

# TOWN OF SMITHERS

MINUTES OF THE SPECIAL (OPEN) MEETING OF COUNCIL HELD IN COUNCIL CHAMBERS, 1027 ALDOUS STREET, SMITHERS, B.C. ON MONDAY, MAY 9, 2011, AT 7:30 PM.

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Council Present:

Cress Farrow, Mayor  
Norm Adomeit, Councillor  
Mark Bandstra, Councillor  
Jo Ann Groves, Councillor  
Charlie Northrup, Councillor  
Frank Wray, Councillor.

Council Excused:

Lorne Benson, Councillor.

Staff Present:

Deborah Sargent, Chief Administrative Officer  
Susan Bassett, Director of Corporate Services  
Leslie Ford, Director of Finance  
Mark Allen, Director of Development Services  
Rob Blackburn, Airport Manager  
Wilf Taekema, Director of Works and Operations  
Janice McKay, Recording Secretary.

Staff Excused:

Andrew Hillaby, Director of Recreation, Parks and Culture  
Keith Stecko, Fire Chief.

Media Present: M. Dekkema, The Peak; K. Koppitz, CFTK-TV; and C. Orr, The Interior News.

**1. CALL TO ORDER**

Mayor Farrow called the meeting to order (7:30 p.m.).

**1.1. APPROVAL OF AGENDA (including Supplemental Items)**

- 11.0310      APPROVAL OF AGENDA  
Adomeit/Northrup  
THAT Council approves the agenda, and the following supplemental items:
- 14.1 Email dated May 5, 2011, from Kirsten MacKenzie, regarding mobile businesses.
  - 14-2 Email dated May 5, 2011, from Julie Chaplin, regarding mobile businesses.
  - 14.3 Email dated May 5, 2011, from Patrick Williston, regarding mobile businesses.
  - 14.4 Email dated May 5, 2011, from Derek Kaufman, regarding mobile businesses.
  - 14.5 Letter dated May 5, 2011, from Mark Fisher, regarding mobile businesses.
  - 14.6 Email dated May 6, 2011, from Phil Briennesse, regarding mobile businesses.
  - 14.7 Letter dated May 6, 2011, from Teresa Alder, Catherine Dworak, and Christopher Ho, regarding mobile restaurants.
  - 14.8 Email dated May 7, 2011, from Simon Franklin, regarding mobile businesses.
  - 14.9 Letter dated May 6, 2011, from Brett Laing, regarding mobile businesses.

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- 14.10 Email dated May 7, 2011, from Aline Lachapelle, regarding mobile businesses.
- 14.11 Email dated May 9, 2011, from Regina Tworow, regarding mobile businesses.
- 14.12 Email dated May 8, 2011, from Brent Lamb, regarding mobile businesses.
- 14.13 Email dated May 9, 2011, from Darlene Clarke, regarding mobile businesses.
- 14.14 Email dated May 9, 2011, from Michelle Larstone, regarding mobile businesses.
- 14.15 Email dated May 9, 2011, from the Welches, regarding mobile businesses.
- 14.16 Email dated May 9, 2011, from Helene Fleury, regarding mobile businesses.
- 14.17 Email dated May 9, 2011, from Debbie Wellwood, regarding mobile businesses.
- 14.18 Letter dated May 9, 2011, from Reene Granlin, regarding mobile businesses.
- 14.19 Letter dated May 9, 2011, from Amanda Follett, regarding mobile businesses.
- 14.20 Letter received May 9, 2011, from Craig Paulson, regarding mobile businesses.
- 14.21 Email dated May 9, 2011, from Cynthia Schneider, regarding mobile businesses.
- 14.22 Email dated May 9, 2011, from H. Fleury, regarding the demonstration garden.
- 14.23 Letter dated May 9, 2011, from N. Skuce, regarding the demonstration garden.
- 14.24 Letter dated May 9, 2011, from C. Hikisch, Northern Health, regarding the demonstration garden.
- 14.25 Report ADM 11-026 dated May 5, 2011, from S. Bassett, Director of Corporate Services, regarding Inaugural Meeting of Council (4200-01).
- 14.26 Letter dated May 3, 2011, from the Dze L K'ant Friendship Centre Society requesting a letter of support for the HIVAIDS Awareness Program (0530-05).
- 14.27 Email dated May 6, 2011, from A Stroet, Economic Development Officer, Bulkley Valley Economic Development Association, requesting a letter of support to accompany a Wetzin'kwa Community grant application for the Summer Student Commercial Real Estate Research Project (0530-05).
- 14.28 Minutes of the Finance Committee meeting held April 12, 2011.
- 14.29 Email received May 9, 2011, from Taylor Bachrach regarding mobile businesses.

- 14.30 Letter dated May 9, 2011, from Meg Hobson regarding mobile businesses.
- 14.31 Letter dated May 9, 2011, from Tenley Dahlie regarding mobile businesses.
- 14.32 Letter received May 9, 2011, from Ken and Lois Hall regarding demonstration garden.
- 14.33 Email dated May 9, 2011, from Norman and Bonnie Merlo regarding demonstration garden.

