

THE CORPORATION OF THE DISTRICT OF PEACHLAND

**Regular Council Meeting Minutes
Held Tuesday, February 3, 2004 at 7:00 p.m.
In the Council Chambers, Peachland Community Centre**

PRESENT: Mayor Harriman, Councillors Fraser, Hallberg, Henderson, Hurd and Moritz

Administrator Peter Jmaeff
Treasurer Doug Pryde
Director of Planning & Development Chris Prosser
Deputy Treasurer Linda Rich

Members of the Public
Members of the Media

ABSENT: Councillor Reid

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

AMENDMENTS TO THE AGENDA

5-C Added to Delegations and Presentations:
Okanagan Film Commission – Sara Shaak

6-B Added to Mayor and Council Reports:
Amended Leasing of Municipal Facilities Policy

8-D Add to Unfinished Business:
Water Supply & Distribution Bylaw #1695 -
First, Second and Third Reading

11-A Added to Other Business:
In Camera Meeting - amendment to reschedule
Meeting to February 10th, 2004, after adjournment of
Regular Council meeting

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

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 Regular Council Meeting held January 13, 2004
be adopted as circulated.

CARRIED.

MOVED by Councillor Moritz, SECONDED by Councillor Hurd:

THAT the Minutes of the Special Open Council Meeting held January 20,
2004 be adopted as circulated.

CARRIED.

PRESENTATIONS & DELEGATIONS

**MT. BOUCHERIE
EXPANSION COM.**

Representatives not in attendance.

CRIMESTOPPERS

Representatives not in attendance.

**OKANAGAN FILM
COMMISSION**

Sara Shaak, Film Commissioner and Jack Peterson, Central Okanagan representative on the Commission, showed a power point presentation to update what the Okanagan Film Commission is doing in the Central Okanagan. The Film Commission is looking for ways to lessen dependence on government funding, which in turn, will lessen taxpayer burden. They noted that tax credits are available for projects outside the lower mainland, making the marketing opportunity even greater in the Okanagan Valley. After the visual presentation, Sara Shaak announced that a film is being considered for Peachland, to be titled "Peach Land." A copy of the press release was distributed.

The Mayor thanked Ms. Shaak and Mr. Peterson for the presentation, noting that he is very excited about this project and is looking forward to working with the Film Commission. He said this is the best news Peachland has had for many years. He stated that the impacts from this film being shot here would be felt for many, many years.

Councillor Hurd and Henderson also are both very excited about the impact this film will have on Peachland.

MAYOR AND COUNCILLORS' REPORTS

MAYOR HARRIMAN

The Mayor reported he spent 143 hours on Mayor duties, including attending for Community group sponsored events in January. He commended the owners of a new business in Peachland, Curves, on the fantastic job of renovating their business location and bringing their business to Peachland. He also attended a reception for international students, hosted by OUC at a winery, and delivered his speech at that function in French.

**COMMUNICATIONS
SOCIETY APPT.**

Mayor Harriman commented that he forgot to make appointment to the Peachland Communication Society when Council appointments were made in December. He announced that Councillor Michael Henderson was appointed as the Council representative to the Society for 2004.

**LEASING POLICY
AMENDMENT**

MOVED by Councillor Hallberg, SECONDED by Councillor Fraser:

THAT Leasing of Municipal Facilities Policy FIN #155 be amended to include either choice of executing a Lease or a Letter of Understanding.

CARRIED.

Councillor Moritz OPPOSED.

LEASING POLICY AMENDMENT (CONT.) Councillor Moritz discussed his concerns with the differences between a Letter of Understanding and a Lease. He wanted clarification on liability coverage issues should an incident occur while a facility user was operating under a letter of understanding rather than a lease. He felt that a letter of understanding exposes the Municipality to risk, and questioned the difference in language other than the perception of wording of being warm and fuzzy. He feels that a letter of understanding is a dangerous agreement for the Municipality to enter into.

Mayor Harriman said that users feel that a lease is too wordy and long and that a letter of understanding provides a level of comfort to them.

The Administrator said that a lease and a letter of understanding are both equally legally binding. The issue of different documentation is perception by the facility user group.

Councillor Henderson stated that the motion is well put. He feels that the user organization should be given the choice as to whether they wish to use the facility under a Letter of Understanding or a Lease. Councillor Henderson said that his personal preferred document is a Lease.

Councillor Fraser asked the question as to who will draw up any Letters of Understanding.

