

THE CORPORATION OF THE DISTRICT OF PEACHLAND

**Regular Council Meeting Minutes
Held Tuesday, June 22, 2004 at 7:00 p.m.
In the Council Chambers, Peachland Community Centre**

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

Acting Administrator Betty Briggs
Treasurer Doug Pryde
Director of Operations Joe Mocilac
Director of Planning & Development Services Chris Prosser
Deputy Treasurer Linda Rich (recorder)

Members of the Public
Members of the Media

LIONS CLUB PRESENTATION Two members of the Peachland Lions Club presented a t-shirt to Mayor Harriman in thanks for his public and personal support of the Rick Hansen Wheels in Motion event.

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: 12-B: In Camera Meeting on July 20, 2004

APPROVAL OF THE AGENDA MOVED by Councillor Hallberg, SECONDED by Councillor Henderson:
THAT the Agenda be approved as amended.

CARRIED.

ADOPTION OF THE MINUTES

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

THAT the Minutes of the Regular Council Meeting held June 8, 2004 be adopted as circulated.

CARRIED.

MOVED by Councillor Hallberg, SECONDED by Councillor Moritz:

THAT the Minutes of the Public Hearing held June 15, 2004 for Zoning Amendment Bylaw Number 1733, 2004 be adopted as circulated.

CARRIED.

PRESENTATIONS AND DELEGATIONS

WELLNESS CENTRE Barry Hewer and Susan MacLaughlin, Directors for the Wellness Centre Society, gave a power point presentation updating Council on activities at the Wellness Centre over the past year. Ms. MacLaughlin noted that the presentation is a means of demonstrating the Centre's need for the District of Peachland to continue paying the utility bills for the building. Mr. Hewer asked that Council table the issue of utilities, which will be included in negotiations for a lease or letter of understanding for use of the building.

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WELLNESS CENTRE (CONT.) Mayor Harriman thanked the presenters and noted that the item regarding utility bills is listed under Unfinished Business on this Agenda.

MAYOR AND COUNCILLORS' REPORTS

COUNCILLOR FRASER Councillor Fraser attended the Columbia Avenue rezoning Public Hearing, the Chamber of Commerce Business After Hours at Parrot Sanctuary, and the Strategic Planning workshops. She invited all Peachlanders to attend Canada Day celebrations, with the cake cutting at 1:00 pm in Heritage Park, and the parade commencing at 5:00 pm.

COUNCILLOR HENDERSON Councillor Henderson attended several meetings and the Strategic Planning sessions.

COUNCILLOR MORITZ Councillor Moritz attended the Strategic Planning workshops.

COUNCILLOR HALLBERG Councillor Hallberg attended the Peachland Ambassadors talent show, the Chamber of Commerce Business After Hours, and Strategic Planning workshops, volunteered at the Little Schoolhouse tea on June 19th. She noted that following the closure of the Public Hearing, she has received e-mails which she has not read and phone calls she has not returned.

COUNCILLOR HURD Councillor Hurd attended the Strategic Planning sessions. He also attended the Regional District's day-long Agricultural Tour, which he found very interesting. Regarding interface fire areas, he asked the Director of Operations the status of the approved emergency exits to be constructed. The Director advised that they are in the planning stages.

MAYOR HARRIMAN Mayor Harriman advised that BC Hydro's Power Smart fluorescent light bulb program will be at Peachland IGA on July 4th at 2:00 p.m. He advised that the RCMP will be patrolling for consumption of alcohol by under-age youth and those who supply them. Mayor Harriman explained the need for his making an executive decision to order portable toilets for the World of Wheels event when it was discovered the provision of same had been missed, and that the promoter, at the time, was happy to split the bill with the District. Mayor Harriman noted the excellent program for Canada Day and asked that the dangerous practice of throwing water balloons at parade participants be stopped.

UNFINISHED BUSINESS

WELLNESS CENTRE The motion tabled at the June 8, 2004 Regular Council Meeting was:

THAT Council authorizes staff to terminate all future payments of utility bills paid by the District for the Wellness Centre building;

AND THAT Council directs the Public Facility Committee and/or the Volunteer Liaison Committee to initiate lease or letter of understanding negotiations with the Wellness Centre Board for the use of the facility.

**AMEND MOTION
WELLNESS CENTRE
(CONT.)**

MOVED by Councillor Fraser, SECONDED by Councillor Hurd:

THAT the main motion be amended to delete the first paragraph in its entirety.

CARRIED.
Councillor Moritz OPPOSED.

Discussion:

Councillor Moritz: has difficulty creating exceptions; the District does an incredible amount for the Centre, ie. rent, maintenance, etc.; utility payments are the responsibility of the user; what does Council want through lease negotiations.

Councillor Fraser: noted that the Seniors' Activity Centre lease requires the PDRS to pay some, but not all, utilities.

Councillor Reid: lease negotiations should be entered without the precursor of ceased utility payments; negotiators will look at finances, budget, grants, etc.

