

**THE CORPORATION OF THE DISTRICT OF PEACHLAND**

**Regular Council Meeting Minutes  
Held Tuesday, August 27<sup>th</sup>, 2002 at 7:00 p.m.  
In the Council Chambers, Peachland Community Centre**

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**PRESENT:** Mayor Waldo, Councillors Dionne, Fraser, Nielsen, Papineau and Whitelegg

Administrator Peter Jmaeff  
Deputy Clerk/Administrative Assistant Betty Briggs  
Treasurer Doug Pryde  
Director of Operations Joe Mocilac

Members of the Public  
Members of the Media

**ABSENT:** Councillor Gough

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

**AMENDMENTS TO AGENDA** The following amendments were made to the Agenda:  
8-I-A New Business: Trepanier Bay, Unit 10  
8-I-B New Business: Newspaper Articles  
9-I Staff Report: Counter Petition  
9-J Staff Report: Cancel September 24, 2002 Regular Council Meeting

**ADOPTION OF THE MINUTES**

**ADOPT MINUTES** MOVED by Councillor Fraser, SECONDED by Councillor Papineau:

THAT the Minutes of the Regular Council Meeting held July 23, 2002 be adopted as circulated.

**CARRIED.**

**PUBLIC HEARING**

**PUBLIC HEARING BYLAW #1651** The Mayor, as Chairman, opened the Public Hearing for Zoning Bylaw No. 1375 Amendment Bylaw Number 1651, 2002, at 7:04 p.m.

The Mayor closed the Public Hearing at 7:14 p.m.

**DELEGATIONS AND PRESENTATIONS**

**MRS. JUNE TODD** Mrs. June Todd asked Council to have the parking area in front of Brian Gregory's residence removed, as it provides no more parking than what existed before and is only used for motor homes and big boats to park. Previously, the large rocks were placed there to stop vehicles from going on to the beach, and it worked.

Discussion took place and it was decided to have this issue placed on the next Regular Council Meeting Agenda so that the Administrator can check with the Bylaw Enforcement Officer to determine whether any complaints or comments have been received regarding this trial parking area.

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**MRS. JUNE TODD** Mayor Waldo thanked Mrs. Todd for attending this meeting.

(CONT.)

**NAN GLUSHENKO** Mrs. Nan Glushenko thanked Council and Municipal Staff for the public information meeting held last night regarding the proposed marina in Unit 10, as it offered an opportunity for citizens to express their opinions on the matter. Mrs. Glushenko requested that Council remove marina use and boat launch from Unit 10 in the Official Community Plan, and designate the area as an environmental conservation area.

**MARILYN DODD** Mrs. Marilyn Dodd stated that everything that needed to be said about the proposed marina was said at the public meeting last night. She reiterated Council Minutes from July 19, 1988 and December 19, 1989, which discussed removing 'marina use and boat launch' from Unit 10 in the Foreshore Plan. She requested that Council remove 'future marina use and boat launch' from Unit 10 in the Official Community Plan.

MOVED by Councillor Nielsen, SECONDED by Councillor Papineau:

THAT Council instruct the Administrator to initiate immediately all legal requirements as required by the *Local Government Act* to bring forth an amendment to the Official Community Plan of the District of Peachland, specifically Appendix D-1, known as the Shoreland Plan Report and Map;

AND THAT a Committee of 6 residents of Peachland and members of Council be empowered and charged with to investigate, report and recommend amendments to the part of the Shoreland Plan known as Unit 10 with respect to development issues as cited in the plan adopted by Peachland Council January 7, 1997, being Official Community Plan Amendment Bylaw Number 1399, 1996;

AND THAT the said Committee be advised by Council that item 1. referred to in the list of 4 under Development Issues pertaining to Unit 10, "future marina and boat launch development may be possible," be deleted;

AND THAT the Committee be charged with preparing a list of recommendations under development issues for consideration as required by the *Local Government Act* relating to public hearings or other procedures to conclude with a report to Council for consideration and adoption;

AND THAT the process be initiated at the earliest possible time within the framework of provincial law.

**CARRIED.**

During discussion on the above motion, Council and the proposed Committee were cautioned regarding provincial law relating to ecological or environmental conservation areas as this is very specific and legal advice will be required. Dredging and filling the lake is another issue to be studied, as well as proposed

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**UNIT 10 O.C.P.** changes to Highway 97. An advertisement will be placed in the Peachland Signal (CONT.) requesting volunteers to sit on this Committee, and applicants will be asked to indicate something about themselves.

Councillor Fraser requested that item 8-I-A Trepanier Bay, Unit 10, be removed from New Business on this Agenda.

Mr. Vern Moberg advised that a conservation designation would result in the existing 2 docks and all buoys being removed, and no boating would be permitted in Trepanier Bay. He stressed that changes to Highway 97 will result in 4 lanes on Drought Hill, an intersection at Shaw Road, and Todd Road will be closed, causing more traffic on Beach Avenue. The homeowners along Beach Avenue cannot have this beach area as private property. The Committee will have to look at the highway, too, not just Beach Avenue and Trepanier Bay.

