

**THE CORPORATION OF THE DISTRICT OF PEACHLAND**

**Regular Council Meeting Minutes  
Held Tuesday, July 27, 2004 at 7:00 p.m.  
In the Council Chambers, Peachland Community Centre**

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**PRESENT:** Mayor Harriman, Councillors Fraser, Hallberg, Henderson, Hurd, Reid and Moritz (7:01 p.m.)

Acting Administrator Betty Briggs  
Director of Operations Joe Mocilac  
Director of Planning & Development Services Chris Prosser  
Fire Chief Grant Topham

Members of the Public  
Members of the Media

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

**APPROVAL OF THE AGENDA** MOVED by Councillor Henderson, SECONDED by Councillor Fraser:

THAT the Agenda be approved as circulated.

**CARRIED.**

**ADOPTION OF THE MINUTES**

**ADOPT MINUTES** MOVED by Councillor Reid, SECONDED by Councillor Hallberg:

THAT the Minutes of the following meetings be adopted as circulated:

- i) Regular Council Meeting held June 22, 2004
- ii) Special Open Council Meeting held June 29, 2004
- iii) Committee of the Whole Meeting held June 29, 2004
- iv) Committee of the Whole Meeting held July 20, 2004.

**CARRIED.**

**PRESENTATIONS AND DELEGATIONS**

**R. STEWART  
ZONING & OCP**

Mr. Roy Stewart was not in attendance.

**P. RYDER RE:  
WATER**

Mrs. Patricia Ryder advised that prior to his passing, Mr. Del Secord had requested Council conduct a professional audit of the water supply before any new developments were approved. She asked who owns the water supply: Council, staff, developers or residents? She believes the residents do. She asked how far can we stretch the water supply, and what are the implications of pumping water for Okanagan Lake, costs and treatment. The costs would be imposed on the whole community. An audit would consider climate warming. She believes Peachland receives less precipitation than other areas but there is no water station to measure it. The 2 creek basins are vulnerable, and she urged Council to be cautious about development until present and future water supply is addressed.

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**P. RYDER (CONT.)** Councillor Hurd noted that if the residents are the owners of the water supply, they are not being very good stewards, with sprinklers going full blast at 1:00 in the afternoon.

Mayor Harriman thanked Mrs. Ryder for her presentation and noted that Council has the same concerns, and a report will be forthcoming.

**MAYOR AND COUNCILLORS' REPORTS**

**COUNCILLOR HALLBERG** Councillor Hallberg attended Committee of the Whole and Special Open Council meetings, had a 2 week vacation, attended In Camera and COTW meetings on July 20, Business After Hours July 21, tender opening for Phase 2 Sewer Contract 5 July 23, and announced a Recreation Committee meeting will be held August 11 at 9:00 a.m.

**COUNCILLOR HURD** Councillor Hurd attended most meetings and chaired the Development Services Committee meeting. He couldn't attend the Peachland Sportsmens' Association on-shore fishing derby but heard it was a great success.

MOVED by Councillor Hurd, SECONDED by Councillor Fraser:

THAT the Peachland Sportsmens' Association be refunded the \$25.00 rental fee for Heritage Park.

**CARRIED.**  
Councillors Hallberg, Mortiz and Reid OPPOSED.

The Mayor noted that the on-shore fishing derby was a fantastic event with approximately 40 participants.

**COUNCILLOR HENDERSON** Councillor Henderson attended most meetings, and noted that Canada Day was a great success. With talk of reviewing the OCP, a good definition of an OCP is 'a road map,' and he advised that the OCP was the work of citizens and professionals. He commended the Development Services Committee on its recommendations. He noted that Barb Dionne is not continuing on the Economic Development Committee and asked interested residents to submit applications to his attention at the District Office. He noted Dog Daze this weekend and Valley Music Festival the following weekend.

**COUNCILLOR REID** Councillor Reid attended July 1<sup>st</sup> celebrations and meetings already mentioned. He has had discussions with residents in his area regarding items from Development Services Committee on this agenda.