**CARRIED UNANIMOUSLY.**

**2. PUBLIC HEARING**

2.1 PUBLIC HEARING - BYLAWS 1648 & 1649

Mayor Farrow opened the Public Hearing for "Bylaw No. 1648 - Town of Smithers Official Community Plan Bylaw No. 1614 Amendment No. 11-01" and "Bylaw No. 1649 - Town of Smithers Zoning Bylaw No. 1403 Amendment No. 11-01" (8 lots opposite Bulkley Valley District Hospital on Eighth Avenue) at 7:31 p.m.

Mayor Farrow stated the reason for the second public hearing.

11.0311

Bandstra/Wray

THAT the following items be brought forward from the two supplementation agendas:

- 14.22 Email dated May 9, 2011, from H. Fleury, regarding the demonstration garden.
- 14.23 Letter dated May 9, 2011, from N. Skuce, regarding the demonstration garden.
- 14.24 Letter dated May 9, 2011, from C. Hikisch, Northern Health, regarding the demonstration garden.
- 14.32 Letter received May 9, 2011, from K. and L. Hall regarding the demonstration garden.
- 14.33 Email dated May 9, 2011, from N. and B. Merlo regarding the demonstration garden.

**CARRIED UNANIMOUSLY.**

Mayor Farrow called for submissions for the first time.

Ken Hall, 3968 Seventh Avenue

Ken Hall spoke on behalf of himself and his wife Lois. The Hall's reside on adjoining property to the proposed garden. He read aloud his letter (agenda item 14.32).

Lloyd Lane, 3569 Sixteenth Avenue

L. Lane, Environmental Health Officer with Northern Health, stated that the demonstration garden is in line with Northern Health's vision for safe food delivery and that Northern Health Public Health Protection supports this initiative. In his role in Health Protection, he initiated food security forums which are being conducted in the region, with the next one being held in Smithers. He is amazed at what the Groundbreakers Collective has done for the community, supports the high profile location proposed for the demonstration garden, and plans to volunteer at the garden. In response to the Mayor's question, he confirmed that Lake Kathlyn Elementary School currently offers salad made from local produce to its students.

Cormac Hikisch, 3260 Turner Way, and Emily Bulmer, no fixed address

C. Hikisch and E. Bulmer read out the letter from C. Hikisch (agenda item 14.24), which addressed questions and comments raised at the Public Hearing held April 12, 2011, and included the Draft Terms of Use Agreement. In response to Council's questions, C. Hikisch stated that his guess was that the garden would be in existence at that location between five and ten years and that its success would be monitored on an annual basis. When asked if a permanent location is being considered, E. Bulmer replied that the garden is about healthy communities and is a partnership with Northern Health, and, if successful, there could be permanent gardens in the future. When asked to comment on the statement "The Area Provider reserves the right to remove all or a portion of the southern half of the property from the Terms of Use Agreement, with all other items remaining intact", C. Hikisch explained that if another group comes forward with another initiative, it would be considered. When asked about using the property south of the hospital, C. Hikisch stated that the proposed location was requested by Groundbreakers Collective, it is more visible for an aesthetic garden, and he would need approval from Northern Society for Domestic Peace to use the property south of the hospital. C. Hikisch stated that Northern Health respects the Town's bylaws.

Gail Jenne, 1637 Princess Avenue

G. Jenne advised that Groundbreakers Collective first approached Northern Health in February 2010. She thanked supporters and C. Hikisch for all the time he has spent on the project. She stated that whether or not the rezoning takes place, urban gardens are being developed all over the world. They act as air filters, absorb rainfall, reduce fossil fuel consumption, and provide education. She hopes that a progressive Council will give their support.

11.0312

Adomeit/Groves

THAT the following agenda items be received: a) letter from Bonnie and Norman Merlo, 3981 Eighth Avenue; b) email from Julie Monn-Djasngar, 3933 Eighth Avenue; c) form letters from Linda Brown, Virginia Pohl, Tracy McIntyre, and M.D. Werstiuk; and d) letter dated May 2, 2011, from Barri Blix.

**CARRIED UNANIMOUSLY.**

D. Sargent advised the gallery of the Supplemental Items (14.22, 14.23, 14.24, 14.32 and 14.33) pertaining to the Public Hearing and provided a brief description of each.

Ann Marie Mclsaac, 3948 Seventh Avenue

A. M. Mclsaac voiced concerns regarding: a) wildlife and pests being attracted to the garden and compost; b) the need for regular police patrols, if the garden becomes a night-time hangout for trouble makers; c) patient safety when going from the hospital to the garden; d) the difficulty enforcing Northern Health's no-smoking policy; e) excess water running into the alley; f) the loss of a helicopter landing space for Medivac purposes, if the highway is closed; and g) the loss of a play area for children. She advised that there is already a gazebo and flower beds on hospital property for the use and enjoyment of all and recommended consideration be given to using the property between the hospital and the Transition House or property in Telkwa which was offered to them.

Mayor Farrow called a second time for submissions.

Norman Merlo, 3921 Eighth Avenue

Mr. Merlo read his letter (agenda item 14.33). He stated that additional noise in the neighbourhood is a concern.

Joann Nugent, 3953 Seventh Avenue

J. Nugent, resident in the Bulkley Valley for 16 years, voiced support for the demonstration garden. She explained the partnerships involved in developing and maintaining the Princess Avenue Garden, initiated by G. Jenne, which included Community Learning, St. James Anglican Church, private land owner, and volunteers. She noted that providing garbage cans does not ensure they will be used and believes that speeding vehicles on Eighth Avenue is a bigger concern than how busy that street is. Regarding previous comments about excess water, she believes the problem is due to springs in that area. She added that: a) she finds gardens aesthetically pleasing; b) art is subjective and does not appeal to everyone; c) while in Vancouver, she came upon several examples of urban agriculture; and d) providing cut flowers for hospital patients will not have a big impact on local flower sellers.

