pay; e) the payment process is stringent and unlike a bank loan; f) some people may wish to borrow the full amount from their own banks at the start, as banks are more flexible, or they can pay a portion of their total amount within the first 30 days of receiving notice and then the balance would be amortized over the Town's borrowing period (20 years); g) the Town can borrow over 10, 15, 20, or 25 years; h) there is one "vote" per parcel, not per lot; i) having the Town circulate the petition is a possibility, but in that case the Town should ensure it has the funds up front; j) combining the two projects into one could mean lower construction costs, but the decision has to be made at the start; k) the Town cannot be seen as driving the petition; l) the petition could be located at the front counter at the Town Office for residents to come in and sign; and m) if Council were to borrow the \$375,000, it would require a Loan Authorization Bylaw and public approval process that would allow all residents of Smithers to have a say, and \$31,000 of debt repayment is equal to a one percent increase for all residents of Smithers.

M. Allen provided details of the construction work, as follows: a) clean gravel must be brought in to build a base; b) the new sewer manhole constructed in the 4100 block this year was not part of the paving project; c) excavating up to 3' is required and new road gravels brought in; d) the new surface would be lowered in the middle where the new catch basins would go; and e) concrete curbs would be constructed. He advised that the contract will allow for the extra fill required to bring properties and driveways to the higher curb level. He advised that L.B. Paving often approaches home owners with gravel driveways to see if they wish to have their driveways paved at the same time.

D. Sargent invited residents to ask questions of staff after adjournment or to get back to staff at a later date with their decisions. L. Ford distributed copies of Petition Format Option 'C' (Assessment-Based).

**3. OTHER BUSINESS / NEW BUSINESS**

None.

**4. ADJOURNMENT**

ADJOURN

Groves/

THAT the meeting be adjourned (6:55 p.m.).

**CARRIED UNANIMOUSLY.**

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Deborah Sargent  
Corporate Administrator/CAO

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Cress Farrow  
Mayor

**Certified a True and Correct Copy** of the minutes of the Committee of the Whole meeting held Tuesday, September 20, 2011, at 6:00 p.m. in Council Chambers, 1027 Aldous Street, Smithers, B.C.

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Deborah Sargent  
Corporate Administrator/CAO