**MAYOR HARRIMAN** The Mayor reported 177 hours in June on Mayor duties. He noted the senseless acts of violence after dark and on weekends, with broken trees and hundreds of broken beer bottles. He asked residents who witness vandalism to contact the RCMP in Westbank 768-2880 or Kelowna 762-3300. The Mayor reported fantastic changes at the Museum, with local artists displaying works on the upper floor. He invited

**MAYOR HARRIMAN  
(CONT.)**

everyone to attend Dog Daze this weekend in Cousins Park, with proceeds to the SPCA. Mayor Harriman advised that he thanked, collectively, the District's management staff on Monday, and again thanked each publicly, including the Treasurer, Director of Planning, Corporate Officer, Director of Operations, Superintendent, Recreation Director, Fire Chief and PFRS volunteers, for their service to the community.

**COMMITTEE REPORTS**

**DEVELOPMENT  
SERVICES COM.**

Councillor Hurd, Chairman, Development Services Committee, presented four reports from the recent Committee meeting:

**ALR SUBDIVISION  
5010 ELLIOTT AVE.**

MOVED by Councillor Hurd, SECONDED by Councillor Reid:

THAT the application submitted by Mark Goulden and Kathleen Jagger pursuant to the Agricultural Land Commission Act to subdivide Lot 1, DL 912, Plan 407, located at 5010 Elliott Avenue, be allowed to proceed;

AND THAT the Agricultural Land Commission be advised that the District of Peachland supports the application.

**CARRIED.**

**SOMERSET/  
PRINCETON INTER-  
SECTION**

MOVED by Councillor Hurd, SECONDED by Councillor Hallberg:

THAT Council directs staff to commence engineered drawings for the Somerset/Princeton intersection to improve traffic flow, grade and sight lines, and including costs for the improvements.

**CARRIED.**

Councillor Reid quoted the recently adopted Road Network Plan regarding this intersection, and noted that the property at this intersection is the subject of a development application. It is a dangerous intersection and because of the development application, it needs to be looked at.

**WOODSMITH DEV.  
OPEN HOUSE**

MOVED by Councillor Hurd, SECONDED by Councillor Moritz:

THAT Council supports an open forum evening for public, developers and Council to discuss the proposed development at 4596 Princeton Avenue on August 3, 2004 at 7:00 p.m. in the Banquet Room at the Peachland Community Centre.

**CARRIED.**

The developer was given credit for suggesting a public open house regarding the proposed development.

**OCP & ZONING  
REVIEWS**

MOVED by Councillor Hurd, SECONDED by Councillor Henderson:

THAT Council directs the Director of Planning and Development Services to bring to Council recommendations for changes to the Zoning and Official Community Plan Bylaws for more alternatives for low and medium density zoning.

**CARRIED.**

The Director of Planning & Development Services clarified that options will be looked at, that target densities in the Zoning bylaw are not in line with the OCP in some cases, there is no flexibility or sophistication in the Zoning bylaw. Multi or medium density may be broken into low or medium density cluster housing, for instance. The Zoning bylaw is old and needs updating.

Councillor Reid noted that the Zoning bylaw needs changing, and may result in changes to the OCP, however, Development Services Committee is not suggesting opening up the OCP to a complete review.

Councillor Henderson felt that something needs to be done about illegal suites; they should be taken into consideration in the Zoning bylaw review.

Councillor Hallberg asked if developments are put on hold while the review is underway. The Director of Planning advised that would be a Council decision, but typically, applications already in-stream continue to be dealt with. He asked for clarification if secondary suites are to be included; that issue will be dealt with at a later date.

**COTW –  
SCULPTURES**

Mayor Harriman brought forward the offer of a donation of concrete sculptures from a property owner in Westbank, the star of which is an Ogotogo sculpture. The landowner's deceased father, who was a sculptor for Disney, created the sculptures.

MOVED by Councillor Fraser, SECONDED by Councillor Hallberg:

THAT Council confirms willingness to accept the donation of the sculptures and to negotiate conditions, and to consider the forming of a committee regarding placement of the sculptures in the municipality.

