



TOWN OF HINTON

Minutes of the Regular Meeting of Council
Held January 21, 2020
in Council Chambers

Present:

Mayor Marcel Michaels, Councillors Trevor Haas, Ryan Maguhn, Albert Ostashek, JoAnn Race, Tyler Waugh

Absent: Councillor Dewly Nelson

Administration in Attendance:

Emily Olsen, Interim Chief Administrative Officer, Laura Howarth, Director of Community Services, Peter Vana, Director of Development Services, Emdad Haque, Director of Infrastructure Services, Todd Martens, Protective Services Manager, Lorraine Walker, Planning & Development Manager, Hans van Klaveren, Parks, Recreation & Culture Manager, Jenna Altrogge, FCSS Assistant Manager, Terri Williams, Legislative Clerk, Wendy Anderson, Executive Assistant

Refer to the Regular Council Meeting Agenda package for [January 21, 2019](#) for detailed background information.

ORDER

Mayor Marcel Michaels called the Regular Meeting of Council to order at 4:00 p.m.

ADOPTION OF AGENDA

OSTASHEK – That the agenda be adopted as amended.

- **Remove Action Item #4 – Water Treatment Plant Phase II**

Carried Unanimously

COUNCIL MINUTES FOR ADOPTION

1. Regular Meeting of Council Minutes – January 7, 2020
2. Special Meeting of Council Minutes – January 14, 2020

HAAS – That the Minutes listed above be approved as presented.

Carried Unanimously

CITIZENS "MINUTE WITH COUNCIL"

Don Engerdahl spoke to Council regarding the upcoming Winter Magic Festival which is being held February 8 – 23, 2020. This is the 33rd year with 33 events lined up which could not happen without the amazing support from non-profits and businesses. This year a passport will be available at the Hinton Municipal Library which will provide an opportunity to win a prize.

PUBLIC HEARING

Deputy Mayor Waugh called the Public Hearing to order at 4:07 p.m.

Bylaw No. 1088-10

Secretary T. Williams introduced Bylaw #1088-10 into record.

Bylaw 1088-10 being an amendment for:

Amend the Land Use Bylaw No. 1088-10 incorporating housekeeping updates regarding errors and omissions; these are grammatical and typographical in nature.

Introduction & Procedures

Deputy Mayor Waugh informed the hearing attendees the following Public Hearing is held pursuant to Section 692 of the Municipal Government Act, being Chapter M-26, R.S.A., 2000 and amendments thereto. The following rules of conduct will be followed during this Public Hearing:

- Presentation should be brief and to the point.
- The order of presentation shall be:
 - Report from the Planning & Development Manager;
 - Entry of written submissions;
 - Those supporting the Bylaw;
 - Those opposing the Bylaw; and
 - Any other person deemed to be affected by the Bylaw.
- Council may ask questions of the speakers after each presentation for clarification purposes.
- There will be no debating the Bylaw, however, questions to the Councillors or other parties will be accepted through the Chair.

Land Use Bylaw #1088-10

Deputy Mayor Waugh declared the Public Hearing relating to the Bylaw open.

Secretary T. Williams informed the purpose of the proposed Bylaw No. 1088-10 is to amend the Land Use Bylaw as follows:

Amend the Land Use Bylaw No. 1088-10 incorporating housekeeping updates regarding errors and omissions; these are grammatical and typographical in nature.

First reading was given to Bylaw No. 1088-10 on November 19, 2019.

Notice of this Public Hearing was advertised in the Hinton Voice newspaper on January 9, 2020 and January 16, 2020 and advertised on the Town of Hinton website.

The report from the Planning and Development Manager (as Attachment 1).

Deputy Mayor Waugh requested:

- Are there any late written submissions relating to Bylaw No. 1088-10? No
- Is there anyone present who wishes to speak in favour of Bylaw No. 1088-10 No
- Is there anyone present who wishes to speak in opposition to Bylaw No. 1088-10. No
- Is there anyone present who is deemed to be affected by Bylaw No. 1088-9 and wishes to speak? No
- Do the Councillors have any further questions? No
- Do the Councillors require further information? No

Deputy Mayor Waugh declared that the Public Hearing relating to Bylaw No. 1088-10 is closed.

HAAS - That the Public Hearing be adjourned at 4:09 p.m.

Carried Unanimously

Land Use Bylaw #1088-11

Secretary T. Williams introduced Bylaw #1088-11 into record.