**GRAHAM TODD** Mr. Graham Todd advised Council that he is the sole representative of the Todd family.

Mr. Todd advised that he has hired Protech Consultants to provide a drawing for his proposal for the resort commercial area. He is concerned with how the area may be developed and the added traffic. His proposal would divert Beach Avenue to run behind the Peachland Trailer Inn property, possibly as far as Williams Street, and Beach Avenue would become a promenade, and would be much safer for pedestrians, roller bladers, cyclists, etc.

MOVED by Councillor Dionne, SECONDED by Councillor Papineau:

THAT Council receives Mr. Graham Todd's information and extends thanks for his presentation and ideas.

**CARRIED.**

#### **MAYOR AND COUNCILLOR'S REPORTS**

**COUNCILLOR PAPINEAU** Councillor Papineau reported on the production of "You're A Good Man, Charlie Brown" at Fourth Street Place.

**COUNCILLOR NIELSEN** Councillor Nielsen advised that a contact in Victoria has suggested the sewer grant could be expected in early September.

**COUNCILLOR WHITELEGG** Councillor Whitelegg attended Al Barrett's night at Fourth Street Place.

**MAYOR WALDO** Mayor Waldo thanked Gary and Shirley Geiger from Peachland Realty for the pig roast on Saturday, which was an excellent social event.

#### **STAFF REPORTS**

**QUARTERLY REPORT** The Treasurer presented the June 30, 2002 Quarterly Report.

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**QUARTERLY REPORT (CONT.)** MOVED by Councillor Dionne, SECONDED by Councillor Fraser:

THAT Council receives the June 30, 2002 Quarterly Report for information purposes.

**CARRIED.**

**BUILDING VIOLATION SEC. 700 NOTICE MOSHANSKY** The Administrator presented a report regarding a building violation at 5318 Fulton Place, registered owner W. Moshansky.

MOVED by Councillor Fraser, SECONDED by Councillor Papineau:

THAT Council directs that a notice be filed on the title of Lot 1, Plan 28930, 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 dwelling, built under authority of Building Permit #6127/97, has not been finalized, which is a violation of the District of Peachland Building Bylaw Number 1574. The permit cannot be closed due to several items on the April 23, 2001 inspection report.

**CARRIED.**

**NEWS ARTICLES** Councillor Fraser advised that she has received several phone calls requesting a Council Meeting news article in the local paper.

MOVED by Councillor Fraser, SECONDED by Councillor Dionne:

THAT Council directs the Administrator to have prepared an article for the Peachland Signal following each Regular Council Meeting to report on Council business and actions, similar to the Central Okanagan Regional District's "Board Reports."

**CARRIED.**

**DISTRICT OF WELLS** The Administrator presented a request from the District of Wells for support for **UBCM RESOLUTION** an emergency resolution to UBCM regarding the closure of its elementary school.

Councillor Nielsen recommended amendments to the third and fourth paragraphs of the submitted resolution, to remove editorial comments which may or may not be accurate.

MOVED by Councillor Nielsen, SECONDED by Councillor Dionne:

THAT Council supports the resolution from the District of Wells as follows:

WHEREAS equal opportunity to education is the right of all British Columbians, and rural schools are critical to this right as well as to both the social and economic fabric of rural communities;

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**DISTRICT OF WELLS** AND WHEREAS the Ministry of Education's Small Community Supplement was **(CONT.)** established with the intent to assist School Districts in maintaining their rural schools;

NOW THEREFORE, the Council of the District of Peachland calls upon the Ministry of Education to ensure that the Small Community Supplement is used for rural school purposes;

AND THAT this resolution will be sent to Hon. Christie Clark and Premier Campbell, and will be supported at the UBCM Convention.

**CARRIED.**

**WINTER SAND** The Director of Operations presented a report advising Council that the contract for winter sand supply will be awarded to Gil Barry Contracting Ltd. for the tendered amount of \$8,560 including GST.

MOVED by Councillor Dionne, SECONDED by Councillor Fraser:

THAT Council receives the report regarding winter sand contract for information purposes.

**CARRIED.**

**WINTER SALT** The Director of Operations presented a report regarding the proposal to purchase the winter salt supply, along with the City of Kelowna, from T.R.'s Trucking for the 2001/2002 unit price of \$77.51 per metric ton. The Director of Operations advised Council that magnesium chloride will be used again this winter and will result in less salt being

required.

MOVED by Councillor Dionne, SECONDED by Councillor Whitelegg:

THAT Council authorizes staff to purchase the winter salt supply from T.R.'s Trucking for the unit price of \$77.51 per metric ton.

**CARRIED.**

**BEACH AVENUE N.** The Director of Operations presented a report regarding the parking area **PARKING AREA** constructed earlier this year for a trial period, in front of the Gregory residence.

Council members noted Mrs. June Todd's complaint tonight regarding the parking area, and that the Administrator will check with the Bylaw Enforcement Officer regarding further problems or complaints.

MOVED by Councillor Fraser:

THAT the parking space across Beach Avenue from the Gregory residence be removed, and the boulders be moved back to restore the area to the way it was.

