

THE CORPORATION OF THE CITY OF ROSSLAND

Minutes of a Regular Open Meeting of Council Held Monday, June 23, 2008

Present

Mayor A.G. Smith
Councillor L. Charlton
Councillor J.K. Drysdale
Councillor L.D. Doell
Councillor S.E. Knox
Councillor L.G. McLellan
Councillor D.J. Spearn

Staff In Attendance

CAO – R. Campbell
Deputy City Clerk – T. Butler
Manager of Planning and Development – M. Maturo
City Engineer – M. Thomas

Mayor Smith called the meeting to order at 7:31 pm

Agenda

Moved by Councillor Doell / Seconded by Councillor Drysdale

THAT the agenda for the Regular Meeting of Council held June 23, 2008 be adopted.

CARRIED

Minutes

Moved by Councillor McLellan / Seconded by Councillor Drysdale

THAT the minutes of the Regular Council Meeting held June 9, 2008 be adopted.

CARRIED

Minutes

Moved by Councillor Knox / Seconded by Councillor Spearn

THAT the minutes of the Special Meeting of Council held June 16, 2008 be adopted.

CARRIED

Minutes

Moved by Councillor Doell / Seconded by Councillor Drysdale

THAT the minutes of the Committee-of-the-Whole Meeting of Council held June 16, 2008 be received.

CARRIED

MATTERS REFERRED

Davies Sales and Service /

June 19, 2008 memorandum from the Manager of Operations re: Davies Sales

**Cardboard
Recycling**

and Service location of cardboard recycling depot.

Moved by Councillor McLellan / Seconded by Councillor Doell

THAT Davies Sales and Service be denied temporary location of the cardboard recycling center to the City Yard;

AND FURTHER that Davies Sales and Service be responsible for finding their own alternative site for the cardboard recycling center.

CARRIED

**Councillor
Charlton – Notice
of Motions**

Notice of Motion by Councillor Charlton re: Mr. Bill Micklethwaite

Moved by Councillor Doell / Seconded by Councillor Charlton

THAT Mr. Bill Micklethwaite be invited to make a presentation to Council about his 'white paper' "Rossland's Water Resources" at a Planning Committee meeting.

DEFEATED

Moved by Councillor Charlton / Seconded by Councillor Spearn

THAT Mr. Bill Micklethwaite be invited to make a presentation to Council about his 'white paper' "Rossland's Water Resources" at a Planning Committee meeting prior to any further consideration of the draft OCP by Council and before any consideration of the Red Mountain Ventures' golf course proposal.

DEFEATED

**Councillor
Charlton – Notice
of Motions**

Notice of Motion by Councillor Charlton re: Granite Mountain Properties

WHEREAS, the Development Permit issued to Granite Mountain Properties on October 25, 2007 requires them to obtain approvals from, and meet any applicable regulations from, other jurisdictions; and

WHEREAS, the Department of Fisheries and Oceans, in a letter dated December 12, 2007 specified that there be a 15 meter setback from the normal high water mark of the Blue Eyes Swamp; and

WHEREAS, Granite Mountain Properties has now logged and cleared a significant portion of the land within 7.5 metres of the Blue Eyes Swamp in contravention of the Development Permit; and

WHEREAS, most of the property surrounding the Blue Eyes Swamp is zoned Public and Open Space which does not provide enough space for any development outside a road right-of-way;

NOW THEREFORE, Staff is directed to rescind the Development Permit issued

to Granite Mountain Properties on October 25, 2007

Moved by Councillor Drysdale / Seconded by Councillor Spearn

Motion to defer the notice of Motion by Councillor Charlton regarding rescinding the Granite Mountain Properties Development Permit.

CARRIED

**Councillor
Charlton – Notice
of Motions**

Notice of Motion by Councillor Charlton re: Mr. Ken Holmes

Moved by Councillor Charlton / Seconded by Councillor Spearn

THAT Staff be directed to answer, by July 30, 2008, all the questions asked by Mr. Ken Holmes in his letter to Council dated June 1, 2008.

DEFEATED

**Councillor
Charlton – Notice
of Motions**

Notice of Motion by Councillor Charlton re: K2 Contracting

WHEREAS the owners of the property located at 2096 Second Avenue were notified by City Staff on August 29, 2007 that they were required to fence any outdoor storage area, and

WHEREAS an email from Kevin Fairweather, dated March 17, 2008, indicated a fence would be installed some time in April, and

WHEREAS Kevin Fairweather, in a letter to the City, dated May 21, 2008 said the fence would be in place by June 6, 2008 and

WHEREAS no fence has yet been installed,

THEREFORE, Staff is directed to rescind the business license of K2 contracting until the fence has been installed.

