

**MINUTES OF THE REGULAR COUNCIL MEETING OF THE TOWN OF
BLACK DIAMOND, IN THE PROVINCE OF ALBERTA, HELD
NOVEMBER 18, 2009 AT 7:30 P.M. IN THE TOWN OFFICE**

PRESENT

Mayor Sharlene Brown
Councillors Bill Price, Michel Jackson, Tyler Bray, Sharon Hart, Mike Ross and Judy Thomson
Town Manager Joanne Irwin, Administrative Assistant Verna Staples, Public Works Manager Andy Pfeifer, Planning and Development Officer Sheikh Hossain
Approximately 10 people including but not limited to: Ally Rutherford (Eagle), Rick Northrop (Western Wheel, entered Chambers at 8:10pm), Helen Loiselle, Debbie-Layne MacLeod, George Wallace, Gordon Tomte, Heather Masters, Jim Masters, 1 unidentified female and 1 unidentified male.

ORDER

Mayor Sharlene Brown called the meeting to order at 7:30p.m.

**15-MINUTE
QUESTION &
ANSWER
PERIOD**

Mayor Sharlene Brown declared the 15-minute question & answer period open at 7:30 p.m. Gordon Tomte, 16 Valley Ridge Place, stated that the Energy Utilities Board (EUB) has identified that odours reported recently are coming from an area about 100m north of the recent reclamation project at the Turner Vally Gas Plant site. He wanted to inform Council of the communication breakdown, and to express his concern that no one was notified, including Council for the Town of Black Diamond and its Emergency Management Agency of the incident findings. Mayor Sharlene Brown requested that Councillor Sharon Hart have this issue placed on the next Turner Valley Oilfield Society agenda. Councillor Bill Price will also have this issue addressed at the Turner Valley Oil and Gas Group. Mayor Sharlene Brown also requested that these committees cc the Town with any communications regarding this situation. As there were no further questions forthcoming, Mayor Sharlene Brown declared the 15-minute question & answer period closed at 7:36 p.m.

AGENDA

Res. 2009-388

Moved by Councillor Mike Ross that Council agree to accept the agenda, including the addition of; Item 7b)(i) Banking Resolution, Item 7c)(i) Electric Franchise Distribution Fee for 2010, Item 7e)(i) Pembina Institute presentation to Sustainable Black Diamond Advisory Committee, and an In Camera session to discuss a potential legal issue.

UNANIMOUSLY CARRIED

MINUTES

Res. 2009-389

Moved by Councillor Michel Jackson that Council agree to adopt the Minutes of the Regular Council Meeting held November 3, 2009, as presented.

UNANIMOUSLY CARRIED

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DELEGATION

a) High Country Wellness Coalition

Debbie-Layne MacLeod, Alberta Health Services and Facilitator for the High Country Wellness Coalition, and Helen Loiselle, Co-Chair of the High Country Wellness Coalition, offered a PowerPoint presentation, as attached. The representatives of the High Country Wellness Coalition requested that Council consider passing a resolution to become a Healthy Community. They advised that the High Country Wellness Coalition has sponsored such programs as the "Hall Walkers". Councillor Michel Jackson asked if the Coalition has prepared a catalogue of resources, and was advised that the project is not yet complete, but is underway. The delegation ended at 7:58pm and the representatives left Council Chambers.

BYLAWS

a) Bylaw 09-16: Amend LUB 98-14 – Redesignation of Lots 8&9, Block 12, Plan 0910930 from R-1C to PS for dedication of tot lots

Planning and Development Officer Sheikh Hossain offered a PowerPoint presentation, as attached. Councillor Tyler Bray questioned the physical position and the setbacks involved with the ATCO Gas lines located on the property.

RECESS

Res. 2009-390

Moved by Councillor Tyler Bray that Council agree to recess the meeting at 8:18pm.

UNANIMOUSLY CARRIED

RECONVENE

Res. 2009-391

Moved by Councillor Bill Price that Council agree to reconvene the meeting at 8:23 pm.