Cathryn Dworak, 1201 Sunnypoint Drive

C. Dworak spoke about the peacefulness and tranquility of working in a garden and that a community-minded project, such as this, should be seen as an improvement.

Julie Monn-Djasngar, 3933 Eighth Avenue

J. Monn-Djasngar lives next to the proposed garden. She reminded everyone that the hearing is about the rezoning of a neighbourhood. The people living in the area purchased their homes because it is a residential area. Having reviewed the list of allowable P-2 uses, she does not wish to live beside a P-2 zone.

Derek Wilmot, 1108 Lowland Road

D. Wilmot stated that he was astonished about the fuss being made over the demonstration garden, adding that transportation, pollution, and food security are worldwide concerns. He asked if vegetable and flower gardens attract smokers, garbage, noise or vagrants. He stated that plants absorb water and that good gardeners will not water, if it is unnecessary.

Nikki Skuce, 4501 Hudson Bay Mountain Road

N. Skuce stated that the partnership with Northern Health is unique and wonderful. She spoke about visiting her father when he was in the hospital in Victoria and the benefits of spending time with him in a nearby garden. Gardens lift spirits and remind people of home. Having a garden across from the hospital would provide an opportunity for people, waiting for babies to be born or for medical procedures and results, to relax. She believes that accessibility issues will be properly addressed.

Ken Hall, 3968 Seventh Avenue

Mr. Hall commented on the lack of consultation to date, stating that an information package was delivered to him by Groundbreakers Collective, but there has been no further consultation. He spoke in favour of locating the garden by the Transition House, as that would allow children to continue to play soccer on the field across from the hospital, and prevent the 8 lots from being rezoned to P-2, which would allow a restaurant with a bar to be built there.

Bonnie Merlo, 3921 Eighth Avenue

B. Merlo moved back to Smithers, from Vancouver, for the quality of life. She and her husband bought into a residential area, with a hospital close by. She does not support the rezoning to P-2. She is concerned about the additional burden on the RCMP and asked whom the neighbours would contact, if there was a problem in the middle of the night. She advised that other hospitals have peaceful places on their grounds where people can relax at picnic tables, etc.

and that the BVDH could do the same. She noted that the property in question is well used by families. She suggested that the demonstration garden be located at the fairgrounds, where it would better promote local food production and advised that workshops to learn about hanging baskets, composting, etc. are already available in Smithers. She commented on the lack of consultation and the need for preventative planning. As a compromise, she would prefer that the garden start small and be located by the Transition House.

Mark Edwards, 3878 Fourteenth Avenue

M. Edwards supports the partnership with Northern Health and location of the demonstration garden, believing that it is good for the community.

Jake Jenne, 1637 Princess Avenue

J. Jenne stated that the Princess Avenue Garden location once had a condemned building on it. While at the Children's Hospital in Vancouver, he found that the rooftop garden provided an uplifting experience. When he was watering at Princess Avenue Garden, three children under the age of eight, who were locked out of their apartments, came over to play with toys and water. He noted that the RCMP circled that block eight times in thirty minutes.

Carmen Nikal, Mountainview Mobile Home Park

C. Nikal advised that she does not pay property taxes to the Town, but most of her spending is done in Smithers. She supports the demonstration garden, as it will benefit low income people who do not have the tools or the space for their own gardens. It will allow them to participate and provide them with gardening ideas. Low income people cannot go to the Experimental Farm or the fairgrounds, but may be able to walk or bike to the demonstration garden. The garden will also be used for school field trips. She believes that many of the issues brought forward by residents can be addressed. When asked if the property by the Transition House could be used instead, she replied that the amount of sunshine is one reason for selecting the proposed site.

Norman Merlo, 3921 Eighth Avenue

N. Merlo stated that the raised beds will be required to be saturated with water and that he does not want his basement to flood because of that.

Mayor Farrow called for submissions for a final time for Bylaws 1648 and 1649, and, hearing none, closed the public hearing at 9:24 p.m.

Mayor Farrow called for a five-minute recess.

The meeting reconvened at 9:29 p.m.

2.2 PUBLIC OPPORTUNITY TO SPEAK - BYLAW 1658  
Mayor Farrow opened the Public Opportunity to Speak for "Bylaw No. 1658 - Business License" at 9:30 p.m.

11.0313 Groves/Wray  
THAT the Interior News advertisement published May 4, 2011, be received.

**OPPOSED: COUNCILLOR NORTHRUP. CARRIED.**

11.0314 Wray/Adomeit  
THAT the email dated April 29, 2011, from Kyla O'Reilly regarding mobile restaurants, be received.

**CARRIED UNANIMOUSLY.**

Mayor Farrow read from the petition submitted at the start of the Public Opportunity to Speak, bearing 184 signatures from individuals opposed to the proposed changes to the Business License Bylaw. The petition is attached to and forms part of these minutes as Appendix A.

11.0315 Wray/Adomeit  
THAT Supplemental Items 14.1 to 14.21, and 14.29 to 14.31, be brought forward to this point in the meeting.