Bylaw 1088-11 being an amendment for:

1. Amend the Land Use Bylaw No. 1088-11 to incorporate Uses defined in the Glossary "CARE FACILITY, FAMILY" but not listed as Permitted or Discretionary Uses in any zoning District. Proposed to list as Discretionary Use in four (4) residential zoning districts:
 - a. R-S1 – Residential Large Lot District
 - b. R-S2 – Residential Standard Lot District
 - c. R-CXT – Contextual Residential District
 - d. R-ACR – Acreage Residential District
2. Addition of one (1) new Use "CARE FACILITY", RESIDENTIAL SENIOR to the Glossary and add this new Use as a Discretionary Use in four (4) residential zoning districts:
 - a. R-S1 – Residential Large Lot District
 - b. R-S2 – Residential Standard Lot District
 - c. R-CXT – Contextual Residential District
 - d. R-ACR – Acreage Residential District
3. Amend Places of Worship definition to Places of Assembly and add this as a Discretionary Use to four (4) zoning districts:
 - a. C-NOD – Urban Node Commercial District
 - b. C-NBR – Neighbourhood Commercial District
 - c. I-BUS – Business Industrial District
 - d. S-COM – Community Services District

Introduction & Procedures

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- The order of presentation shall be:
 - Report from the Planning & Development Manager;
 - Entry of written submissions;

- Those supporting the Bylaw;
 - Those opposing the Bylaw; and
 - Any other person deemed to be affected by the Bylaw.
- Council may ask questions of the speakers after each presentation for clarification purposes.
 - There will be no debating the Bylaw, however, questions to the Councillors or other parties will be accepted through the Chair.

Land Use Bylaw #1088-11

Deputy Mayor Waugh declared the Public Hearing relating to the Bylaw open.

Secretary Williams informed the purpose of the proposed Bylaw No. 1088-11 is being an amendment for:

1. Amend the Land Use Bylaw No. 1088-11 to incorporate Uses defined in the Glossary "CARE FACILITY, FAMILY" but not listed as Permitted or Discretionary Uses in any zoning District. Proposed to list as Discretionary Use in four (4) residential zoning districts:
 - e. R-S1 – Residential Large Lot District
 - f. R-S2 – Residential Standard Lot District
 - g. R-CXT – Contextual Residential District
 - h. R-ACR – Acreage Residential District
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The report from the Planning and Development Manager (as Attachment 1).

Deputy Mayor Waugh requested:

- Are there any late written submissions relating to Bylaw No. 1088-11? No
- Is there anyone present who wishes to speak in favour of Bylaw No. 1088-11? No
- Is there anyone present who wishes to speak in opposition to Bylaw No. 1088-11.

Tracey Shepherd, a McPherson Drive resident, asked:

- for clarification on the number of lots that could be turned into a group home. *There are four districts proposed for the use.*
- So technically we could have more homes on our street. *Family or Group Care Facilities shall be located no closer than 300 metres from one another.*
- how can we be sure there will be pride of ownership and they will maintain their homes? *The Development Officer considers traffic generation, size of parcel, setbacks, buffering to adjacent neighbourhoods, etc.. Bylaw Services could be called to address any unsightly or snow issues.*

Rhonda Duke sent in a letter expressing her concerns and wanted to ensure Council was aware of her concerns. *No formal application has been received at this point; if an application is received there will be a process, proposed for four districts in the municipality and considered discretionary.*

- Is there anyone present who is deemed to be affected by Bylaw No. 1088-9 and wishes to speak? No
- Do the Councillors have any further questions?
 - Haas requested clarification on discretionary use. How does the public know how to appeal in the future when applications are submitted? *As per the MGA, we are required to advertise all discretionary uses. Anyone that opposes has the opportunity to appeal. They must submit a letter of appeal along with a \$250 application fee to the Secretary of the appeal board. Family care facilities are provincially legislated so need to follow their criteria.*
 - Haas – hopefully the appeal process allows concerned citizens to voice their opinions. *An appeal is advertised for two consecutive weeks.*
 - Race – this is not new to the bylaw correct? *Care facility residential seniors has been added.*
 - Maguhn – it's not that the care facilities are new, a new permit can be requested correct? *Currently the use is not in any of the districts, therefore no one may apply for a development permit until the LUB is amended to include the use.*
 - Haas questioned how places of assembly is changing? *Places of worship are very specific whereas places of assembly allow for more gathering of people such as clubs, halls, theatres, auditoriums – was part of Bylaw No. 960 and should be included.*
 - Michaels – 300 metre rule – is this a hard rule where under no circumstances two homes can't be approved within the 300 metre buffer? *Section 3-73 of the Land Use Bylaw specifies family or group care facilities shall be located no closer than 300 meters from one another. This is a hard line that the development authority is bound by.*

HAAS – that the public hearing portion be re-opened.

Carried Unanimously

- Is there anyone present who wishes to speak in favour of Bylaw No. 1088-11?

Mandy Crespeigne who works for Hinton Employment and Learning Place, spoke to Council and she is completing her social working degree. She stated any opportunity to support individuals that are highly underserved needs to be looked at with due care.