UNANIMOUSLY CARRIED

Res. 2009-392

Moved by Councillor Mike Ross that Council agree to give Bylaw 09-16 first reading, and to schedule a public hearing for December 16, 2009.

UNANIMOUSLY CARRIED

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ACTION ITEMS

a) Core Strategy: Flexibility

(i) Development Permit Application 09-79 – Change of Use, half of Lot 4, Block 5, Plan 2298DR

Councillor Judy Thomson questioned whether anyone is currently living in the old Manse located on that property, and was advised by Ms. Heather Masters that there is not anyone living in that structure. Mayor Sharlene Brown stated her concerns regarding future parking requirements and needs for this proposed business. She questioned if 1 more parking stall can be added to that property, Planning and Development Officer Sheikh Hossain advised that this could be accomplished.

Res. 2009-393

Moved by Councillor Michel Jackson that Council agree to accept this development application as amended to include the requirement of adding one more parking stall on the property.

UNANIMOUSLY CARRIED

b) Core Strategy: Provide Safe and Effective Service

(i) Banking Resolution

Res. 2009-394

Moved by Councillor Sharon Hart that Council agree to rescind Resolution 2009-340.

UNANIMOUSLY CARRIED

Res. 2009-395

Moved by Councillor Judy Thomson that Council agree that an account and/or accounts be continued with ATB Financial and/or the Royal Bank in the name of the Town of Black Diamond hereinafter referred to as the Corporate Body; and that Mayor Sharlene Brown and C.A.O. Joanne Irwin or in the absence of the Mayor, Councillor Mike Ross or Councillor Michel Jackson shall sign together with the C.A.O., or in the absence of the C.A.O. shall sign together with her designate, Finance Manager Shirley Campbell, and they are authorized for and on behalf of the Corporate Body to draw, accept, sign exchange, promissory notes, cheques and orders for the payment of money; to assign and transfer to said ATB Financial and/or the Royal Bank all or any stocks, bonds, and other securities and generally for and in the name of the said Corporate Body, to transact with the said ATB Financial and/or the Royal Bank any business they may think fit; and that Council agree that Mayor Sharlene Brown and the C.A.O.

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Joanne Irwin or in the absence of the Mayor, Councillor Michel Jackson or Councillor Mike Ross and the C.A.O. or in the absence of the C.A.O., shall sign together with her designate, Finance Manager Shirley Campbell, be and they are hereby authorized on behalf of the said Corporate Body to negotiate, deposit with, and transfer to the ATB Financial and/or Royal Bank (but for credit only) to the account of the said Corporate Body all or any bills of exchange, promissory notes, cheques, and orders for payment of money and other negotiable paper, and for the said purpose to endorse the same or any of them on behalf of the said Corporate Body whether in writing or by rubber stamp or otherwise, also from time to time arrange, settle, balance, and certify all books and accounts between the said Corporate Body and ATB Financial and/or Royal Bank; and to receive all paid orders, and vouchers, and to sign the ATB Financial and/or Royal Bank form of settlement and release; and that Council agree to authorize C.A.O. Joanne Irwin or in her absence Finance Manager Shirley Campbell to invest any operating surpluses of the Municipality or other money of the Municipality that is not required for immediate disbursement in accordance with Section 250 of the Municipal Government Act, being Chapter M-26 R.S.A., 2000 as amended.

UNANIMOUSLY CARRIED

c) Core Strategy: Partnerships

(i) Electric Franchise Distribution Fee for 2010

Res. 2009-396

Moved by Mayor Sharlene Brown that Council agree to maintain the Electric Distribution Franchise Fee for 2010 at 10% and to allocate the funds received from this franchise fee to street lighting upgrades.

UNANIMOUSLY CARRIED

d) Core Strategy: Improve Communication

(i) Invitation to Provincial Review of Intermunicipal bus service in Alberta

Councillor Michel Jackson has agreed to attend the Provincial Review of Intermunicipal Bus Service in Alberta.