**CARRIED.**

D. Sargent read out, for the benefit of the gallery, the above Supplemental Item descriptions, pertaining to the Public Opportunity to Speak.

Mayor Farrow invited speakers from the gallery.

Kathy Spiro, 1905 22<sup>nd</sup> Avenue

K. Spiro stated that it is unfair to target one particular business by changing the rules and it is unfair to the community. People will think twice about starting a business in Smithers. Bugwood Bean adds life, vibrancy, options, and jobs and does not compete with existing fixed restaurants. She believes that the changes are discriminatory and short sighted, and believes in free enterprise.

Mayor Farrow advised that Council acts on concerns it receives and that Council provides opportunities for the public to speak, so it can make informed decisions. Councillor Northrup provided a history of the proposed amendments to the Business License Bylaw.

Tim Tchide, 4595 Nielsen Road

T. Tchide stated that he encourages his children to think of resourceful ideas, like Bugwood Bean. Bugwood Bean serves a different clientele than other establishments and attracts people downtown. He is concerned about making changes to the bylaw after a business license has been issued and a substantial investment has been made by the owner. There needs to be predictability and trust of due process in order for someone to want to invest in the community. If Council is inconsistent, it is deterring business and not inspiring it. He encouraged Council to develop a business plan, read other bylaws, and not base decisions on protectionism or a fear of healthy competition, if it wants to create a dynamic community.

D. Sargent provided the definitions of “mobile restaurant” and “mobile vendor”.

Manfred Wittwer, 13380 Lawson Road, Telkwa

As President of the Farmers’ Market, M. Wittwer stated that studies show the Farmers’ Market increases business for downtown businesses. When you create a crowd, it creates more crowds. He does not support the 60 metre restriction because it prevents mobile restaurants from setting up on Main Street. Bugwood Bean’s current location creates a visible crowd, which in turn attracts more customers. He confirmed that if a business owns a storefront, it cannot set up at the Farmers’ Market.

Heidi Westfall, 3852 Fifteenth Avenue

H. Westfall stated that approximately one year ago she was a delegation at a Council meeting and promised to provide Council with a “report card”. She said that Bugwood Bean followed all of the rules at great expense. It is not a business owner’s responsibility to pay property taxes, but the property owner’s responsibility. Ms. Meyers has an agreement with the property owner. Saying that the mobile restaurant is unfair to established restaurants is a slippery slope and Council should not open that door. This is a free market and Ms. Meyers was granted a license. There should not be protectionism. Competition is good for business, as it encourages businesses to pull up their socks and get to work. She referred to a report on mobile restaurants that studied food carts in Portland, considered the expert in North America. The study shows that mobile restaurants benefit neighbourhood livability and offer a way for minority entrepreneurs to begin their own businesses. There are numerous, unique challenges that come with owning a mobile restaurant. Council can protect business in town by enforcing bylaws and issuing business licenses. This is a test of how the Town reacts to the changing business environment, brought on by changing demographics. The Town needs to look to municipalities, other than

Vancouver, do its own research, and form an opinion. She quoted from the Economic Development website, which lacks contact information for Council members. In response to questions from Council, she advised: a) the 30 metre restriction (from a fixed restaurant) is reasonable, as is the 150 metre restriction from soccer tournaments and other events; and b) Council could consider capping the number of licenses issued to mobile restaurants, monitor closely, and make adjustments as necessary.

Wade Zeiler, 4051 Hidber Road, Telkwa

Speaking on behalf of Schimmels' five employees, Mr. Zeiler encouraged Council to keep employees in mind, as well as business owners, when making decisions. He explained that for year-round restaurants, if profits are down during peak months, layoffs may occur during the slow months. He has gone from working 5 days per week, down to 4 days, due to various economic factors. He stated that the Farmers' Market allows a business to test the waters to determine if they have a viable business and that mobile restaurants do not have as much overhead or employee salary costs to cover.

Nick and Mika Meyer, 1351 Aveling Coalmine, Telkwa

M. Meyer spoke about her frustration with the process, stating that: a) it has taken a toll on her and her family; b) she has invested everything to get her business off the ground; c) she has worked in good faith with the Town and followed the rules set out in the current bylaw; d) she is the only current mobile restaurant license holder in Smithers and yet was not contacted by the Town and e) no Councillors helped her try to figure out the process and she could not find their phone numbers. She asked Council to allow her business to continue under the current bylaw and to take the time to make a correct decision and not a series of amendments. Bugwood Bean has an excellent business model, as a family-run operation providing local goods.

N. Meyers advised that he and Mika want to problem solve with the Town and make progress. People are engaged in this issue, as shown by the number of letters of support. He asked Council to make changes in an effective way and devise a fair plan, i.e. charging them based on a percentage of income, since they do not pay property taxes. He feels that the positive effects outweigh the adverse effects and that the bylaw should not be changed right now. He agreed that the previous suggestion to limit the number of licenses issued to mobile restaurants is an option and challenged everyone to think creatively. In response to Council's questions, Mr. Meyers advised that: a) he is not against applying the Alpine Theme to mobile restaurants, but emphasized that mobile restaurants and brick and mortar restaurants face different

challenges and cannot be compared to each other; b) he understands that the proposed fee increase for mobile restaurants is to make them consistent with the fee charged to mobile vendors; c) out-of-town vendors who come here to dump product could pay a higher fee, and perhaps Council could consider a “resident mobile restaurant” distinction; d) Bugwood Bean does sell local jewelry, but the bylaw is grey in that regard and they are not trying to bend the rules; e) a two-day limit at any one location is unreasonable and is inconvenient to customers who want a consistent location; and f) the suggestion to limit the number of mobile restaurant licenses issued would have to be spelled out by Council in a plan accepted by the Town.