The Administrator advised that documentation would be drawn up by staff and presented to Corporate Services Committee for review, and subsequently forwarded to Council for approval.

COUNCILLOR FRASER

Attended a meeting with the Awards Committee organizers

COUNCILLOR HENDERSON

Spoke about the Peachland Communication Society being the tool that enables both CHBC and Global TV to broadcast in Peachland. He noted that communication antenna located by Greata Ranch is going to be moved, and that the Provincial Highways Department will pay for the move.

COUNCILLOR HURD

Stated that he was very disappointed that the Crimestoppers delegation did not appear at the meeting tonight. He said that there is a rash of vehicle break-ins in his neighborhood. He advised that residents take a pro-active approach in protecting their property; the Mayor commented that the Community Policing Office would meet with residents to assist.

COMMITTEE REPORTS

COTW

MOVED by Councillor Fraser, SECONDED by Councillor Moritz:

THAT the Minutes of the Committee of the Whole Meeting held January 20, 2004 be amended, and adopted as amended, as follows: on Page 6, under G. Thorne, Councillor Moritz to read:

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COTW (CONT.)

“he and Councillor Hallberg met with Mr. Thorne at his house to respond to his concerns.”

CARRIED.

UNFINISHED BUSINESS

**OPERATIONAL
AUDIT**

MOVED by Councillor Hurd, SECONDED by Councillor Henderson:

THAT the Operational audit on municipal facilities be referred to the Public Facilities Committee.

CARRIED.

Discussion took place regarding which Committee of Council was the most suitable for this task.

**UPDATE PARKS
MASTER PLAN**

MOVED by Councillor Hurd, SECONDED by Councillor Moritz:

THAT the 1995 Parks Master Plan be referred to the Parks Committee to commence immediately with the updating.

CARRIED.

Mayor Harriman OPPOSED.

Councillor Hurd stated that the Parks Committee is not a public committee and any discussions regarding this update will be done In Camera, as the Committee will be discussing land and legal issues.

**CURLING CLUB
EXTENSION**

The Director of Planning & Development Services presented his report. He noted that unresolved issues of finance were in the hands of the Curling Club and that issues pertaining directly to the municipality were complete.

Councillor Moritz is agreeable to an extension of the time limit request, however, questions whether 60 days is enough time.

Gary Geiger spoke to the need for a Financial Plan; however, he cannot start because there are too many unknown factors, such as the possible availability of Legacy Funds. The Curling Club would like to get drawings done but he estimates the cost to be \$20,000. He feels that a more realistic date for completion would be June 30, 2004.

Councillor Hurd advised not to count on Legacy Funds being awarded.

MOVED by Councillor Henderson SECONDED by Councillor Hurd:

THAT the deadline for the District of Peachland to exercise its option of re-purchase closing date be extended to June 30, 2004, with the provision that the Curling Club have available by that date, both a building plan and a financial plan.

CARRIED.

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BYLAW 1695
WATER SUPPLY
OUTSIDE
MUNICIPAL
BOUNDARIES

The Administrator read a report updating Council of the status of the request to supply water to a property outside of municipal boundaries at 5713 MacKinnon Road, legally described as DL 4713, except plan 40364, PID 011-545-267. He provided Council with three alternatives along with copies of a covenant.

The Mayor feels that option 1, as presented by the Administrator, is the way to proceed.

Councillor Hallberg supports the bylaw, but asked for clarification of paragraph 13 of the covenant. The Director of Planning explained that this non-enforcement clause is standard to these types of documents. It gives the District of Peachland the option to start or stop enforcing portions of the covenant. It protects the District of Peachland and does not bind the hands of future Councils.

Councillor Moritz asked if Bylaw 1695 is specific to this property or would it apply to any property outside municipal boundaries of the District of Peachland requesting water. He was advised that the bylaw only applies to the one property. He then suggested because this property is outside municipal properties, and does not pay towards infrastructure costs, that a 20% administration charge be added to the Water User fees.

MOVED by Councillor Moritz, SECONDED by Councillor Hallberg:

THAT the covenant attached to Bylaw 1695 be amended to set the residential user rate for Provision of Municipal Water, paragraph 3 to read: adding a 20% administration charge over the Water Rates and Charges Bylaw.

CARRIED.

MOVED by Councillor Henderson, SECONDED by Councillor Fraser:

THAT Water Service Establishment Bylaw Number 1695, 2003, a bylaw to establish water supply and distribution services in an area outside the Municipal Boundary be read as amended First, Second and Third Times.