**CARRIED.**

**UNFINISHED BUSINESS**

**M. STEWART  
WATER & SEWER  
BILL**

The Acting Administrator presented a report from the Treasurer regarding the water and sewer bill of Mildred Stewart for the laundro-4478 3<sup>rd</sup> Street. Mrs. Stewart has the option of installing a meter, and at such time as a meter is installed and inspected, the utility bill would be pro-rated to that date. It was confirmed that there were 10 washing machines, with one 'out of order,' prior to the billing being sent. It was noted that CORD sets the sewer rates. Approximate cost to install a water meter is \$1800.

**M. STEWART  
(CONT.)**

MOVED by Councillor Hallberg, SECONDED by Councillor Hurd:

THAT Council complies with Water Rates Bylaw Number 1713 and Sewer Rates Bylaw Number 1671 in reference to Mildred Stewart's 2004 utility bill for the service at 4478 3<sup>rd</sup> Street (Laundromat.)

Council members discussed the fact that previous billings since 2001 had been adjusted by the previous Administrator to estimate the quantities, and the result of Mrs. Stewart's complaint this year showed the non-compliance to the bylaws; they noted this is a 300% increase; and asked if the pro-rated bill and metered billing would save her any money. The Director of Operations stated that generally, metered billings pay less, however it depends on usage, and CORD sets the rates.

MOVED by Councillor Fraser, SECONDED by Mayor Harriman:

THAT the motion be tabled until Council learns whether Mrs. Stewart is willing to install a water meter;

AND THAT this item be brought to the August 24, 2004 Council meeting.

**CARRIED.**

Councillors Hallberg, Moritz and Reid OPPOSED.

### **STAFF REPORTS**

**RESPECTFUL  
WORKPLACE POLICY  
#PER-180**

The Acting Administrator presented the new Respectful Workplace Policy #PER-180, which outlines respectful communications, defines harassment, sexual harassment, poisoned environment and workplace conflict, and defines a complaint procedure to deal with complaints, discrimination and workplace conflict.

MOVED by Councillor Hallberg, SECONDED by Councillor Reid:

THAT Council adopts Respectful Workplace Policy #PER-180.

**CARRIED.**

MOVED by Councillor Fraser:

THAT the policy be amended to change 'Chair of Corporate Services Committee' to 'Mayor' regarding complaints about the CAO.

**FAILED DUE TO LACK OF SECONDER.**

Discussion took place on the process; the Chair of Corporate Services Committee would take a complaint against the CAO to the Mayor. The Mayor is an ex-officio member of the Corporate Services Committee. An In Camera meeting would then be called to deal with the complaint. The Corporate Services Committee deals with 'personnel' as part of its mandate.

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**WATER IMPROVE-  
MENTS PHASE 2  
SEWER AREA**

The Director of Operations presented a report regarding water improvements necessary in the Phase 2 sewer area. The funding will come from Water System Number One reserve account.

MOVED by Councillor Hurd, SECONDED by Councillor Reid:

THAT Council ratifies and authorizes the spending of up to \$120,000 in additional funds to improve the water system in the Phase 2 sewer area.

**CARRIED.**

**PHASE 2 SEWER  
CONTRACT 5**

The Director of Operations presented a report regarding tenders for Contract 5 of the Phase 2 sewer:

Ansell Construction Ltd.	\$1,147,720.52
Acres Enterprises Ltd.	1,252,830.90
Lawrence Enterprises Ltd.	1,402,946.55
Copcan Contracting Ltd.	1,711,000.62

Prices include GST.

The contract will be awarded subject to review and compliance with Contracting Authority and Purchasing Policies Numbers FIN-060 and FIN-065.

**DCC REVIEW**

The Director of Planning & Development Services presented a report which announced an initiative to review the District's Development Cost Charges and Levies, and to be completed by December 2004.

**DEV. PERMIT  
DONNELLY  
5890 COLUMBIA**

The Director of Planning and Development Services presented a report recommending approval of the Development Permit for 5890 Columbia Avenue to construct 20 residential units in four duplexes and three four-plexes.