M. Meyers thanked the community for its overwhelming support and for supporting their own freedom of choice.

Gunter Zweifler, 4479 Gelley Road

G. Zweifler, owner of Schimmels, read a letter provided to him by the owner of the Alpenhorn which stated that mobile restaurants: a) are not required to conform to Alpine Theme guidelines; b) do not provide washroom facilities; c) operate during peak season; and d) do not pay towards property taxes or utilities. The letter further states that: a) if people want to do business on Main Street they should purchase, build, or rent a restaurant; b) Main Street exists because of a frontage charge paid for by permanent Main Street businesses; and c) the Alpenhorn contributes financially to ads, flyers, etc. which attract people to Smithers and thus benefits the entire town.

G. Zweifler’s comments included the following: a) the issue is about a bylaw change, not an us-versus-them situation; b) currently there is no limit to the number of mobile restaurants that could be on Main Street at any given time; c) Main Street business owners bore an expense to comply with Alpine Theme guidelines; d) sporting events are well protected from mobile restaurants with the 150 metre regulation and Main Street merchants should be protected with the same 150 metre regulation; e) mobile restaurants can operate at the Farmers’ Market and move to Main Street after it closes; f) Schimmels’ sales have dropped since Bugwood Bean set up on Main Street; g) Schimmels depends on increased sales in the warmer months to keep employees working year-round; h) Schimmels was selected by a Vancouver Island production company to showcase its products which benefits the Town; i) it is difficult for the public to understand what it costs to operate and keep doors open; j) mobile restaurants have the option to choose prime times to operate and set up in areas with a good business environment; and k) Vancouver protects its unique streets from mobile restaurants and Smithers’ Main Street, also unique, should be

protected in the same way. In response to Council's question, Mr. Zweifler feels that allowing only one or two mobile restaurants to set up on Main Street might not be fair to other mobile restaurant owners.

Don Giddings, 1213 Sunnypoint Drive

D. Giddings clarified that N. Meyers was not suggesting that Council limit the number of mobile restaurant licenses, but was saying that it is an option. D. Giddings stated that he is not in favour of limiting the number of licenses to mobile restaurants and that he is concerned about a process that limits freedom of choice and competition. Council should not protect businesses economically or dampen the entrepreneurial spirit. He believes that the existing bylaw's 30 metre regulation offers enough protection and that 60 metres would prevent mobile restaurants from operating on Main Street. He stated that the proposed amendments go further than Vancouver's bylaw which refers to the distance "from a similar type business".

Rob Maurer, 3975 First Avenue

R. Maurer encouraged Council to consider different licenses for Valley residents and stated that trying to fit everything into one definition is not good. His main concern is the perception of protectionism and of not being open for business. He does not agree with consistency for the sake of consistency. While out of town at mining conferences, he would like to continue to personally promote Smithers as being open for business.

Greg Brown, 3931 Second Avenue

G. Brown highlighted the polarized idea of free market versus protectionism. He stated that in the case of Walmart, considering the rezoning of Tatlow Road North, in the name of economic development, was proactive. However, amending the Business License Bylaw, as proposed, is reactive and could potentially shut down Bugwood Bean, which was given the green light by the Town. He stated that: a) bylaws should be fair and respected; and b) we all have to adapt to changing demographics, as we did with the pine beetle epidemic, which we could not control.

Taylor Bachrach, 950 Oak Crescent, Telkwa

T. Bachrach acknowledged the difficult decision before Council and the importance of not being reactive. He stated that Smithers has the best downtown and Main Street in northern B.C. He suggested that Council deliberate long and hard to agree on an objective for Main Street, decide what strategies should be employed to reach that objective, and decide whether or not mobile restaurants is one of those strategies. He recommended a nuance policy to create diversity. He stated that: a) small businesses are good; b) the more

small businesses there are, the better; and c) the more locally-owned they are, the better. He believes that mobile restaurants contribute to a lively, people-oriented Main Street and sees the requirement to change location after two days to be somewhat arbitrary.

Emily Bulmer, no fixed address

E. Bulmer stated that conditions continually change and businesses close. Bugwood Bean is not selling cheap coffee or discounted baked goods. Their prices are on par with other businesses which is fair competition.

Meg Hobson, 3169 Babine Lake Road

M. Hobson stated that she is the baker for Bugwood Bean. The small operation supports many families who produce organic food, including 31 children of Bulkley Valley farmers. There are numerous rural businesses that support Smithers and she considers herself a resident of Smithers, buying only local goods. She feels that no one can compete with Bugwood Bean when it comes to local food and encourages people to change their negative tone and celebrate it. In response to questions from Council, M. Hobson stated that Bugwood Bean operates on private property with the permission of the land owner.

Bronwyn Hobson, 3169 Babine Lake Road

B. Hobson pointed out the large number of people in attendance to support the Meyer's. She likes to know she has a choice to grab a quick hot beverage at Bugwood Bean and be served with compassion, or to go to a sit-down restaurant and read a book, when she is not in a rush. The Bugwood Bean caravan brightens Main Street and makes her happy.