**DEFEATED.**

Mayor Waldo, Councillors Dionne, Nielsen, Papineau and Whitelegg **OPPOSED.**  
Councillor Fraser **IN FAVOUR.**

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**BEACH AVENUE N.** MOVED by Councillor Dionne, SECONDED by Councillor Papineau:

**PARKING AREA  
(CONT.)**

THAT the Beach Avenue north parking area item be returned to Council at the next Regular Council Meeting.

**CARRIED.**

**TREPANIER HEIGHTS AVE. BOULEVARD** The Director of Operations presented a report providing options regarding the boulevard area on Trepanier Heights Avenue which has created problems between the neighbours, K. Biglow/K. Goodridge and Mr. & Mrs. Pat Fortin.

The Mayor noted that one owner has removed a portion of the flower bed, and if the other owner would remove trees/shrubs to improve visibility while backing a vehicle, the problem would be solved. Councillor Papineau noted that the Communities In Bloom judges urged residents to beautify yards and boulevards.

MOVED by Councillor Papineau, SECONDED by Councillor Fraser:

THAT no further action will be taken at this time regarding the boulevard area on Trepanier Heights Avenue.

**CARRIED.**

**PAVING PROJECTS** The Director of Operations presented a report regarding proposed paving projects for 2002.

The individual projects were considered with the following results:

Little Schoolhouse Parking Lot approved  
& Brandon Lane to Town Lane

Vernon Avenue approved

4 <sup>th</sup> Street Place parking area	not approved
BC Tel Alley from 4 <sup>th</sup> St. Place To Town Lane	not approved
Lange Road (beach access)	approved.

**COUNTER PETITION FORESHORE LEASE** The Administrator presented a verbal report regarding an In Camera resolution directing staff to proceed with a Counter Petition opportunity regarding the 30 year head lease for the Foreshore of Okanagan Lake within the municipality. The current lease expires in 2007, however, a new and improved lease has been negotiated. The *Local Government Act* requires a counter petition opportunity for leases longer than 5 years duration.

Mayor Waldo noted that Peachland began at least 22 years ago to acquire foreshore property in order to protect and preserve it. The only developments on the foreshore are the Yacht Club marina and the commercial marina at the south

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**COUNTER PETITION FORESHORE LEASE (CONT.)** end of the municipality. The District was one of the first municipalities to negotiate a foreshore lease with the Province, and this new lease is a crowning achievement for Mr. Jmaeff and this Council. He urged citizens to support the signing of this lease.

**SEPT. 24 REGULAR COUNCIL MTG.** MOVED by Councillor Dionne, SECONDED by Councillor Fraser:

**CANCELLATION** THAT Council cancels the Regular Council Meeting scheduled to be held September 24, 2002.  
**CARRIED.**  
Councillor Whitelegg **OPPOSED.**

**OTHER BUSINESS**

**IN CAMERA MTG.** MOVED by Councillor Papineau, SECONDED by Councillor Fraser:

THAT an In Camera Meeting be held Tuesday, September 10, 2002 at 10:00 am pursuant to Section 242(2) of the *Local Government Act*.

**CARRIED.**

**BYLAWS**

**#1650** MOVED by Councillor Papineau, SECONDED by Councillor Whitelegg:

THAT Official Community Plan Bylaw No. 1600 Amendment Bylaw Number 1650, 2002 be finally reconsidered and adopted.

**CARRIED.**

**#1651** MOVED by Councillor Papineau, SECONDED by Councillor Dionne:

THAT Zoning Bylaw No. 1375 Amendment Bylaw Number 1651, 2002 be Read a Second and Third Time.

**CARRIED.**

**QUESTION AND ANSWER PERIOD**

**R. J. COLDHAM** Mrs. Jean Coldham asked what days the Council Meetings are televised. The answer was Wednesdays and Sundays.

Mrs. Coldham asked why the September 24<sup>th</sup> Regular Council Meeting was cancelled, and was advised that some Council members would be attending the UBCM Convention at that time. She stated that it would be dreadful waste of money for a Councillor who was not running in the election to attend the Convention.

Mrs. Coldham commented that Councillor Nielsen, at last night's public information meeting, had no knowledge of the Yacht Club's application for a marina. Councillor Nielsen advised that there was no application in front of Council.

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**R. J. COLDHAM (CONT.)** Mrs. Coldham asked that members appointed to Foreshore Review Committee have no conflict of interest in the matter.

**MAYOR WALDO** Mayor Waldo reported that Welcome Wagon has welcomed 5 families **with children at home** to our community, which is exciting news.

**N. GLUSHENKO** Mrs. Nan Glushenko thanked Council for the decision regarding marina use in Unit 10, and submitted names collected at last night's public information meeting.

**E. TERRILL** Mr. Terrill advised that he has only lived in Peachland five years, and he was appalled at how the lady (Mrs. Coldham) was treated at this meeting.

**ADJOURN** MOVED by Councillor Dionne, SECONDED by Councillor Fraser:

THAT the Regular Council Meeting adjourn at 8:58 p.m.

**CARRIED.**

(original signed by Mayor & Clerk)

**Certified Correct.**

**Mayor**

**Municipal Clerk**

Dated at Peachland, B.C.  
This 11 day of September, 2002.