

THE CORPORATION OF THE DISTRICT OF PEACHLAND

**Regular Council Meeting Minutes
Held Tuesday, October 28, 2003 at 7:00 p.m.
In the Council Chambers, Peachland Community Centre**

PRESENT: Mayor Harriman, Councillors Fraser, Hallberg, Henderson, Hurd, Moritz & Reid

Administrator Peter Jmaeff
Deputy Clerk Betty Briggs
Treasurer Doug Pryde
Director of Operations Joe Mocilac
Director of Planning & Development Services Chris Prosser

Members of the Public
Members of the Media

CALL TO ORDER: Mayor Harriman called the Regular Council Meeting to order at 7:00 p.m.

AMENDMENTS TO THE AGENDA Added to the Agenda: 10-A: Notice of Motion – Councillor Moritz

APPROVAL OF THE AGENDA MOVED by Councillor Henderson, SECONDED by Councillor Hallberg:

THAT the Agenda be approved as amended.

CARRIED.

ADOPTION OF THE MINUTES

ADOPT MINUTES MOVED by Councillor Fraser, SECONDED by Councillor Moritz:

THAT the Minutes of the Special Open Council Meeting held October 14, 2003 be adopted as circulated.

CARRIED.

DELEGATIONS AND PRESENTATIONS

EDC BUSINESS RETENTION PROGRAM

Mr. Robert Fine, Executive Director, Economic Development Commission, updated Council on the EDC's Business Retention Program. The purpose of the program is to grow businesses that are already here. 170 business visits have been conducted this year, with a goal of 200 by December 31st. The intent is to build a competitive advantage over other communities. Ms. Tracy Frederickson outlined the criteria used for the visits, and noted the visits are to gather information and focus on solution finding. The top three challenges noted by business are: (1) marketing and planning; (2) human resource issues; and (3) financial issues. Mr. Fine concluded by advising that assistance to Peachland businesses may come through a study of why dollars are leaking to other communities, through a residents' survey, and involving the Chamber of Commerce and Peachland Economic Development Committee.

Mr. Fine and Ms. Frederickson were thanked for their excellent presentation and hard work through the regional EDC.

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ORL Ms. Leslie Dieno, Executive Director, Okanagan Regional Library, updated Council on Library activities over the past year, and commended Peachland Branch Librarian Wendy Clark and her assistants, who are responsible for the success of the Branch. The pilot project self check-out machines generally are used 20%; in Peachland, they were used 63% in just 2 to 3 months. It is planned to add 5 hours per week to the Peachland Branch in 2005. The circulation in Peachland has increased from 24,916 items in 1989 to 70,000 items in 2002.

Ms. Dieno was thanked for her presentation, and was requested to pass on Council's appreciation to the Peachland Branch staff.

FOSTER FAMILIES Ms. Kathy Hickenbaum advised that October is Foster Parent Appreciation Month, and a luncheon was held today honouring foster parents, who are humble and extremely busy people. Mr. and Mrs. Ted Chudick were introduced as foster parents in Peachland, and were given a round of applause.

L. ADDERLY Mrs. Louise Adderly expressed concerns regarding the proposed location for a skateboard park, noting Peachland's unique topography. She asked Council to be careful and cautious in choosing a location for a skateboard park, and asked that Cousins Park, a large park and green space on the waterfront, be kept for future generations. While she supports the development of a skateboard park, she urged Council to look at other locations.

MAYOR AND COUNCILLOR'S REPORTS

MAYOR HARRIMAN Mayor Harriman urged everyone to buy a Legion poppy in support of our war veterans. Mayor Harriman extended a bouquet to Jean and Tony Coldham on their donation of 15 acres along Trepanier Creek to the Regional District, in perpetuity, for a regional park. He extended a bouquet to the Chamber of Commerce staff, executive and volunteers for the best Trade Show ever. Mayor Harriman reported on receipt of the BC Hydro 1% revenue grant in the amount of \$17,739.37. He advised motorists in Peachland to slow down, wear seat belts and come to full stops at stop signs, noting the RCMP report which shows ticket numbers up and accidents down.

COUNCILLOR FRASER Councillor Fraser attended two meetings with PDRS regarding operation of the Seniors Activity Centre.

COUNCILLOR MORITZ Councillor Moritz extended kudos to the Chamber of Commerce on the Trade Show. He attended a Youth Committee Meeting last week, which became the inaugural meeting of the Peachland Skateboard Park Association.