Motion withdrawn by Councillor Charlton

**Councillor
Charlton – Notice
of Motions**

Notice of Motion by Councillor Charlton re: Ophir Reservoir

Moved by Councillor Charlton / Seconded by Councillor Drysdale

THAT Staff be directed to prepare a written report, by the next Regular Council Meeting, describing the actions needed to be taken on the Ophir Reservoir project to prevent further contamination of Ophir Creek by silting from construction and other activities.

CARRIED

NEW BUSINESS

Correspondence

**Third Party RMR
Acquisition Corp.
Application
Review update**

June 19, 2008 memorandum from the Manager of Planning and Development Services and the City Engineer re: Status update on the third party reviews of the RMR Acquisition Corp. OCP, Zoning and Development Permit Applications.

Received for information

**RMR Acquisition
Corp. Application—
outline of review
process**

June 19, 2008 memorandum from the Manager of Planning and Development Services and the City Engineer re: outline of review process for the RMR Acquisition Corp RMR Acquisition Corp. OCP, Zoning and Development Permit Applications.

Received for information

**Office of the
Premier**

June 2, 2008 letter from the Office of the Premier re: request for comments on the LocalMotion and Towns for Tomorrow initiatives.

Received for information

Village of Warfield

June 6, 2008 letter from the Village of Warfield Mayor, James Nelson re: Recreation Service Arbitration

Moved by Councillor Charlton / Seconded by Councillor Doell

THAT Staff prepare a report regarding the financial implications regarding the June 6, 2008 letter from the Village of Warfield's position on the Recreation Service Arbitration.

DEFEATED

**Golden Bear
Children's Centre**

June 13, 2008 letter from the Golden Bear Children's Centre re: consideration of grant in lieu of taxes.

Moved by Councillor Doell / Seconded by Councillor Charlton

THAT the motion regarding a one time grant of \$6,075 be issued to the Golden Bear Children's Centre to cover the 2008 property taxes be amended to include:

“as long as Council is not in violation of the *Community Charter*.”

CARRIED

Moved by Councillor McLellan / Seconded by Councillor Spearn

THAT a one time grant of \$6,075 be issued to the Golden Bear Children's Centre to cover the 2008 property taxes as long as Council is not in violation of the *Community Charter*.

CARRIED with Councillor Charlton voting opposed.

**Pocket Park -
Columbia Ave.**

June 18, 2008 letter from Rob Fershau, Nowell 2 LandDesign re: request for Council approval for proposed pocket park between N2LD and Red Mountain Furnishings.

Moved by Councillor Knox / Seconded by Councillor Doell

THAT Staff prepare a written report on the costs associated with the proposed pocket park between N2LD and Red Mountain Furnishings.

DEFEATED

Moved by Councillor McLellan / Seconded by Councillor Doell

THAT the City pay 50% to a maximum of \$1,000 towards the proposed pocket park between N2LD and Red Mountain Furnishings.

DEFEATED

Reports

**2007 Statement of
Financial
Information
Report**

June 11, 2008 memorandum from the Manager of Finance re: 2007 Statement of Financial Information Report.

Moved by Councillor Drysdale / Seconded by Councillor Spearn

THAT Council approve the 'Statement of Financial Information' package for 2007 and direct Staff to submit the package to the Ministry of Community Services.

CARRIED with Councillor Charlton voting opposed.

Motion to Extend

Moved by Councillor Knox / Seconded by Councillor Doell

THAT the June 23, 2008 Regular Meeting of Council be extended past 10:00 pm.

CARRIED

**City of Rossland
Annual Report**

June 18, 2008 memorandum from the CAO re: Presentation to Council of the

2008 City of Rossland Annual Report

Moved by Councillor Spearn / Seconded by Councillor Doell

THAT the 2008 City of Rossland Annual Report be received by Council and made available to the public.

CARRIED with Councillor Charlton voting opposed.

**OCP and Zoning
Amendment – Lot
2, Plan NEP 21421
Thompson Ave.**

June 17, 2008 report from the Planning Assistant re: OCP and Zoning Amendment – Lot 2, Plan NEP 21421, Thompson Avenue

Moved by Councillor Knox / Seconded by Councillor Doell

THAT the application for a land use re-designation for the property located on Thompson Avenue, legally described as (Lot 2, District Lot 535, Kootenay District Pan NEP 21421), from R (Residential) to MR (Multi Family Residential) and rezoning from R-1 (Residential Single Detached) to R2 – (Duplex) by giving first and second reading of draft OCP Amendment bylaw #2420 and Zoning Amendment Bylaw #2421, and that a Public Hearing be scheduled for July 28, 2008 with the following requirements:

1. THAT a sign be posted by the owner on the site stating the intent and purpose of the proposed re-designation of the OCP and rezoning application, within 7 days of the first reading of bylaws #2420 and 2421, and in accordance with the City of Rossland Development Procedures Guidelines.