CARRIED.

STAFF REPORTS

AGE OF CONSENT

MOVED by Councillor Fraser, SECONDED by Councillor Henderson:

THAT Council endorses the resolution to the Federal Government as outlined in the report from the Administrator dated January 19, 2004.

CARRIED.

EMPLOYEE
COMPUTER
PURCHASE POLICY

The Treasurer, explaining the need to formalize this item, read a report. The Mayor said it was well done, and that he would encourage employees to purchase locally.

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**EMPLOYEE
COMPUTER
PURCHASE POLICY**

MOVED: by Councillor Hallberg, SECONDED by Councillor Moritz:

THAT Council approves the addition of the Employee Computer Purchase Policy to the Policy manual.

CARRIED.

**FIREFIGHTERS'
PAY**

A report was read by Fire Chief Topham explaining the request to top up wages paid to firefighters and subsequent repayment from the Province of BC for wage expenditures at a higher rate.

Councillor Moritz asked the Treasurer to confirm that this top up would be subject to CPP or EI. The Treasurer confirmed that these earnings are exempt.

The Mayor commended Chief Topham on his excellent report.

MOVED by Councillor Hallberg, SECONDED by Councillor Moritz:

THAT the firefighters who worked on the Okanagan Mountain Park fire and the Vaseaux Lake fire be paid at a rate of \$25.00 per hour or their regular rate of pay, whichever is higher;

AND THAT firefighters that were paid at a rate higher than \$25.00 per hour, not be required to repay rates paid to them over \$25.00 per hour.

CARRIED.

Fire Chief Topham said that Brent Road residents are now be provided with fire protection by the District of Peachland, even though the reservoir is not yet constructed.

**DEVELOPMENT
PERMIT DB HOMES**

The Director of Planning and Development presented a report requesting that Development Permit No. DP 2002-10, 002 be approved to permit construction to commence of a commercial/residential development at 4200 Beach Ave.

He also requested that Council approve adoption of zone-amending Bylaw #1548 that pertains to this development permit.

MOVED by Councillor Hallberg, SECONDED by Councillor Henderson:

THAT Development Permit #DP 2001, 10, 002 be approved as recommended;

AND THAT the issuance of the Development Permit be held until such time as the applicant has provided bonding required for landscaping and off-site services as per the Subdivision Development Servicing Bylaw #1230;

AND THAT an agreement is entered into for provision of off-site services.

CARRIED.

OTHER BUSINESS

IN CAMERA MTG. MOVED by Councillor Halberg, SECONDED by Councillor Hurd:

THAT an in Camera Meeting be held Tuesday, February 10, 2004 immediately following adjournment of the Regular Council Meeting.

CARRIED.

BYLAWS

**REVENUE
ANTICIPATION
BORROWING
#1712**

MOVED by Councillor Moritz, SECONDED by Councillor Fraser:

THAT Council gives first three readings to Revenue Anticipation Borrowing Bylaw Number 1712, 2004.

CARRIED.

**WATER RATES
BYLAW #1713**

Councillor Moritz discussed two changes to the rate schedule addressing that there are separate rate categories for hotels and motels and that they are identical because they both have the same functions. Motels are charged for their unique uses for extra land and facilities, but room function is the same. He would like to see the rate for motel and hotel rooms the same as in the sewer bylaw, and that the extra water used by pools at motels be added into the extra user category of motel, laundry room, etc. He would like to see the lower rate, being the Hotel rate, charged to both motel and hotel rooms. Councillor Moritz advised Council that he had spoken to staff, and there will be no impact on revenue levels to the municipality. The Treasurer confirmed this.

MOVED by Councillor Moritz, SECONDED by Councillor Hallberg:

THAT Water Rates Bylaw Number 1713, 2004 be read a First, Second and Third Time.

AMENDMENT 1

MOVED by Councillor Moritz, SECONDED by Councillor Hurd:

THAT Water Rates Bylaw Number 1713, 2004 be amended as follows: the Hotel and Motel water rates on a per room basis currently categorized separately be merged and amended to be the same rate, that of \$79.87 for Water System #1 and \$78.65 for Water System #2;

AND THAT in order to reflect special uses, the category named as Motel – Laundry, Utility Room or Bathhouse, be expanded to include Swimming Pool, at a rate of \$225.31 per unit for both Water System #1 and Water System #2.