COUNCILLOR HURD Councillor Hurd attended a Development Services Committee meeting last week and the Minister of Transportation's announcement of a new bridge this morning. He continues working on the Parks booklet and will have a power point presentation for Council. Councillor Hurd reported

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COUNCILLOR HURD (CONT.) that a few months ago, he nominated the Wellness Centre for an award through the Society for Children and Youth, and although the Wellness Centre was not selected for an award, a very encouraging letter was received. Councillor Hurd reported on the formation of the Skateboard Park Association, with Chairman Dave Preston, Vice Chairman Andy Irwin, and Directors, of which 4 are youth. The first official meeting will be held this Thursday. The Association will have a presentation for Council at the next meeting. Councillor Hurd has been obtaining information regarding the formation of a Youth Council for Peachland. He reported that the new door is installed at the Fire Hall, and the Fire Chiefs will travel to Abbotsford this week for the final inspection on the new truck.

COUNCILLOR REID Councillor Reid attended Development Services Committee, Corporate Services Committee, Special Open Council and CORD EDC meetings. He applauded the Chamber of Commerce on the Trade Show initiatives. Councillor Reid attended the new bridge announcement this morning, and is pleased to see \$20 million allocated to accesses on the Westside and including the First Nation. Councillor Reid has attended numerous site visits and has been providing advice to groups when requested.

COUNCILLOR HALLBERG Councillor Hallberg attended Development Services, Corporate Services and Special Open Council Meeting on Oct. 21. She attended a site visit with Ministry of Agriculture at the Sanderson Park horseshoe pitch location, a meeting regarding office space requirements with Chamber of Commerce, the memorial service for Mr. Del Secord, volunteered at the Big Brothers & Sisters telethon with Mayor Harriman, two meetings with PDRS regarding operating the Seniors Activity Centre. The Trade Show, the bridge announcement. Councillor Hallberg thanked the Mayor and Administrator for supporting her idea of painting 'SLOW 30 km/hr' on Beach Avenue, and the Public Works crew for doing the work so quickly.

COUNCILLOR HENDERSON Councillor Henderson attended Development Services and Special Open Council meetings on Oct. 21. He attended the new bridge announcement, and advised that the Communications Society is preparing their equipment for winter.

COMMITTEE REPORTS

DEVELOPMENT SERVICES Councillor Henderson reported on the Oct. 21 meeting, at which the Rotary Centennial Pavilion project was discussed.

MOVED by Councillor Henderson, SECONDED by Councillor Moritz:

THAT staff be directed to mark all three proposed building sites;

AND THAT staff and the Peachland Rotary seek public input as well as hosting a public meeting to determine a preferred site for the Peachland Rotary Pavilion;

AND THAT the details and preferred site of the pavilion be presented to Council at a Regular Meeting.

CARRIED.

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**DEVELOPMENT
SERVICES (CONT.)**

The second item discussed at the Committee meeting was the issue of buoys and wharves in Units 11 & 12 of the Shoreland Plan. There is discrepancy between the Official Community Plan and the Wharves and Buoys Bylaw which require clarification.

MOVED by Councillor Henderson, SECONDED by Councillor Reid:

THAT a moratorium is placed on the issuance of buoys and wharves in Units 11 and 12 of the Shoreland Plan until Council has had an opportunity to address the issue of discrepancies between the existing bylaws.

CARRIED.

**CORPORATE
SERVICES**

Councillor Reid noted that the Committee meeting minutes are included. He reported that staff are re-drafting the proposed Civic Grants Policy, to be reviewed at the next Corporate Services Committee meeting. He noted that Corporate Services Committee is recommending the District enter into a fee for service agreement with the Chamber of Commerce for provision of tourist information services, and that staff report will be forthcoming on this issue.

**COMMUNITY
CELEBRATIONS**

Councillor Hallberg reported on the reasoning for moving Christmas Light-up to the Community Centre with a new name of 'Community Christmas Celebration.' More family activities, entertainment, warmth and cost savings were cited.

Council members spoke for and against the change, mentioning tradition, ambiance, environment, cold, overtime costs, memories, give the new location a chance.

MOVED by Councillor Hallberg, SECONDED by Councillor Fraser:

THAT the Community Christmas Celebration be held on Friday, December 5, 2003 at the Community Centre.

CARRIED.

Mayor Harriman OPPOSED.

UNFINISHED BUSINESS

**SKATEBOARD PARK
LOCATION**

The Director of Planning & Development Services presented a report advising that a resolution to designate the Skateboard Park location in the north-east corner of Cousins Park, south of the PDRS building, was tabled at the October 14, 2003 Regular Meeting.

Councillor Hurd spoke of the work involved researching locations and listing pros and cons of each, resulting in this location being most suitable for skateboard park development.