'Friendly' amendments were made to the main motion before the vote (changes highlighted in bold):

THAT Council directs the Public Facility Committee **and** the Volunteer Liaison Committee to initiate lease or letter of understanding negotiations with the Wellness Centre Board for the use of the facility, **with the proposed lease or letter of understanding to be submitted to Council by October 14, 2004, at the latest.**

CARRIED.

STAFF REPORTS

**WATER USE
RESTRICTIONS
STAGE ONE**

The Director of Operations presented a report recommending that Water Use Restrictions be changed from Stage Two (twice per week) to Stage One (odd and even calendar days) immediately, as Peachland Lake has reached full pool. With cooperation from the public and enforcement, if necessary, water levels can be maintained at acceptable levels for the summer.

MOVED by Councillor Reid, SECONDED by Councillor Henderson:

THAT Council directs staff to implement Stage One Water Use Restrictions effective immediately.

CARRIED.

Discussion took place regarding preferable days of the week for watering, programmable timers, and complications created. A suggestion was put forward to mail out the restrictions to all households, and include a tear off survey regarding preferred watering days, or requesting telephone calls to the District Office.

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**WATER USE
RESTRICTIONS
(CONT.)**

MOVED by Councillor Hurd, SECONDED by Councillor Henderson:

THAT residents be informed by mail-out of Stage One Water Use Restrictions.

CARRIED.
Councillor Henderson OPPOSED.

**HWY. 97C ON-OFF
RAMP CONTRACT**

The Director of Operations presented a report recommending award of the contract for the Highway 97C-Trepanier Bench Road On/Off Ramp to Peter's Bros. Construction Ltd. in the amount of \$656,914.86, including GST.

MOVED by Councillor Henderson, SECONDED by Councillor Fraser:

THAT Council awards the contract for the Highway 97C-Trepanier Bench Road On/Off Ramps project to the low bidder, Peter's Bros. Construction Ltd., in the amount of \$656,914.84, including G.S.T.

CARRIED.

Mayor Harriman advised that the Regional District administered the tendering process, and that if there are savings, the District of Peachland will received the first \$35,000 back, and half of any further savings. With the contract awarded, construction will start mid-July and the project will be completed in late September.

**2003 FINANCIAL
INFORMATION**

The Treasurer presented the 2003 Statement of Financial Information, in conformance with the *Financial Information Act*.

MOVED by Councillor Moritz, SECONDED by Councillor Hallberg:

THAT Council approves the 2003 Statement of Financial Information.

CARRIED.

CORRESPONDENCE

Correspondence Requiring Action:

**WATER BILL – M.
STEWART**

Council discussed a letter received from M. Stewart regarding the large increase in her water bill. Staff explained that the bill sent this year is in accordance with the bylaw; previous administration had calculated an estimated bill. Staff also confirmed that there are 10 washing machines in the laundromat.

Councillor Moritz proposed a motion to increase the bill half-way from last year's invoice and encourage the property owner to install a water meter so that next year's bill reflects actual usage. Councillor Reid had a point of order in that Council cannot change a bylaw by resolution.

WATER BILL (CONT.) MOVED by Councillor Reid, SECONDED by Councillor Henderson:

THAT the correspondence from M. Stewart regarding the increase to her water bill be referred to staff for a full report to Council.

CARRIED.

Correspondence for Information:

NORTH VAN – WEST NILE VIRUS Council received the correspondence from the City of North Vancouver with a resolution to UBCM regarding West Nile Virus Funding from the Province.

OTHER BUSINESS

SPECIAL OPEN COUNCIL MTG. MOVED by Councillor Hallberg, SECONDED by Councillor Moritz:

THAT a Special Open Council Meeting be scheduled for 9:30 a.m. Tuesday, June 29th, 2004.

CARRIED.

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

THAT an In Camera Meeting be scheduled for 5:30 p.m. Tuesday, July 20th, 2004, pursuant to Section 90(1)(e) [land] of the *Community Charter*.

CARRIED.

BYLAWS

Bylaw for Third Reading and Final Reconsideration & Adoption:

#1733 ZONING AMEND. COLUMBIA AVENUE MOVED by Councillor Henderson, SECONDED by Councillor Moritz:

THAT Zoning Bylaw No. 1375 Amendment Bylaw Number 1733, 2004 be read a Third Time;

AND THAT Zoning Bylaw No. 1375 Amendment Bylaw Number 1733, 2004 be finally reconsidered and adopted.

CARRIED.

Councillors Fraser and Reid OPPOSED.

Discussion:

Councillor Fraser: listened to residents' concerns at the June 15th Public Hearing, there will be 2 or more additional applications for multi-family developments on adjacent properties, has no objection to single family lots, with sewer construction, it is time to review the OCP and hold a referendum to find out what people want, will vote against this bylaw.

Councillor Henderson: the only question is if this is good use of the land, listened to comments at the Public Hearing, through the OCP process and its revision, there were no objections to multi-family designations at that time, this proposal is for 22 units where 32 would be allowed, the sewer extension was meant to encourage development, a sidewalk has

**BYLAW #1733
(CONT.)**

been constructed along Princeton from the Highway to Columbia, encouraging pedestrian traffic, may need to revitalize the Zoning Bylaw to include an R-3.1 zone with somewhat less density, there are numerous rental suites in single family homes which results in duplex or medium density, it is vital to attract young families, we need more than 22 units, the traffic and water studies indicate no problems, previous Councils started the process to facilitate growth. Will vote in favour of this bylaw.