Mary Saspa supports the bylaw. She lives in Calgary and has a house in Hinton. She questioned whether there were senior homes in Hinton and was told no. Seniors are pushed to live in Edmonton as there is no opportunity in Hinton. She is hoping this would be approved as she has applied for her Hinton home to be a group home for seniors and people with disabilities.

- Is there anyone present who wishes to speak in opposition to Bylaw No. 1088-11.

- Tracey Shepherd asked if someone puts in an application for a group home with disabilities, and they want to change to seniors, do they have to reapply because it would be a change of use. *Yes, they would be required to reapply from a provincial regulatory perspective, from the Town perspective, the development permit would specify the use.*
- Do the Councillors have any further questions?
- Michaels – 154 McPherson Drive is an Evergreens home. He likes the buffer of 300 metres. Are there other types of homes such as the Evergreens homes that would allow an application within this 300 metres? *We are bound by what uses are as defined in the Land Use bylaw. Existing ones would need to be reviewed. If there is an existing facility, it would be grandfathered. A new facility would fall under the 300 metres. We would need to look at similar types of facilities. It is important to understand the purpose and intent of the district, trying to maintain the character. Discretionary doesn't automatically approve.*
- Michaels – could you have within 300 metres a senior's home and another group home catering to something different? *All are included together.*
- Ostashek – Provincial requirements to address care facilities, he requested clarification. Referral to provincial agencies, licensed separately. *We don't control regulations, controlled by the province.*
- Ostashek – is there provincial mandate for municipalities to address care facilities in their communities? *Not a mandate but a diverse community is a planning practice as does the MDP. The Town doesn't have a mandate. It is important to understand provincial legislation can trump municipal at any time.*
- Do the Councillors require further information? No

Deputy Mayor Waugh declared that the Public Hearing relating to Bylaw No. 1088-11 is closed.

RACE - That the Public Hearing be adjourned at 4:44 p.m.

Carried Unanimously

Deputy Mayor Waugh stepped down from Chair and Mayor Michaels assumed the Chair.

ACTION ITEMS

1. Land Use Bylaw No. 1088-10

WAUGH - The Council give Land Use Bylaw No. 1088-10 Second Reading as presented.

Carried Unanimously

OSTASHEK - The Council give Land Use Bylaw No. 1088-10 Third Reading as presented.

Carried Unanimously

2. Land Use Bylaw No. 1088-11

MAGUHN - That Council refer Land Use Bylaw No. 1088-11 to a future Regular Council Meeting for discussion.

Defeated 2-4

For: Maguhn, Michaels

Against: Haas, Waugh, Ostashek, Race

RACE - That Council give Land Use Bylaw No. 1088-11 Second Reading as presented.
Carried Unanimously

HAAS - That Council postpone the third reading of Land Use Bylaw No. 1088-11 to the Regular Council of February 18, 2020 to allow questions from Council to be answered by Administration.
Carried Unanimously

3. Beaver Boardwalk Committee Terms of Reference

HAAS - That Council approve the amended Beaver Boardwalk Committee Terms of Reference as amended by Standing Committee.
Carried Unanimously

4. Community Engagement and Advisory Committee Member Appointments

OSTASHK – that Council move In Camera at 5:21 p.m.
Carried Unanimously

L. Walker left the meeting.

HAAS - The meeting move out of In Camera at 5:25 p.m.
Carried Unanimously

WAUGH - That Council appoint Jace Rush and Shawn Hodder to the Community Engagement and Advisory Committee for a two-year term.
Carried Unanimously

INFORMATION ITEMS

1. Council Information Packages #1 and #2 for January 21, 2020

MAGUHN - That Council accept Information Packages #1 and #2 for January 21, 2020 as information.
Carried Unanimously

REPORTS FROM MAYOR, COUNCIL, CHIEF ADMINISTRATIVE OFFICER

1. Council Updates (Training, Conferences, Committees, Community Events)

Councillors reported on the various committees, meetings, and activities they attended since the last Regular Council meeting and what they plan on attending in the coming weeks.

2. Chief Administrative Officer Report

Emily Olsen, Acting Chief Administrative Officer, provided an update on administrative matters.

3. Administrative Inquiries

RACE asked if we have prerequisites to be eligible for appropriation monies? This information is asked to be provided prior to budget discussions.

NOTICES OF MOTION

There were no Notices of Motion.

IN CAMERA

HAAS – That the Regular Meeting of Council move In Camera at 5:40 p.m.

Carried Unanimously

E. Haque, T. Williams and W. Anderson left the meeting. J. Altrogge joined the meeting.

OSTAHSEK – That the Regular Meeting of Council move out of In Camera at 6:27 p.m.

Carried Unanimously

ADJOURNMENT

OSTAHEK - That the Regular Meeting of Council adjourn at 6:28 p.m.

Carried Unanimously



Mayor

Legislative Clerk