Troy Burke, 3827 Broadway Avenue

T. Burke works for Paul's Bakery and Schimmels. He is sympathetic to the Meyer's, as they have made a big investment in their business, and believes that they can help competition and that there is room in the marketplace for Bugwood Bean. His main objection is excluding mobile restaurants from operating on days when fixed restaurants are closed.

Mayor Farrow called for submissions to Bylaw No. 1658 for a final time, and, receiving none, closed the Public Opportunity to Speak at 11:43 p.m.

**3. APPROVAL OF MINUTES**

3.1                    REG APR 26  
11.0316            Northrup/Bandstra  
                      THAT the minutes of the Regular Meeting of Council held April 26,  
                      2011, be adopted.

**CARRIED UNANIMOUSLY.**

11.0317            Northrup/Groves  
                      THAT staff re-issue letters to the property owners in the downtown  
                      core and along Highway 16 frontage, this time including the draft  
                      changes to Section 2.0 of the Zoning Bylaw (Motion 11.0281).

**CARRIED UNANIMOUSLY.**

**4. BUSINESS ARISING FROM THE MINUTES**

4.1                    ITEMS MADE PUBLIC  
                      Report ADM 11-034 dated May 3, 2011, from D. Sargent, Chief  
                      Administrative Officer, recommending no items be made public from  
                      the Special (In-Camera) meeting of Council held April 12, 2011  
                      (0640-01).

4.2                    ITEM 5.1 - APR. 26 REG. MTG.  
11.0318            Wray/Adomeit  
                      THAT Central Park Society's request for a donation towards a fire  
                      alarm upgrade and presentation of concept for a 'town square" and  
                      beautification of the old Mohawk site, be received;

                      AND THAT the request for a donation towards a fire alarm upgrade,  
                      be received and deferred to budget (0530-05).

**CARRIED UNANIMOUSLY.**

11.0319            Wray/Groves  
                      THAT Council give approval in principle and allow the Central Park  
                      Building Society to proceed with the design concept for a landscaped  
                      gathering space at the former Mohawk site and Central Park  
                      property.

**CARRIED UNANIMOUSLY.**

**5. PETITIONS AND DELEGATIONS**

None.

**6. COUNCIL REPORTS**

**6.1. COUNCILLOR ADOMEIT**

None.

**6.2. COUNCILLOR BANDSTRA**

Councillor Bandstra reported that he attended the Community Wildfire Protection Plan meeting on May 2, 2011, and the Smithers Trade Expo held April 29 and 30, 2011.

**6.3. COUNCILLOR BENSON**

6.3.1 VISITOR STATS

11.0320 Groves/Adomeit

THAT the Visitor Information Statistics from the Smithers and District Chamber of Commerce for the period ending March 31, 2011, be received (0230-20).

**CARRIED UNANIMOUSLY.**

**6.4. COUNCILLOR GROVES**

6.4.1 MINERALS NORTH & RDBN APR 21

11.0321 Groves/Adomeit

THAT the following reports from Councillor Groves, be received:

6.4.1 Report regarding the status of mining projects, as presented at the Minerals North 2011 conference; and

6.4.2 Report regarding the Regional District of Bulkley-Nechako Regular meeting held April 21, 2011.

**CARRIED UNANIMOUSLY.**

**6.5. COUNCILLOR NORTHRUP**

Councillor Northrup reported that he attended the Smithers Trade Expo. On behalf of the Mayor, he rang the bell to signal the opening of the Farmer's Market for the season on May 7, 2011.

**6.6. COUNCILLOR WRAY**

Councillor Wray reported that he attended the Smithers Trade Expo.

**6.7. REPORT OF MAYOR FARROW**

6.7.1 OBAC

11.0322 Groves/Northrup

THAT the following Omineca Beetle Action Coalition items, be received: a) *Members' Quick Notes*, April 20, 2011; b) News Release dated April 18, 2011, announcing provincial funding of \$3 million; and c) agenda for the April 15, 2011 meeting (0230-40).

**CARRIED UNANIMOUSLY.**

6.7.2 EMERGENCY MEASURES MAR. 29

11.0323 Wray/Adomeit

THAT the minutes of the Emergency Measures Committee meeting held March 29, 2011, be received.

**CARRIED UNANIMOUSLY.**

**7. STAFF REPORTS**

**7.1. STAFF (A) REPORTS**

7.1.1 SD 54 JOINT USE

11.0324 Groves/Wray

THAT Report ADM 11-026 dated March 29, 2011, from S. Bassett, Director of Corporate Services, recommending signing of a one-year lease renewal with School District #54, be received;

AND THAT Council authorize the Mayor and Chief Administrative Officer to renew the Joint Use Agreement between the Town of Smithers and School District 54 for one year (Vault).

**CARRIED UNANIMOUSLY.**

7.1.2 ELECTION OFFICERS

11.0325 Adomeit/Groves

THAT Report ADM 11-031 dated April 28, 2011, from D. Sargent, Chief Administrative Officer, recommending appointment of election officers for the 2011 General Local Election, be received;

AND THAT Council appoint election officials to conduct the Town of Smithers 2011 General Local Election, and the positions be paid as follows:

- a) Chief Election Officer (CEO), Deborah Sargent, \$1500;
- b) Deputy Chief Election Officer (DCEO), Susan Bassett, \$1000; and
- c) Election Officials, approximately 10 positions to be appointed by the CEO or DCEO, \$200 each (4200-03).

