

THE CORPORATION OF THE CITY OF ROSSLAND

Minutes of the Regular Open Meeting of Council Held Monday, August 17, 2009

Present

Mayor G.E. Granstrom
Councillor T. L. Charlton
Councillor J.H. Smith
Councillor K.H. Wallace
Councillor D.J. Spearn
Councillor M.K. Moore (via phone – not voting)
Councillor A.W. Stradling

Staff In Attendance

Interim CAO / Manager of Finance – D. Timm
Deputy City Clerk – T. Butler
Manager of Planning and Development Services – M. Maturio
Manager of Recreation – J. Reed

Mayor Granstrom called the meeting to order at 7:01 pm.

Agenda

Moved by Councillor Charlton / Seconded by Councillor Spearn

THAT item (6)(b) - N. Tremblay / T. Bradley be moved to the In-Camera Meeting of August 17, 2009.

DEFEATED

Moved by Councillor Spearn / Seconded by Councillor Wallace

THAT the agenda for the Regular Meeting of Council held August 17, 2009 be adopted.

CARRIED

Moved by Councillor Charlton / Seconded by Councillor Wallace

THAT the minutes of the Regular Meeting of Council held July 27, 2009 be amended by changing the motion regarding Bylaw #2458 to reflect referral until in-camera discussions.

DEFEATED

Moved by Councillor Spearn / Seconded by Councillor Wallace

THAT the minutes of the Regular Meeting of Council held July 27, 2009 be adopted.

CARRIED with Councillor Charlton voting opposed.

Moved by Councillor Stradling / Seconded by Councillor Wallace

THAT the minutes of the Committee-of-the-Whole Meeting held July 29, 2009 be received.

CARRIED

RECEIPT OF PUBLIC HEARING RECORD

Moved by Councillor Charlton / Seconded by Councillor Smith

THAT the record of the Public Hearing of Bylaw 2456, 2457, 2458 and 2459 held July 27, 2009, in regards to OCP and Zoning Amendments for the Redstone Lodge and the Rotary Health Center be received.

CARRIED

GENERAL MATTERS – Delegations

**Cosbey, A. /
Rossland
Skateboard Park**

Mr. Aaron Cosbey, Rossland Skateboard Park Association, introduced the association and gave Council a brief history of the Association and the fund raising efforts to date. Mr. Cosbey remarked that there is a demonstrated need for a skateboard park in Rossland and elaborated on the social, economic and tourism benefits associated with the building of such a park. The Rossland Skateboard Park Association is requesting Council guarantee land to the Association.

MATTERS REFERRED

**George Grey -
Olympics**

Matter referred from July 27, 2009 delegation from Mr. George Grey requesting sponsorship from the City of Rossland in his quest for the Olympics;

Moved by Councillor Spearn / Seconded by Councillor Wallace

THAT the City of Rossland support George Grey in his quest for the 2010 Olympics by sponsoring him in the amount of \$5,000 to be drawn in equal parts from the 2009 and 2010 budgets.

DEFEATED

Moved by Councillor Wallace / Seconded by Councillor Stradling

THAT Council support the fundraising efforts of our Olympic Athletes.

CARRIED with Councillor Spearn voting opposed

**N. Tremblay / T.
Bradley**

Matter referred from July 27, 2009 delegation from Ms. Nadine Tremblay and Mr. Tyler Bradley regarding foundation damage to 2099 Second Avenue. Staff recommendation to follow the advice from the Municipal Insurance Association;

Moved by Councillor Charlton / Seconded by Councillor Spearn

THAT Council reimburse Ms. Nadine Tremblay and Mr. Tyler Bradley \$7,500 for replacement of the sidewalk located at 2099 Second Avenue.

Motion not voted on

Moved by Councillor Wallace / Seconded by Councillor Smith

THAT the issue be referred back to Staff to address the implications of paying for the replacement of the sidewalk and signing a final release.

CARRIED

**COW
Recommendations
from July 29, 2009**

Committee-of-the-Whole recommendation from the July 29, 2009 meeting;

Moved by Councillor Spearn / Seconded by Councillor Stradling

THAT Councillors Spearn, Moore, Charlton and Mayor Granstrom attend the 2009 UBCM Convention.