Council members commented as follows:

Councillor Fraser: too much public opposition and seniors are against; is opposed to this location.

SKATEBOARD PARK LOCATION (CONT.) Councillor Henderson: supports work of Councillor Hurd and development of a skateboard park, but users were not consulted as to location; must be an alternate site, and will vote against this one.
Councillor Reid: there is a need to establish a location; is pleased to see a community organization established; the process should involve the community; have the committee review locations and involve the youth; take more time.
Councillor Moritz: is a driving force for a skateboard park; request staff to clarify original provisions of how Cousins Park came to be; does the OCP require a change for specific use of a specific area of a park; staff provide a diagram of the area with all setbacks included; interested in Skateboard Park committee's considerations regarding preferred locations.

MOVED by Councillor Reid, SECONDED by Councillor Henderson:

THAT the location for skateboard park development be tabled until a presentation is received from the Skateboard Park Association regarding locations.

CARRIED.

WELLNESS CENTRE BUSINESS PLAN The Treasurer presented a report advising that the Wellness Centre has submitted revised exhibits 'VI' and 'VII' to the 2 year business plan.

MOVED by Councillor Hallberg, SECONDED by Councillor Fraser:

THAT Council accepts the two year business plan from the Peachland Wellness Centre, thereby satisfying the terms of the May 13, 2003 Council resolution relating to matching basis funding to the Wellness Centre;

AND THAT additional funding provided by Council resolution dated May 13, 2003 is granted subject to the District receiving the following from the Wellness Centre within three months after fiscal year-end in addition to the provisions included in the future Civic Grants Policy:

1. A new financial statement for the previous fiscal period, including a separate schedule listing new money raised by the Society from fundraising activities or community-based donations;
2. A two year business plan for the following two fiscal periods.

CARRIED.

VALLEY MUSIC FESTIVAL The Administrator presented the requests from the Valley Music Festival which were tabled at a previous Regular Meeting.

MOVED by Councillor Hallberg, SECONDED by Councillor Reid:

THAT Council grants complimentary rent for the use of the Community Centre and Cousins Park for two days, August 5 and 8, 2004 for the 2nd annual Valley Music Festival;

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**VALLEY MUSIC
FESTIVAL (CONT.)**

AND THAT Council grants permission to the organizers to control access and parking at 6th and 8th Streets during the 4 days, August 5, 6, 7 and 8, 2004;

AND THAT Council authorizes District assistance with power to the site, the same as in 2003;

AND THAT Council grants permission to the organizers to control parking in front of Cousins Park.

CARRIED.

Councillor Hallberg noted praise for the security at this year's event from the RCMP Bicycle Patrol report.

MOVED by Councillor Hurd, SECONDED by Councillor Hallberg:

THAT a representative of the Valley Music Festival be permitted to speak.

CARRIED.

Mr. Marty Edwards, responding to a question, advised that the abused children charity chosen as funding recipients by the organizers, does service Peachland. The organizers could not find a Peachland-only charity which they wished to donate to.

**YATES BOUNDARY
EXTENSION & WATER
SERVICE**

The Director of Planning & Development Services presented a report which was tabled at the October 14, 2003 Regular Meeting. Since that time, a letter has been received from the Regional District outlining why CORD would not establish a local service area for only 2 properties. His recommendation to Council is to not include the Yates property within District boundaries, and to give three readings to the water service establishment bylaw to provide water to the Yates property.

Council members discussed this issue as follows:

Councillor Hurd: water is precious, but storage is the problem on Trepanier Creek; Council has just authorized \$135,000 expenditure for the on/off ramp and fire protection for Brent Road, both outside District boundaries.

Councillor Moritz: at the last meeting, legal issues were raised and discussed In Camera; the letter from CORD is not signed; tough to rely on this information, need the best possible.

Administrator: advised that signed letter can be obtained, and read the e-mailed letter from H. Hettinga, Director of Engineering Services, CORD.

Councillor Reid: noted the following points outlined in his letter to Council of October 17, 2003:

- the previous Council approved the connections, when concerns had been expressed regarding water supply from Trepanier Creek
- the previous Council approved the connections at a meeting to which the public was excluded

YATES (CONT.)