CARRIED.

Councillor Henderson then asked the Treasurer if the campground owners knew of the proposed rate increase, as indicated on the report to Council from the Treasurer. The Treasurer advised that the campground owners had called him to discuss the proposed rate. Councillor Henderson felt that the proposed increase would be too much too soon

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WATER RATES (CONT.)for this business owner, and that the business owner had contacted him advising that because he had no forewarning of the proposed rate increase, he had already set his 2004 rates.

Councillor Moritz asked how the rates got so out of whack, and noted that this only affected one business. He suggested that a 2-year phase in of the rate might be a solution.

Councillor Fraser suggested that the Bylaw be tabled for further discussion by Council, but the Treasurer advised the only issue was the campsite rate, and that Council should pass the bylaw because the bills needed to be sent out so that residents could obtain their early payment discount. He suggested that the bylaw be passed and that it could be amended later if Council wished to revisit the campsite rate.

Councillor Moritz wanted the proposed rate to be 50% of the proposed bylaw rate. Councillor Henderson wanted \$20 each year for 2 years, and Councillor Hurd wanted \$10 each year over 3 years.

AMENDMENT 2

MOVED by Councillor Hallberg, SECONDED by Councillor Fraser:

THAT the per site rate for campgrounds be amended to reflect a 50% reduction in proposed rate for both Water System #1 and Water System #2, Water System #1 being \$20 and Water System #2 being \$22.50.

CARRIED.

Councillor Hurd OPPOSED.

**MAIN MOTION AS
AMENDED
BYLAW #1713**

MOVED by Councillor Moritz, SECONDED by Councillor Hallberg:

THAT Water Rates Bylaw Number 1713, 2004, be read a First, Second and Third Time, with the following amendments:

1. the Hotel and Motel water rates on a per room basis currently categorized separately be merged and amended to the same rate, that of \$79.87 for Water System #1 and \$78.65 for Water System #2; and in order to reflect special uses, the category named as Motel-Laundry, Utility Room or Bathhouse, be expanded to include Swimming Pool, at a rate of \$225.31 per unit for both Water System #1 and Water System #2;
2. the per site rate for campgrounds be amended to reflect a 50% reduction in proposed rate for both Water System #1 and Water System #2, Water System #1 being \$20 and Water System #2 being \$22.50

CARRIED.

Councillor Hurd OPPOSED.

**ZONING BYLAW
#1548
DB HOMES**

MOVED by Councillor Hurd, SECONDED by Councillor Henderson:

THAT Zoning Bylaw No. 1375 Amendment Bylaw Number 1548, 1999 be finally reconsidered and adopted.

CARRIED.

QUESTION PERIOD

G. GEIGER

Gary Geiger thanked Council for their granting of the extension of the Curling Club property transfer to June 30th, 2004. He requested a letter of support for the project from Council.

R. STEWART

Roy Stewart from Peachland Motor Inn spoke about the Water Rates and Charges bylaw. He feels that the per room rate is still too high. He said that the campsite rate is still way too low and why did Council feel they should give campground owners a break and not motel owners. He advised Council that the campground was already charging campers an additional \$3.00 per day for water and sewer, so were collecting payment for rates levied by the District many times over. He asked why Bed and Breakfast owners were not billed for their rooms, but motels were. He said that he has been asking to get his motel metered for many years, but never received a response until just a week ago. He said that he took the page from the bylaw to a supply of water meters so he could get a meter, and was told that the specifications were too vague and that the supplier could not figure out what the municipality wanted. Mr. Stewart suggested that the District of Peachland buy the meters that they wished in use, and then charge the cost back to taxpayers as they are installed. When he asked why Peachland taxpayers are not metered, the Administrator advised that the Director of Operations was compiling statistics in anticipation of preparation for recommendations to commence metering.

Mr. Stewart also asked why the metered rate charge on the Rates and Charges bylaw was so high as compared to Penticton and Kelowna. The Treasurer advised that Penticton and Kelowna have a base flat rate and metered charges are added on top of that. The rate in the Peachland bylaw is a consumption charge only.

ADJOURNMENT

MOVED by Councillor Moritz, SECONDED by Councillor Hallberg:

THAT the Regular Council Meeting adjourns at 9:20 p.m.

CARRIED.

(Original signed by Mayor and Clerk)

Certified Correct:

Mayor

Municipal Clerk

Dated at Peachland, BC
This 11th day of February, 2004.