CARRIED

Moved by Councillor Spearn / Seconded by Councillor Wallace

THAT the following meetings with Ministers be requested in order of priority:

1. THAT Council request a meeting with Minister of Education, Margaret MacDiarmid, to discuss K to 12 education in Rossland/ planning for the future, funding formula and disposing of school lands.
2. THAT Council request a meeting with Minister of Community and Rural Development, Bill Bennett, to discuss connector flight with Pacific Coastal from Cranbrook to Trail or Cranbrook to Castlegar. Also funding formula for schools, also moving regional governance study along.
3. THAT Council request a meeting with Minister of Tourism, Culture and the Arts, Kevin Krueger, to discuss tourism funding, resort municipality, harmonized tax, signage for Community.
4. THAT Council request a meeting with Minister of Transportation and Infrastructure, Shirley Bond, to discuss highways maintenance of Hwy 3B between Trail, Rossland and Nancy Green Junction.
5. THAT Council request a meeting with Minister of Environment, Barry Penner, to discuss status of watershed reserves and proper environmental review of IPP's.
6. THAT council request a meeting with Minister of Agriculture and Lands, Steve Thomson, to discuss the need for agricultural area plans and support staff.

CARRIED

NEW BUSINESS - Correspondence

**Rossland Golden
City Days
Committee**

August 5, 2009 letter from Mrs. Terry Brinson, Golden City Days Committee regarding use of the Miners' Hall Sunday, September 13, 2009.

August 5, 2009 memorandum from the Recreation Manager outlining costs associated with the request.

Moved by Councillor Charlton / Seconded by Councillor Wallace

THAT the City provide a grant to the Golden City Days Committee equivalent to the amount of the rental fees associated with the request to use the Miners' Hall, Sunday, September 13, 2009.

CARRIED

**Flu Immunization
Clinic**

Letter from Ms. Heather Cameron, Public Health Nurse, Interior Health regarding use of the Miners' Hall, Friday, November 13, 2009.

August 4, 2009 memorandum from the Recreation Manager outlining costs associated with the request.

Moved by Councillor Spearn / Seconded by Councillor Stradling

THAT Council deny the request from Ms. Heather Cameron, Public Health Nurse, Interior Health to waive the fee for the use the Miners' Hall for the November 13, 2009 Flu Immunization Clinic.

CARRIED

**Rossland
Mountain Bike
Society**

Letter from Mr. Rory Belter, Rossland Mountain Bike Society, regarding donation of machinery for the Huck-en Berry Bike Jam, September 5-6, 2009;

Moved by Councillor Stradling / Seconded by Councillor Spearn

THAT Council approve the request from the Rossland Mountain Bike Society for the donation of 8 hours of machinery use for the Huck-en Berry Bike Jam.

CARRIED with Councillor Charlton voting opposed

**Resort
Municipality
Initiative – BC HST**

Correspondence from Mr. Greg Goodwin and Ms. Beverley Wong, Ministry of Community and Rural Development re: impact of BC Harmonized Sales Tax on short term accommodations;

Moved by Councillor Wallace / Seconded by Councillor Stradling

THAT Council write a letter to the Ministry of Community and Rural Development regarding the consequence of winding down the hotel tax and implications for the resort municipality tax transfer.

CARRIED

**Highway 3
Mayors' and
Chairs' Coalition**

August 6, 2009 letter from the Highway 3 Mayor's and Chairs' Coalition re: request for annual contribution and copy of minutes from the July 30, 2009 meeting;

Moved by Councillor Charlton / Seconded by Councillor Wallace

THAT Council agree to provide 30 cents per capita annual contribution to the Highways 3 Mayors' and Chairs' Coalition to assist in coordinating the efforts of the Coalition.

CARRIED

**Greater Trail
Community & Arts
Centre**

Summary of history and costs associated with the Greater Trail Community & Arts Centre;

Moved by Councillor Charlton / Seconded by Councillor Wallace

THAT Council support the establishment of a new Regional Service for the Greater Trail Community & Arts Centre.