CARRIED

LEGISLATIVE MATTERS

**Emergency
Program Bylaw
#2419**

Emergency Program Bylaw #2419 for Council consideration.

Moved by Councillor Charlton / Seconded by Councillor McLellan

THAT the following two sections be added to Bylaw #2419:

“LIABILITY

9. As enabled by the Act, no person, including, without limitation, the Council, the Mayor, members of the City of Rossland Emergency Management Organization, employees of the City of Rossland, a volunteer and any other persons appointed, authorized or requested to carry out measures relating to emergencies or disasters, is liable for any loss, cost, expense, damages or injury to persons or property that result from:

the person in good faith doing or omitting to do any act that the person appointed, authorized or required to do under this bylaw, unless, in doing or omitting to do the act, the person was grossly negligent, or

any acts done or omitted to be done by one or more of the persons who were, under this bylaw, appointed, authorized or required by the person to do the acts, unless in appointing, authorizing or requiring to do the acts, the person was not acting in good faith.

ENACTMENT

If any section, subsection, sentence, clause or phrase of this Bylaw is for any reason held to be invalid by the decision of any court of competent jurisdiction, the invalid portion shall be severed and the part that is invalid shall not affect the validity of the remainder.

This Bylaw shall come into full force on the final adoption thereof.”

DEFEATED

Moved by Councillor McLellan / Seconded by Councillor Knox

THAT Bylaw #2419 - Emergency Program Bylaw be read a third time.

CARRIED with Councillor Charlton voting opposed

**Public
Representation
Opportunity**

Public Representation Opportunity for Park Street Road Closure Bylaw, No. 2418 and third reading.

**Road Closure
Bylaw #2418 –
Park Street**

Mayor Smith called for representation from the public in attendance. There being no persons coming forward the Mayor continued with the bylaw reading.

Moved by Councillor Doell / Seconded by Councillor Spearn

THAT Bylaw #2418 – Park Street Road Closure Bylaw, No. 2418 be read a third time.

CARRIED

MEMBER REPORTS

**Councillor
McLellan**

June 18, 2008 memorandum from Councillor McLellan re: Regional District Community Services Commission Meeting June 16, 2008.

**Councillor
Charlton – Notice
of Motion**

Councillor Charlton Notice of Motion re: Red Mountain Ventures GP Ltd. reject application:

WHEREAS Section 895(1) of the Local Government Act requires a local government that has adopted an Official community Plan or Zoning Bylaw to define, by bylaw, procedures under which an owner of land may apply for an amendment to the plan or bylaw, and

WHEREAS the City of Rossland has adopted Bylaw #1595, the “Management of Development Amendment Process Bylaw” which says that an owner of land

may apply for an amendment to the plan or bylaw, and

WHEREAS Red Mountain Ventures GP Ltd. Has applied for an amendment to the zoning bylaw, and

WHEREAS Red Mountain Ventures GP Ltd. Is not an owner of land in Rossland,

NOW THEREFORE be it resolved that staff be directed to reject the application submitted by Red Mountain Ventures GP Ltd.

**Councillor
Charlton – Notice
of Motion**

Councillor Charlton Notice of Motion re: Red Mountain Golf Course Application /Referendum:

WHEREAS an application has been submitted to construct a golf course with residential and commercial development in the Topping Creek watershed, and

WHEREAS intense concern about the proposal has been expressed by a large number of the citizens of Rossland, and

WHEREAS all citizens of Rossland should have an opportunity to express their opinion about the acceptability of this proposal, and

WHEREAS Section 83(1) of the Community charter allows Council to seek community opinion on a question that Council believe4s affects the municipality,

NOW THEREFORE be it resolved that Council not undertake any amendments to the Official Community Plan or the Zoning Bylaw relating to this proposal until a referendum is held to determine whether or not the majority of the citizens of Rossland support this proposal.

Mayor Smith

Mayor Smith informed Council on the Canada Day and Stanley Cup Celebrations and the requests from the Rossland Chamber of Commerce to host these two events.

Council agreed to concur with the Rossland Chambers requests as per their letters of June 12, 2008 and June 20, 2008.

Close

Mayor Smith closed the meeting at 10:44 pm

I hereby certify the preceding to be a true and correct account of the Regular Meeting of Council held on June 23, 2008.

Mayor

Corporate Officer