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e) Core Strategy: Positive Leadership

(i) Pembina Institute presentation to Sustainable Black Diamond Advisory Committee

Councillors Mike Ross and Michel Jackson along with Mayor Sharlene Brown have agreed to attend. The other Councillors were encouraged to participate if they are able to do so.

f) Miscellaneous Items

(i) Town Manager Report Decisions – as required

None required.

Res. 2009-397

Moved by Councillor Sharon Hart that Council agree to accept the Town Manager's Report for information purposes.

UNANIMOUSLY CARRIED

(ii) Delegation decisions – as required

Res. 2009-398

Moved by Councillor Michel Jackson that Council agree that whereas the Municipality of the Town of Black Diamond is committed to helping all its residents attain an optimal quality of life; and whereas the overall health status of the population is determined by such broad social determinants as income, education, housing, transportation, security, and environment; and whereas the Municipality of the Town of Black Diamond can influence the determinants of a healthy community by:

- adopting a broad public policy approach to health which examines how overall municipal policies can affect the health of the community,
- encouraging individual civic departments to work individually and collaboratively to establish policies and procedures which promote health in the broadest sense,
- ensuring full community participating in municipal decisions that affect health,

therefore be it resolved that the Municipality of the Town of Black Diamond supports the Healthy Community approach and adopts and promotes within its area of competency, public policies and strategies that enhance the overall health status of its population.

UNANIMOUSLY CARRIED

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(iii) RCMP's Mayor's Quarterly Report

Res. 2009-399

Moved by Councillor Mike Ross that Council agree to accept the RCMP's Mayor's Quarterly Report for information purposes.

UNANIMOUSLY CARRIED

**CORRESPONDENCE
AND INFORMATION**

Res. 2009-400

Moved by Councillor Sharon Hart that Council agree to accept the following correspondence for information purposes only:

- a) Town Manager's Report
- b) Public Works Report

UNANIMOUSLY CARRIED

Committee Reports:

Councillor Sharon Hart: written report attached
Councillor Michel Jackson: written report attached
Councillor Judy Thomson: written report attached
Councillor Mike Ross: written report attached
Councillor Tyler Bray: written report attached
Councillor Bill Price: written report attached
Mayor Sharlene Brown: written report attached
Committee of the Whole Minutes: November 2, 2009
attached

Res. 2009-401

Moved by Mayor Sharlene Brown that Council agree to send a letter to Dave Brown informing him that Council has agreed to deny his requests for property assessment and off-site levy concessions for the proposed private affordable housing development, and while Council supports Affordable Housing in general, to grant his requests would set a precedent that would be difficult to uphold in the future.

UNANIMOUSLY CARRIED

Res. 2009-402

Moved by Councillor Mike Ross that Council support the choice of Andrew Melnyk as the 2009 Volunteer of the Year Award Recipient, and invite him to the Annual Volunteer and Staff Christmas Party so that he may be presented with this Award.

UNANIMOUSLY CARRIED

RECESS

Res. 2009-403

Moved by Councillor Mike Ross that Council agree to recess the meeting at 9:35pm.

UNANIMOUSLY CARRIED

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RECONVENE

Res. 2009-404

Moved by Mayor Sharlene Brown that Council agree to reconvene the meeting at 9:52 pm.

UNANIMOUSLY CARRIED

IN CAMERA

Res. 2009-405

Moved by Councillor Michel Jackson that Council agree to go In Camera at 9:53 p.m. to discuss a potential legal matter.

UNANIMOUSLY CARRIED

IN CAMERA

Res. 2009-406

Moved by Councillor Sharon Hart that Council agree to re-open the meeting to the public at 10:05 p.m.

UNANIMOUSLY CARRIED

ADJOURNMENT

Res. 2009-407

Moved by Councillor Sharon Hart that Council agree to adjourn the meeting at 10:05 p.m.

UNANIMOUSLY CARRIED

MAYOR

TOWN MANAGER