- the approval was given during the nomination period for local government elections
- experienced Council members, past Mayor Waldo and Councillor Fraser, who seconded the motion, would not have recognized that this was not an 'In Camera' item and would be unlawful if approved there
- the Administrator did not inform current Council that the motion had been passed and that work was proceeding
- proper procedures in obtaining Regional District approval (where Mayor Harriman would have become aware) were not pursued
- a recent e-mail letter from former Councillor Gough states that the recommendation was brought to Council by Administrator Jmaeff
- a report to Council dated Oct. 3, 2002 came from the Administrator
- the Administrator informed current Council he could not remember how this request came forward
- this is not a matter of correcting a past error by previous Council; not a matter of simple revenue versus expense Analysis of the cost of servicing these properties.
- principal involved is the valuable and scarce water resource from Trepanier Water System to be supplied to properties outside District boundaries
- only this Council can authorize water connections to Yates property
- urged Council to hold Mr. Yates to his request, stated in open Council, that his properties be included within the municipal boundaries

Director of Operations: responded to a question that a single family home would use 500 to 800 litres of water per day.

Councillor Henderson: requested a change of wording and agreement with CORD; previous Council passed a resolution in good faith, but based on bad advice.

The Director of Planning & Development Services advised that the restrictive covenant is not signed yet; Mr. Yates has been advised not to sign until the Bylaw has received three readings.

Mayor Harriman: a mistake was made in the past; the property owner acted in good faith and will pay the same water rates as Peachlanders; \$5,000 for each of 2 connections has been paid to the District; follow staff recommendations and proceed; a survey on water pressure concluded no problem with supplying water to the Yates property; Council could approve the connections this one time.

The Administrator clarified that the survey on water pressure indicated no impact on the system to supply water to Yates; the previous Council approved this water service; a mistake was made taking it In Camera, but with legal implications and covenants involved, it was felt In Camera was the proper place, until Councillor Reid brought it up this year; upon receiving legal advice, it should have been dealt with at Open Council. This was not a request from Mr. Yates.

Councillor Reid noted that is the first time that information has been provided.

YATES (CONT.)

MOVED by Councillor Hurd, SECONDED by Mayor Harriman:

THAT due to the financial impacts on the District of Peachland, Council not initiate the boundary extension process to include the property located at 4713 MacKinnon Road;

AND THAT the District give three readings to Bylaw Number 1695, 2003 to permit the provision of two water services to Mr. Yates' property located at 4713 MacKinnon Road.

DEFEATED.

Councillors Hallberg, Henderson, Moritz and Reid OPPOSED.

STAFF REPORTS

**MANAGEMENT STAFF
COST OF LIVING
POLICY**

The Administrator presented a report recommending adoption of a policy providing for annual, at June 11, cost of living salary adjustment to management staff.

Council members noted that cost of living increase for management staff has been approved at an open Council meeting for June 2003 to June 2004, and this policy is unnecessary. Tying management salaries to cost of living can create difficulties in several ways.

**SERVICES OUTSIDE
BOUNDARIES POLICY**

The Director of Planning and Development Services presented a draft policy regarding establishing procedures upon receipt of application for services outside District boundaries.

MOVED by Councillor Reid, SECONDED by Councillor Moritz:

THAT Policy #PRO-265: Services Outside District Boundaries be adopted and effective immediately;

AND THAT Policy #PRO-265 be considered for inclusion in a new Procedure Bylaw, to be created and adopted pursuant to the Community Charter.

CARRIED.

**POLICY #PER-130
AMENDMENT**

The Administrator presented a report outlining an amendment to Management Staff Policy #PER-130.

MOVED by Councillor Henderson, SECONDED by Councillor Hallberg:

THAT Council adopts amended Management Staff Policy #PER-130.

CARRIED.

**STANDING COM.
STRUCTURE**

The Administrator presented a report requesting direction from Council on the operation of Standing Committees, due to recent questions on the matter.

Council members discussed the different procedures possible for the operation of Standing Committees.

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STANDING COM. STRUCTURE (CONT.) MOVED by Councillor Fraser, SECONDED by Councillor Moritz:
THAT Council continue with the current practice of holding Standing Committee meetings on an as-needed basis, with Council, at an open Council meeting, determining items for Standing Committees' review.
CARRIED.

REGULAR COUNCIL MEETING NOV. 12 The Director of Planning & Development Services presented a report for information advising that the next Regular Council meeting will be held on Wednesday, November 12, 2003, due to the Remembrance Day holiday.

COUNCIL EDUCATION The Administrator presented a report regarding the Mayor's proposed attendance at a management course at Royal Roads University.
MOVED by Councillor Henderson, SECONDED by Councillor Moritz:
THAT Council authorizes the Mayor to attend a management course at Royal Roads University;
AND THAT Council approves tuition fees at \$950 and accommodation at \$375 plus taxes;
AND THAT travel expenses be approved in accordance with the travel expense policy.
DEFEATED.
Mayor Harriman, Councillors Fraser, Hallberg, Hurd and Reid OPPOSED.