CARRIED

NEW BUSINESS – Reports

**Fire Hydrant
Agreement
Renewal**

August 10, 2009 memorandum from the Interim CAO re: Fire Hydrant Agreement Renewal. Accompanying information included - July 3, 2009 letter from the Regional District of Kootenay Boundary with attached copy of the proposed agreement and relevant sections from BC Fire code 1998;

Moved by Councillor Charlton / Seconded by Councillor Spearn

THAT Council approve the renewal of the Fire Hydrant Agreement with the proposed amendment and authorize the Interim CAO to sign the agreement on behalf of the City of Rossland.

CARRIED

2409 Fourth Avenue

August 10, 2009 report from the Manager of Planning and Development Services regarding 2409 Fourth Avenue Rezoning Application to allow for a higher density lot on the property;

Moved by Councillor Smith / Seconded by Councillor Stradling

THAT Council approve the application for a zoning amendment for the property legally described as Lot 20, Plan 616, Section 35 PID 012-095-851; located at 2409 Fourth Ave by giving First and Second Reading to Zoning Amendment Bylaw #2462, "CD-9, Small Lot Excessive Density" and schedule a Public Hearing on September 14, 2009, with the following conditions:

- A. THAT the owner agree to purchase and deliver 4 large caliper deciduous trees to the City to accommodate the higher density request.
- B. THAT a sign be posted by the owner on the site stating the intent and purpose of the proposed rezoning amendment within 7 days of the first reading of Bylaw #2462 in accordance with the City of Rossland Development Procedures Guidelines.

CARRIED with Councillor Charlton voting opposed.

Recess

Mayor Granstrom called a one minute recess at 8:55 pm.

Conflict of Interest – Councillor Wallace

Councillor Wallace declared a conflict of interest regarding the next agenda item, due to personal and business relationships, and was excused from the meeting at 8:57 pm.

Cabin – Red Mtn. - Zoning Amendment

August 12, 2009 report from the Manager of Planning and Development Services regarding Zoning amendment for recreational building on Red Mountain;

Moved by Councillor Stradling / Seconded by Councillor Spearn

THAT Council approve the application for a zoning amendment for the property legally described as PID 024-382-094, Lot 1, Township 28, Kootenay District Plan NEP 63705 located just above the base area of Red Mountain by giving First and Second Reading to Zoning Amendment Bylaw #2463, amended to read "*one per parent parcel prior to any subsequent subdivision*" and schedule a Public Hearing on September 14, 2009.

CARRIED

Moved by Councillor Stradling / Seconded by Councillor Spearn

THAT the City levy a fine of \$10,000 for violating both the Zoning and Building bylaws, subject to a favorable legal opinion on the levying of such a fine.

CARRIED

Councillor Wallace returned to the meeting at 9:31 pm.

LEGISLATIVE MATTERS

Permissive Tax Exemption Policy

July 23, 2009 memorandum from the Interim CAO regarding a new policy for Permissive Tax Exemption;

Moved by Councillor Spearn / Seconded by Councillor Wallace

THAT Council approve Policy #1442 – Permissive Tax Exemption as amended to remove the word “audited” from “Copy of financial statements for the past three years.”

CARRIED with Councillor Charlton voting opposed

Rotary Health Building – 1807 Columbia Ave.

August 11, 2009 memorandum from the Planning Assistant regarding OCP and Zoning Amendment for the Rotary Health Building, 1807 Columbia Avenue;

Moved by Councillor Wallace / Seconded by Councillor Smith

THAT Official Community Plan Amendment Bylaw No. 2458, 2009(4) be read a third time.

CARRIED with Councillor Charlton voting opposed

Moved by Councillor Spearn / Seconded by Councillor Wallace

THAT Official Community Plan Amendment Bylaw No. 2458, 2009(4) be adopted.

CARRIED with Councillor Charlton voting opposed

Moved by Councillor Charlton / Seconded by Councillor Spearn

THAT first and second reading of Bylaw #2459 – Zoning Amendment Bylaw 2009(8) given on July 13, 2009 be rescinded.