MOVED by Councillor Moritz, SECONDED by Councillor Henderson:

THAT Council approves Development Permit No. DP04/10,003, Block 12, Plan 125, DL 490, located at 5890 Columbia Avenue, to permit the construction of 20 units in four duplexes and three four-plexes;

AND THAT the Permit will require:

1. The location of the buildings and structures to be situated on the land shall be in accordance with Schedule 'A' attached to the permit;
2. The form and character of buildings and structures to be situated on the land shall be in accordance with Schedule 'B' attached to the permit;
3. Exterior materials and colours to be used for the buildings are to be in accordance with Schedule 'B-1' attached to the permit;
4. Landscaping Plan to be completed in accordance with Schedule 'C' attached to the permit;
5. Engineered fire flows are required for this project;
6. Connection to sanitary sewer system;
7. Widening of Columbia Avenue to a maximum of 3.0 meters adjacent to the subject property;

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**DEV. PERMIT  
DONNELLY (CONT.)**

8. Water main looping from Somerset Avenue to Columbia Avenue to achieve fire flows;
9. Dedication of a storm water and water main right-of-way along the north property line.

**CARRIED.**  
Councillors Fraser and Reid OPPOSED.

**LADDER TRUCK  
AGREEMENT**

The Fire Chief presented a report which outlined minor changes to the Kelowna Ladder Truck Agreement.

MOVED by Councillor Hallberg, SECONDED by Councillor Fraser:

THAT Council authorizes the Mayor and Corporate Officer to sign the new Ladder Truck Agreement with the City of Kelowna.

**CARRIED.**

**CORRESPONDENCE**

**FOR INFORMATION**

Councillor Reid noted that if a Councillor wishes, an item from the Correspondence for Information package may be raised at this time.

Councillor Moritz asked if water bills have the 'received by' date, and was advised that they do.

Councillor Fraser asked if the Director of Operations would be responding to R. Bargetzi's second letter, and was advised that he would.

**OTHER BUSINESS**

**IN CAMERA MTG.**

MOVED by Councillor Fraser, SECONDED by Councillor Reid:

THAT an In Camera Meeting be held at 9:00 a.m. August 24, 2004, pursuant to Section 90(1)(a) (labour) of the *Community Charter*.

**CARRIED.**

**QUESTION PERIOD**

**F. O'KEEFFE**

Mr. Frank O'Keeffe, MacGregor Road, asked for clarification if developments are now on hold. The Director of Planning & Development Services advised that there is no outright moratorium on development and that would not be staff's recommendation, but would be a Council decision. Applications will be dealt with on a case by case basis, taking into account the complexity, number of units, etc. Mr. O'Keeffe asked if there are any changes to the Chudyk property proposal and the Director of Planning noted that the application is in the process and the public is welcome to the August 3<sup>rd</sup> workshop. He clarified that the application has already been received by Council and deferred to Development Services Committee. Following the August 3<sup>rd</sup> open house, it will go back to Council.

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**COUNCILLOR  
MORITZ**

Councillor Moritz asked the Director of Operations for an update on capital projects to improve water supply, and on the water meter program. The Director of Operations advised that these are in the works and he is meeting with the engineers tomorrow morning.

**D. STEWART**

Mrs. Dora Stewart, 5851 Somerset Avenue, asked when first and second readings were given to the Woodsmith Developments OCP and Zoning bylaws. The Director of Planning and Development Services clarified that the bylaws were referred by Council to Development Services Committee; the bylaws have not received any readings.

**ADJOURNMENT**

MOVED by Councillor Reid, SECONDED by Councillor Fraser:

THAT the Regular Council Meeting adjourn at 8:30 p.m.

**CARRIED.**

(Original signed by Mayor and Corporate Officer)

**Certified Correct.**

\_\_\_\_\_  
**Mayor**

\_\_\_\_\_  
**Corporate Officer**

Dated at Peachland, B.C.  
This 25<sup>th</sup> day of August, 2004.