SEC. 700 NOTICE 6239 HWY. 97 S. The Director of Planning & Development Services presented a report regarding a building violation at 6239 Highway 97 South.
MOVED by Councillor Moritz, SECONDED by Councillor Fraser:
THAT the Council of the District of Peachland directs that a notice be filed on the title of Lot A, Plan 19505, ODYD, pursuant to Section 700(3) of the *Local Government Act*, and pursuant to that section of the *Act*, further information regarding the notice be limited to the fact that:
1. The building permit for the subject interior alteration, built under authority of Building Permit #7462/99, has not been finalized, which is a violation of District of Peachland Building Bylaw Number 1574. The permit cannot be closed as no final inspection has been done.
CARRIED.

BYLAW ENFORCEMENT OFFICER The Director of Planning & Development Services presented a report recommending that the District proceed with another request for proposal for Bylaw Enforcement services.

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BYLAW ENFORCEMENT OFFICER (CONT.) MOVED by Councillor Hallberg, SECONDED by Councillor Henderson:
THAT Council refuses the tender applications submitted and proceeds with a Request for Proposals for Bylaw Enforcement services.
CARRIED.

PHASE 2 SEWER The Director of Operations presented a report for information purposes regarding tenders received for Phase 2 Sewer – Princeton Avenue to Hardy Street along Highway 97. The Administrator noted a problem with Clause 10, which he intends to discuss with Ministry of Transportation tomorrow morning, and award of contract will be held at this time.

EXTEND MEETING MOVED by Councillor Hallberg, SECONDED by Councillor Reid:
THAT the Meeting extend beyond 10:00 p.m.
CARRIED.

NOTICE OF MOTION Councillor Moritz presented the following Notice of Motion for the next Regular Meeting:

THAT Council resolves to audio tape all Regular Council Meetings and Special Open Council Meetings;

AND THAT the audio tapes be held for review at the Municipal Office for a period of one year.

IN CAMERA MTG. MOVED by Councillor Fraser, SECONDED by Councillor Hallberg:

THAT an In Camera Meeting be held Wednesday, November 12, 2003 at 1:00 p.m. pursuant to Section 242.2© & (h) of the *Local Government Act*.
CARRIED.

BYLAWS

Bylaw for Final Reconsideration & Adoption:

#1694 TAX EXEMPT. MOVED by Councillor Reid, SECONDED by Councillor Fraser:

2004 Tax Exemption Bylaw Number 1694, 2003 be finally reconsidered and adopted.
CARRIED.

Bylaws for First Reading:

#1697 OCP AMEND. & #1698 ZONING AMEND. The Director of Planning & Development Services presented a report recommending that the application to change the Official Community Plan and amend the Zoning Bylaw for 4641 & 4649 Princeton Avenue be refused as the application does not meet the policies of the OCP.

**OCP & ZONING
AMEND. (CONT.)**

MOVED by Councillor Reid, SECONDED by Councillor Hurd:

THAT Official Community Plan Bylaw No. 1600 Amendment Bylaw Number 1697, 2003, to change the land use designation of Lot 2, Plan 2372, Except Plan H11350, Lot 11, ODYD, Plan 676, Except Plan 11350, 4641 and 4649 Princeton Avenue, from Medium Density Residential to Low Density Residential, be read a first time;

AND THAT the Bylaw proceed to Public Hearing.

CARRIED.

MOVED by Councillor Fraser, SECONDED by Councillor Moritz:

THAT Zoning Bylaw No. 1375 Amendment Bylaw Number 1698, 2003, to rezone Lot 2, Plan 2372, Except Plan H11350, Lot 11, ODYD, Plan 676, Except Plan 11350, 4641 and 4649 Princeton Avenue, from RR-1 (Rural Residential) zone to R-1 (Single Family Residential) zone be read a first time;

AND THAT the Bylaw proceed to Public Hearing.

CARRIED.

QUESTION AND ANSWER PERIOD

G. THORNE

Mr. Gord Thorne questioned why out of town entertainment was being brought in to the Community Christmas Celebration.

Councillor Hallberg noted that the Mount Boucherie Choir and Band have students from Peachland, and it is a good way to involve local youth in the celebration.

ADJOURN

MOVED by Councillor Henderson, SECONDED by Councillor Fraser:

THAT the Regular Council Meeting adjourn at 10:13 p.m.

CARRIED.

(Original signed by Mayor & Clerk)

Certified Correct.

Mayor

Municipal Clerk

Dated at Peachland, B.C.
This 13th day of November, 2003.