CARRIED

Moved by Councillor Stradling / Seconded by Councillor Charlton

THAT Bylaw #2459 – Zoning Amendment Bylaw 2009(8) be referred.

DEFEATED

Motion to extend

Moved by Councillor Smith / Seconded by Councillor Stradling

THAT the August 17, 2009 Regular Meeting of Council be extended to 10:30 pm.

CARRIED

Moved by Councillor Spearn / Seconded by Councillor Wallace

THAT Council approve the zoning amendment for the property located at 1807 Columbia Ave, legally described as (Lot 24, Block 26, District Lot 535, Kootenay District Plan 579), from P-1 (Public and Institutional) to CD-8 – (Downtown Limited Commercial) by giving First and Second Reading of Zoning Amendment Bylaw #2459 with the following requirements:

A. THAT a sign be posted on the site stating the intent and purpose of the proposed Rezoning bylaw, within 7 days of the first reading of bylaw #2459, and in accordance with the City of Rossland Development Procedures Guidelines.

CARRIED

Moved by Councillor Spearn / Seconded by Councillor Charlton

THAT Bylaw #2459 – Zoning Amendment Bylaw 2009 (8) be referred to a Committee-of-the-Whole Meeting to discuss “Permitted Uses” before setting the Public Hearing date.

CARRIED

**Bylaw #2460 –
Blasting Bylaw**

August 11, 2009 memorandum from the Planning Assistant regarding Blasting Bylaw 2009, #2460;

Moved by Councillor Charlton / Seconded by Councillor Smith

THAT Blasting Bylaw #2460, 2009 be read a first and second time as amended.

CARRIED

**Bylaw #2453 –
Recreation Fees
and Charges
Bylaw**

August 12, 2009 memorandum from the Manger of Recreation regarding proposed amendments to Schedule C – Fees and Charges Bylaw #2453;

Moved by Councillor Charlton / Seconded by Councillor Stradling

THAT the Non-Profit 1 rate in Schedule “C” of Bylaw #2453 be reduced from \$26.75/hr. to \$23.00/hr.

CARRIED

Moved by Councillor Charlton / Seconded by Mayor Granstrom

THAT a “recreation program rate” be included in Bylaw #2453.

DEFEATED

Moved by Councillor Smith / Seconded by Councillor Wallace

THAT Recreation Fees and Charges Bylaw #2453, 2009 be read a third time.

CARRIED

MAYOR AND COUNCIL REPORTS

Councillor Spearn

Councillor Spearn updated Council on the Streetscape Committee success in 2009.

Councillor Spearn updated Council on the Planning for Rossland Schools and informed Council that a letter from Janice Anderson should have been received by all of Council.

Moved by Councillor Charlton / Seconded by Councillor Spearn

THAT a letter be sent to School District #20 expressing Councils desire to purchase the MacLean School property if it should become available.

DEFEATED

Councillor Wallace

Notice of motion from Councillor Wallace for the September 14, 2009 Regular Meeting of Council;

THAT Staff be directed to report on the viability of “number of connections” as a fair and equitable means of new participation (cost sharing) for the intermunicipal sewer system.

Councillor Charlton

Notice of motion from Councillor Charlton for the September 14, 2009 Regular Meeting of Council;

THAT Staff be directed to explain, in writing before September 30, 2009, why the principles listed on the Community Comment Form circulated at the open house for the new Zoning Bylaw were stated to be established by the Strategic Sustainability Plan and the Official Community Plan when, in fact, they are not principles contained in either the SSP or the OCP.

CLOSED MEETING RESOLUTION

Moved by Councillor Smith / Seconded by Councillor Wallace

THAT the proceedings of the remainder of the meeting of August 17, 2009 be closed to the public pursuant to section 90 (1)(e) & (k) of the *Community Charter*.

CARRIED

Close

Mayor Granstrom closed the meeting at 10:42 pm.

I hereby certify the preceding to be a true and correct account of the Regular Meeting of Council held on August 17, 2009.

Mayor

Corporate Officer