**OPPOSED: COUNCILLOR NORTHRUP.**

**CARRIED.**

**7.2. STAFF (B) REPORTS**

None.

**8. BYLAWS**

8.1                    BYLAW 1659  
11.0326              Bandstra/Wray  
                         THAT "Bylaw No. 1659 - Five-Year (2011-2015) Financial Plan", be adopted.

**CARRIED UNANIMOUSLY.**

8.2                    BYLAW 1660  
11.0327              Bandstra/Wray  
                         THAT "Bylaw No. 1660 - 2011 Tax Rates", be adopted.

**CARRIED UNANIMOUSLY.**

8.3 - 8.5             BYLAWS 1648, 1649, 1658  
11.0328              Northrup/Wray  
                         THAT the following bylaws be deferred to the Regular Meeting of Council being held May 24, 2011:  
8.3    "Bylaw No. 1648 - Town of Smithers Official Community Plan Bylaw No. 1614 Amendment No. 11-01" (8 lots opposite BVDH on Eighth Avenue).  
8.4    "Bylaw No. 1649 - Town of Smithers Zoning Bylaw No. 1403 Amendment No. 11-01" (8 lots opposite BVDH on Eighth Avenue).  
8.5    "Bylaw No. 1658 - Business License".

**CARRIED UNANIMOUSLY.**

8.4                    BYLAW 1649  
                         See 8.3.

8.5                    BYLAW 1658  
                         See 8.3.

**9. CORRESPONDENCE (A) ITEMS**

9.1 NSC FEE WAIVER

11.0329 Groves/Northrup

THAT the letter dated May 2, 2011, from the Northern Saddle Club requesting Council waive the building permit fee for construction of a new shavings bin at the fairgrounds, be received (0360-20).

**CARRIED UNANIMOUSLY.**

11.0330 Groves/Wray

THAT Council waive the building permit fee for the clean shavings bin to be constructed at the Fairgrounds, as requested by the Northern Saddle Club in their letter dated May 2, 2011 (0360-20).

**OPPOSED: COUNCILLORS BANDSTRA, DEFEATED.  
NORTHRUP AND WRAY.**

11.0331 Bandstra/Northrup

THAT the topic of whether or not to allow building permit fee exemptions for the Town's own projects, be discussed at a Committee of the Whole meeting in the near future.

**OPPOSED: COUNCILLOR GROVES. CARRIED.**

9.2 FARMERS MARKET

11.0332 Adomeit/Wray

THAT the email dated April 28, 2011, from M. Fisher, B.V. Farmers' Market Association, inviting Mayor Farrow to open the 2011 market season on May 7, 2011, be received (0530-05).

**CARRIED UNANIMOUSLY.**

9.3 HWY OF TEARS

11.0333 Northrup/Wray

THAT the letter dated April 26, 2011, from R. Kendall, Missing Women Commission of Inquiry, regarding the possibility of holding an open meeting in Smithers in June 2011 to hear from interested parties about issues related to the Highway of Tears, be received;

AND THAT R. Kendall be offered the use of the Council Chambers as a venue for the meeting (0530-05).

**CARRIED UNANIMOUSLY.**

- 9.4 SMALL BUSINESS FRIENDLY COMMUNITY  
11.0334 Adomeit/Wray  
THAT the letter dated April 18, 2011, from P. Bell, Minister of Jobs, Tourism and Innovation, inviting local governments to compete, by region, for the "Most Small Business Friendly Community Award", be received (0400-20).

**CARRIED UNANIMOUSLY.**

- 9.5 NEV2 RECESSION RESPONSE PROGRAM  
11.0335 Groves/Wray  
THAT the email dated May 3, 2011, from D. Manson, Adjunct Geography Professor, University of Northern British Columbia, requesting a meeting with Council and the Economic Development Officer regarding the NEV2 Recession Response Project, be received (0530-05).

**CARRIED UNANIMOUSLY.**

Council directed staff to contact D. Manson to arrange an evening Committee of the Whole meeting on May 18, 2011.

- 9.6 LAXGALTS'AP  
11.0336 Adomeit/Northrup  
THAT Mayor Farrow make a presentation regarding the Protocol Agreement between the Town of Smithers and the Office of the Wet'suwet'en, during the week of June 13 to 17, 2011, in Terrace, as requested in the letter dated May 3, 2011, from the Laxgalts'ap Village Government (0400-60, 0530-05).

**CARRIED UNANIMOUSLY.**

**10. CORRESPONDENCE (B) ITEMS - RECEIVE AND REPLY**

**11. CORRESPONDENCE (B) ITEMS - RECEIVE FOR INFORMATION**

- 11.0337 Adomeit/Groves  
THAT the following correspondence be received:
- 11.1 Letter dated April 19, 2011, from the Department of Finance Canada, replying to Mayor Farrow's letter regarding the impact of Canada Revenue Agency Taxation Policies to development of rental investment properties in B.C. resorts (6900-01).
  - 11.2 Email dated April 29, 2011, from Mayor F. Clarke, Village of Granisle, presenting a letter sent to the Minister of Health, requesting a legal frame work between local governments and the Northern Health Authority (0400-50).