Councillor Hallberg: unrealistic to expect things to remain the same, we need young families and housing for seniors wanting to downsize, moderate priced housing is needed, development can be controlled, the OCP should be reviewed in the future. Will vote in favour.

Councillor Moritz: from the Public Hearing, asked the following questions for clarification from the Director of Planning and Development Services:

- did the 1995 OCP designate medium density residential in this Area? Answer: yes.
- was the public involved in the 1995 OCP process? Answer: yes, all through the process.
- did the 2000 OCP change the designation in this area? Answer: no.
- was the public involved in the 2000 OCP review? Answer: yes, probably more so than in 1995.
- Is the OCP publicly available? Answer: yes.
- Would the taxpayers be liable if this rezoning is turned down? No answer to this theoretical question.

Councillor Reid: did not attend the Public Hearing, has read the minutes and letters and reviewed the submitted petition, significant portion of residents are objecting to what is, in their view, a flaw in the OCP, in 1995 sewers were not on the drawing board in this area, we can't turn back the clock, put these properties' applications off until an OCP review is done.

Councillor Hurd: at the Strategic Planning session, diversity of housing was identified as a top priority, this application is diversified housing, our population demographic is more under 50 years than over, we need families to keep our elementary school. Will vote in favour of this bylaw.

Mayor Harriman: has reviewed Public Hearing minutes and petition, of 441 signatures, 41 are from the streets noted in the petition, the Planner's presentation outlined the facts regarding traffic and water, the 4-plex on Beach Avenue was opposed and is one of the best looking buildings in town, this application for 22 units is a fraction of what it could be. Will vote in favour.

Councillor Reid: clarified Peachland's demographics are almost even for over and under 50 years.

Bylaw for First and Second Readings:

**#1734 REZONING
PRINCETON &
SOMERSET**

The Director of Planning and Development Services presented a report outlining the details of the rezoning application #Z04/1,001, Block 30, Plan 125, DL 490, 4596 Somerset Avenue (at Princeton Avenue) from RR-2 (Rural Residential) to R-3 (Multiple Family-Low Density Residential.) The rezoning is to permit the construction of a 30 unit multiple family cluster housing development.

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BYLAW #1734
REZONING (CONT.)

MOVED by Councillor Fraser, SECONDED by Councillor Reid:

THAT Zoning Application #Z04-1,001, Block 30, Plan 125, DL 490, 4596 Somerset Avenue at Princeton Avenue, be referred to Development Services Committee for review.

CARRIED.

The Development Services Committee meeting will be held at 7:00 p.m. Tuesday, July 13th, 2004 in Council Chambers, and is open to the public.

QUESTION PERIOD

F. O'KEEFFE

Mr. Frank O'Keeffe noted that at the Public Hearing, the Mayor stated that questions would be answered at the next meeting; this is the next meeting and there are no answers; this is a flawed process. The Mayor stated that only 41 signatories on the petition would be affected; that is not so.

Mayor Harriman noted that the petition wording stated, "Columbia, Princeton, Somerset and Hackett," and there were 41 signatures from those 4 roads.

Councillor Reid noted that a recent BC Supreme Court case makes it difficult for the Public Hearing process, and until it is appealed, we have to live with the legal restrictions. Staff have done as good a job as possible.

Mayor Harriman clarified that Council previously could not receive further submissions from the public following closure of a Public Hearing; this court case restricts Council from receiving information even from staff.

Mr. O'Keeffe stated he was gratified to hear that the OCP may be reviewed, and is aware of the legal case.

T. TANNER

Regarding water use restrictions, Mr. Terry Tanner asked why the District tries to prescribe a 'one size fits all' solution to the restrictions.

Enforcement was cited as one reason. Councillor Reid advised that any ideas from the public on how restrictions could be done are welcomed and can be submitted to the Director of Operations.

D. CAMPBELL

Columbia Avenue. Regarding water use restrictions, his system works every other day, not Monday/Wednesday/Friday.

D. STEWART

Somerset Avenue. Has never been told by elected officials that residents can't talk to them. Councillors have not returned her calls.

Councillor Hallberg and Mayor Harriman advised that Council is also frustrated but has to follow the rules. Calls were not returned and e-mails not read because the Public Hearing was closed.

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J. DONNELLY Mr. Donnelly thanked Council for their support in passing the rezoning bylaw for his Columbia Avenue property.

ADJOURNMENT MOVED by Councillor Hallberg, SECONDED by Councillor Fraser:

THAT the Regular Council Meeting adjourn at 8:59 p.m.

CARRIED.

(Original signed by Mayor and Corporate Officer)

Certified Correct.

Mayor

Corporate Officer

Dated at Peachland, B.C.
This 28th day of July, 2004.