- 11.3 Letter received April 27, 2011, from the Aqua 2 Enterprise encouraging treatment of drinking water with hydrogen peroxide (0530-05).
- 11.4 Letter dated April 8, 2011, from Citizenship and Immigration Canada seeking nominations for Canada's Citizenship Award 2011 (0530-05).

**CARRIED UNANIMOUSLY.**

**12. CORRESPONDENCE (C) ITEMS**

**13. CORRESPONDENCE (D) ITEMS**

11.0338 Adomeit/Wray  
THAT the following correspondence, as routed, be received for information:

- 13.1 *Yellowhead IT! - 100 Years of Parks Canada*, Trans Canada Yellowhead Highway Association.
- 13.2 *Care Quarterly, Winter/Spring 2011*, BC Care Providers Association.
- 13.3 *Wet'suwet'en Voice*, Spring 2011.
- 13.4 *Industry Attraction and Promotion of Regional Economic Development Implementation Report for 2010*, prepared by the Skeena-Nass Centre for Innovation in Resource Economics (SNCRE), March 2011, and additional information regarding SNCRE.
- 13.5 *Beetle Relief Boosted*, article from the April 16, 2011 Prince George Citizen.
- 13.6 Regional District of Bulkley-Nechako *Emergency Livestock Evacuation Plan* dated March 30, 2011.
- 13.7 Regional District of Bulkley-Nechako *2010 Annual Report and Audited Financial Statements*.
- 13.8 Regional District of Bulkley-Nechako memos recommending adoption of rezoning bylaws (1577 and 1586) and Smithers Telkwa Rural OCP amendment bylaw (1585).
- 13.9 Minerals North 2011 newspaper supplement regarding the conference held April 27 to 29, 2011, in Stewart, B.C.

**CARRIED UNANIMOUSLY.**

**14. SUPPLEMENTAL ITEMS APPROVED FOR DISCUSSION**

14.25            INAUGURAL MTG.  
11.0339        Adomeit/Wray  
                  THAT Report ADM 11-026 dated May 5, 2011, from S. Bassett,  
                  Director of Corporate Services, be received:

                  AND THAT Council cancel the November 22 and December 13,  
                  2011, Regular Meetings of Council and schedule a Special (Open)  
                  Meeting of Council on December 6, 2011, as the Inaugural Meeting  
                  of the newly-elected Council (4200-01).

**CARRIED UNANIMOUSLY.**

14.26            HIV/AIDS  
11.0340        Wray/Bandstra  
                  THAT the letter dated May 3, 2011, from the Dze L K'ant Friendship  
                  Centre requesting a letter of support for the HIV/AIDS Awareness  
                  Program, be received;

                  AND THAT a letter of support in principle be sent (0530-05).

**CARRIED UNANIMOUSLY.**

14.27            REAL ESTATE PROJECT  
11.0341        Adomeit/Wray  
                  THAT the email dated May 6, 2011, from A. Stroet, Economic  
                  Development Officer, Bulkley Valley Economic Development  
                  Association, requesting a letter of support to accompany a  
                  Wetzin'kwa Community Grant application for the Summer Student  
                  Commercial Real Estate Research Project, be received;

                  AND THAT a letter of support be sent (0530-05).

**CARRIED UNANIMOUSLY.**

14.28            FINANCE APR. 12  
11.0342        Bandstra/Adomeit  
                  THAT the minutes of the Finance Committee meeting held April 12,  
                  2011, be adopted.

**CARRIED UNANIMOUSLY.**

**15. OTHER/NEW BUSINESS**

- 15.1 W. Taekema thanked Council for attending the Employee Recognition Luncheon on May 6, 2011, and holding a moment of silence to remember Scott Hawman, a Works and Operations employee who recently passed away.
- 15.2 Councillor Groves thanked S. Bassett for her work in organizing the Employee Recognition Luncheon and preparing the food.

**16. PUBLIC QUESTION PERIOD**

- 16.1 Taylor Bachrach advised that he will be attending the North Central Local Government Association conference in Prince Rupert on May 11, 2011.

**17. NOTICE OF SPECIAL (IN-CAMERA) MEETING(S) OF COUNCIL PURSUANT TO SECTION 92 OF THE COMMUNITY CHARTER.**

- 11.0343 NOTICE OF IN-CAMERA  
Bandstra/Adomeit  
THAT, pursuant to Section 92 of the *Community Charter*, Council gives notice and exercises its authority and excludes the media and the public, except for municipal staff, from the Special (In-Camera) Meeting of Council being held Tuesday, May 24, 2011, at 6:00 p.m. to deal with matters falling under Section 90, subsections 1 and/or 2 of the *Community Charter*.

**CARRIED UNANIMOUSLY.**

**18. ADJOURNMENT**

- 11.0344 ADJOURNMENT  
Adomeit/Groves  
THAT the Special (Open) Meeting of Council be adjourned (12:42 a.m.).

**CARRIED UNANIMOUSLY.**

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Cress Farrow  
Mayor

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Deborah Sargent  
Corporate Administrator (CAO)

Minutes of the Special (Open) Meeting of Council  
held on Monday, May 9, 2011 at 7:30 p.m.

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**Certified a True and Correct Copy** of the minutes of the Special (Open) Meeting of Council held Monday, May 9, 2011, at 7:30 p.m., in Council Chambers, 1027 Aldous Street, Smithers, B.C.

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Deborah Sargent  
Corporate Administrator